

November 26, 2008

ERIE COUNTY COUNCIL – Special Meeting

Mr. Giles, Chairman, called to order a Special Meeting of the Erie County Council at 10:00 a.m. in the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

Members Present: Mr. Giles, Chairman
Mr. Cleaver, Vice Chairman
Mr. Fatica
Mr. Foust
Mr. Leone
Mrs. Loll
Mr. Mitchell

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
Sue Ellen Pasquale, Manager of Accounting
Alyson Amendola, Director of Communications and Public Relations

Mr. Giles stated that this Special Meeting of County Council is in regard to the possible override of the recent vetoes of the County Executive. Council received correspondence just minutes ago from the County Executive indicating that he has rescinded his veto of the action taken by Council regarding the Presque Isle Library Branch for the period beginning January 1, 2009 through September 30, 2009 to keep that branch open and operating. Therefore, Item C can be stricken from the agenda as that action of Council is supported by the County Executive.

Gen. Fund Bdgt
Action Sheet
No. 37

Mr. Smith explained General Fund Budget Action Sheet No. 37 reinstates the election clerk position #001020-004, expenditures totaling \$37,338 in Voter Registration. Mr. Mitchell moved to override the veto of the County Executive; Mr. Foust seconded.

Mr. Leone wished to clarify that a vote of yes is a vote to override the veto. A no vote is a vote to sustain the veto. Members of Council agreed.

Mr. Foust's
Comments

Mr. Foust commented that his remarks pertain to all of the Action Sheets on the agenda. He understands that Council was split in regard to some of these positions in the budget, and also, more importantly, the tax levy, which is not on the agenda for an override vote. That will be put into place with the cooperation of the Administration. Mr. Foust hopes that since Council has made provisions to have these positions funded, that Council will override the veto on all of these positions putting them back into place. He pointed out these positions, such the assistant public defender, assistant district attorney, and election clerk, help provide services at a level that is appropriate for the citizens paying taxes. Also, the position of the public health records clerk in Corry provides convenient services for the people of Corry which is very important. Mr. Foust again expressed his hope that Council Members vote to override these vetoes so these positions can be put back into place.

Mr. Mitchell's
Comments

Mr. Mitchell expressed his appreciation for Mr. Foust's comments on the Corry position because that is a vital service. With respect to the election clerk position, he reminded Council that tearing down the staff of that office this year would have been very damaging in trying to get through this past

election. Although there have been differing legal opinions on the per diem issue, Mr. Mitchell feels this is a critical issue. If per diems cannot be used, that office will be in trouble.

Mr. Mitchell expressed his appreciation to the County Executive and his staff in formulating the budget. They did a thoughtful job going through the budget and identifying areas to be cut. But Mr. Mitchell feels that Council, who also serves as the Election Board, understands how difficult it is to administer the Voter Registration Office. He stated he will support keeping that particular position.

Mr. Fatica's
Comments

Mr. Fatica wished to echo and support Mr. Foust's comments on all of these positions, particularly, the position of the public health records clerk in Corry. Mr. Fatica stated that if this position is eliminated, the Corry office will close and there will be no place for the citizens of Corry to get those services. In his opinion, that would be a fiscally irresponsible move.

Mr. Giles'
Comments

Mr. Giles stated that each Action Sheet will be handled separately. He expressed his appreciation for the comments made by Members of Council. The staff that ran the current election did an outstanding job and there were very few problems. There was an expectation of some difficulties occurring as a result of the electronic system or the newly created polling site in Millcreek. The Voter Registration Office performs a critical function in this county. Mr. Giles called for a vote on Action Sheet #37 and reminded Members of Council that a yes vote is to override the veto, and a no vote is to sustain the veto.

The vote to override the veto failed in a roll call of 4-3, Mr. Cleaver, Mr. Leone, and Mrs. Loll voting no.

Gen. Fund Budget
Action Sheet
No. 40

Mr. Smith explained that General Fund Budget Action Sheet No. 40 is to reinstate the Assistant District Attorney position #003400-008, expenditures totaling \$62,573.

Mr. Mitchell moved to override the veto, Mr. Fatica seconded.

Mr. Giles expressed concern regarding this particular position. He asked for comments from District Attorney Brad Foulk.

