

September 4, 2007

Agenda Amended. Gen. Fund S.A. for Budget Software adopted; Capital Projects Fund S.A. Prison Pre-Release Building adopted; E911 S.A. for Tower Rent adopted; E911 S.A. for Act 56 Investment Income adopted; Gen. Fund Approval of Agrmt. w/Baker Integrated Tech. adopted; Gen. Fund S.A. OT and Temp. Staff for Tax Claim and Revenue adopted; Gen. Fund S.A. Library Operations Maintenance & Repair adopted; Revised Revenue for Guardian Ad-Litem adopted; Gen. Fund S.A. for Grant to Alms House Cemetery adopted; Director of Finance Salary adopted; Gen. Fund S.A. Finance Dir. Increase in Hours failed. First Rdg. EMA S.A. Grant for Hazard Mitigation Plan; Gen. Fund S.A. County Records Improvement Acct.; Library S.A. Software Maintenance Costs; Gen. Fund S.A. Temp. Staff and OT for Sheriff Dept; Waiver of Personnel Code for Register of Wills. \$1,100,000 Tax Exempt Note-Friends of L'Arche, Inc. Prjct. adopted; Designating GEIDC Recipient of LEDA funds adopted; Exonerating Taxes on Property adopted; Exoneration of County Fees on Parcels Owned by Bluebird Properties adopted. Janice Dennis appt'd. to OCY Advisory Board. Sale of Parcels approved. Response to 2008-2010 Operational and Capital Plan approved.

Erie County Council – Regular Meeting

Mr. Leone, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Harborcreek Township Building, 5601 Buffalo Road, Harborcreek, Pennsylvania. Following the Pledge of Allegiance, Joseph P. Maloney, Acting County Clerk, called the roll:

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

Members Absent: Mr. Augustine

Also Present: Joseph P. Maloney, Council CPA
Thomas Talarico, Esquire, Council Solicitor
Sean Wiley, Director of Administration
Sue Ellen Pasquale, Manager of Accounting
Mark A. DiVecchio, County Executive

Thank You to
Harborcreek Twp.

Mr. Foust welcomed everyone to the meeting, and explained that in an effort to make county government more approachable to the citizens of Erie County, Council has been holding meetings during the summer months since 1979 in the various municipalities and townships throughout the county. This is Mr. Foust's district, and he is hopeful that this meeting will be enlightening to everyone as to the process of county government. He recognized Mr. Dean Pepicello, a Harborcreek Township Supervisor, and thanked him for the hospitality that has been extended to Council. Mr. Foust also recognized Mr. DiVecchio, the County Executive, as well as Bill Beardsley, North East Borough Tax Collector, who is present in the audience. He thanked all for coming.

Hearing of the
Public

John Whipple, 940 Ardmore Avenue, Millcreek Township, read an email he sent to Mr. Augustine regarding a proposed authority to distribute gaming funds which stated an authority answers to no one; the authority will need to appoint a director, who will need an assistant; more positions will be needed as well as a law firm and an accounting firm. He offered Council a simple way to distribute gaming

monies – distribute the money on a pro rata basis to every registered voter in Erie County less two percent administration fees.

Arlene Davis, 2305 Lakeside Drive, Erie, approached Council to speak about finances. The safety of the people in the county is most important. Council doesn't want to give the Sheriff Department more money, but last year that department was overrun by \$105,000. She supports what Council did with the EMA building. When it comes to safety, she feels Republicans and Democrats should work together and do what is best for the people.

Randy Barnes, 109 Walton Point, Erie, is a member of KEEP, Keep Erie's Environment Protected. This group's objective is to educate citizens on the dangers of the proposal to gasify 80,000 tires a day in Erie County. They believe the claims made by representatives of the proposed tire plant are misleading. These tires are taken from landfills filled with water, mosquito larvae, vermin, feces, and these people say these tires will be cleaned onsite with water from Lake Erie. Thousands of pounds of emissions will contribute to acid rain and change of rainfall pattern in the area. Sixty jobs on 60 acres is a poor ratio. Mr. Barnes implored Council to be responsible and concerned with the environment.