Atty. Foulk's
Comments

Mr. Foulk thanked Council for the opportunity to speak. He believes he expressed his position very clearly during the caucus and during the finance meeting. Mr. Foulk also reiterated his position in a letter sent to Council before the last vote outlining where he stood. As Council is aware, the District Attorney's Office is short staffed and he is concerned, not only for this position, but from an equity standpoint; Mr. Logue is also looking at the reduction of a position. If Council decides to reinstate the position in the District Attorney's Office, he would also hope that the restoration would apply to the Public Defender side as well. He deferred to Council.

Mr. Giles'
Comments

Mr. Giles reminded everyone that this building is called the Courthouse, and critical to the Courthouse are the functions of the Public Defender and the District Attorney in terms of case processing. The number of cases has risen, and Mr. Giles believes that any reduction would seriously affect the operation of those departments.

Mr. Giles called for a vote to override the veto on Action Sheet No. 40, and it failed in a roll call vote of 4-3, Mr. Leone, Mrs. Loll, and Mr. Cleaver voting no.

Gen. Fund Budget
Action Sheet
No. 41

Mr. Smith explained that General Fund Budget Action Sheet No. 41 is to reinstate Assistant Public Defender position #003600-027, expenditures totaling \$31,566.

Mr. Foust moved to override the veto; Mr. Fatica seconded.

Atty. Logue's
Comments

Mr. Giles asked Tony Logue, Chief Public Defender, if he wished to make any comments at this time. Mr. Logue stated that he made his comments and thoughts known during caucus on this matter. He would defer to Council.

Mr. Giles'
Comments

Mr. Giles stated that the same comments made earlier regarding the District Attorney position apply to this position as well. Council had a presentation by the Public Defender regarding the antiquated economic system being used for a person seeking services from the Public Defender's Office going back to the 1960's. Council is committed, during the month of December, to revisit that issue and bring those standards current. It would be naïve to think there would not be an impact in terms of caseload when moving to 2008 standards. Each member of Council has received complaints from individuals or district judges about defendants missing the cut off for income requirements and losing an opportunity to secure Public Defender services. The elimination of this position, knowing that when the standards are brought up to date will cause an increase in caseload, may cause problems.

Mr. Giles further explained the drug court program operated on both the adult and juvenile side is an important function the County has had in place for approximately eight years. This is a very successful and critical component in Erie County regarding the issues of addiction and criminal justice. This position also relates to that, and Mr. Giles asked for Council's serious consideration on Action Sheet No. 41.

Mr. Giles then called for a vote to override the veto on Action Sheet No. 41, and it failed in a roll call vote of 4-3, Mr. Leone, Mrs. Loll, and Mr. Cleaver voting no.

Public Health
Fund Budget
Action Sheet
No. 4

Mr. Smith explained that Public Health Fund Budget Action Sheet No. 4 reinstates the Public Health records clerk for the balance of 2009, expenditures totaling \$14,792.

Mr. Mitchell moved to override the veto; Mr. Foust seconded.

Mr. Mitchell's
Comments

Mr. Mitchell explained that Corry is the other city in Erie County and services quite a large area of Erie County residents outside of the city as well. Corry is the magnet area for southeast Erie County, and the Health Department has been very effective in this area. There is a large population without transportation, and it is very difficult for some people to get the services this office delivers. Mr. Mitchell pointed out that this office provides one of the few public services offered in that area. He asked Members of Council to take that fact and the importance of this service to the people in that area into consideration.

Mr. Fatica's
Comments

Mr. Fatica expressed his support of Mr. Mitchell's comments. He noted that Union City has a clinic for immunizations, but it does not function in the same manner as the office in Corry does. If this particular position goes away and the Corry office closes, these people do not have the ability to get to the Union City clinic. Mr. Fatica explained that the Corry office is much larger in scope and is managed by a very efficient person. If this job is eliminated, Corry will take a big hit in health care.

Public Health
Fund Budget
Action Sheet
No. 4

Mr. Giles called for a vote on the override of the veto on Public Health Fund Budget Action Sheet No. 4, and it carried in a roll call vote of 5-2, Mr. Leone and Mrs. Loll voting no.

Adjournment

There being no further business, the meeting adjourned at 10:18 a.m.

Ann M. Bruno, Council Secretary