Tina Trohoske, 154 West 9th Street, Erie, is an intake specialist for OCY. She wished to inform Council that the staffing emergency at OCY is posing safety risks. Caseworkers are being placed in a position to simply meet mandates. Providing services to families is taking a backseat to the rush of seeing families and children to meet the monthly DWP requirements, and many times that is not even possible. Assessing child safety is being compromised on a daily basis due to the large caseload. A plan of action needs to be implemented immediately to correct this staffing emergency.

Dr. Frank (unintelligible), Harborcreek, spoke in support of Mr. Barne's assertions regarding the tire burning plant. He has a Ph.D. in geology and currently serves as a state wide geologist for PennDOT. There are numerous states in the country that prohibit the burning of tires. There will be huge emissions of heavy metals. He believes a better use can be found for that property. He offered his services as a pro bono consultant.

Maria Foster, 2301 Peach Street, Erie, stated that OCY may need funding, but they definitely need new caseworkers. They haven't followed any of the plans of the judge's review and reunification hasn't been done. She believes there is vindictiveness of the agency to people who speak out against them. Under the emergency management tax systems, she asked why \$5 of EMS tax goes to the school district.

Betti-Jo Gilbert, 154 West 9th Street, Erie, spoke about safety issues at OCY. Workers at OCY have gone into some dangerous situations with nothing but a phone to defend themselves. She has had a butcher knife pulled on her, a gun, and has been threatened. She wants to continue to do her job; these children are her life and she carries each child on her caseload with her. She loses sleep worrying about these children – earning \$14.40 an hour after being employed at the agency for six years. She is not making what she is worth; if not for the caseworkers, these children would never make it.

Janet Dorich, 656 Bonnie Brae, Harborcreek, advised Council that an incident occurred at an elementary school involving her 11 year old special needs daughter and a school resource officer in October 2005. She is concerned about the school resource officer's authority, training and how this authority is exercised in dealing with mentally impaired children. She asked if these officers have the authority to read Miranda Rights, to verbally threaten, intimidate or use physical force with an impaired child who does not have the ability to understand. She asked Council to do a complete and thorough investigation into this incident per the Home Rule Charter.

Dan Galena, East Springfield, Erie County, stated that at the last Council meeting Mr. Foust questioned a citizen who spoke during the hearing of the public. He believes Mr. Foust was out of order and in violation of Parliamentary Procedure. He asked why Mr. Giles did not have Mr. Foust removed. During the July 17th meeting, Mr. Leone asked for six ordinances to be moved to second readings and members of Council agreed. He stated this was another example of County Council's

contempt for the rule and law and the citizens they purport to serve. Mr. Galena addressed Mrs. Loll asking whether the Administrative Code changes had been completed as required by law.

Renee Vendetti, Erie, spoke about raises and the waiver of the Personnel Code to hire people and give them more money while there are agencies that need money and have to come before Council and beg. The Sheriff's Department needs money, yet the County plans to hire a worker at \$8,000 more and put Mr. Wiley's raise in the budget for next year. She stated an 11 percent raise would not happen in the private sector. She urged Council to give the money where it is deserved; the people that work for the money, need it.

Finance Committee Mr. Foust reported the Finance Committee met on Thursday, August 30, 2007, and agreed to put Ordinances 93, 94, 95, 96, 97, 98, 99, 100, 101 and 103 on the agenda for second readings. Ordinances 106, 107, 108, and 109 were placed on the agenda for first readings, and also the possible adoption of Resolutions 46, 47, 48 and 49. The Committee also agreed to place on the agenda the possible appointment of Janice Dennis to the OCY Advisory Board, as well as the possible sale of parcels from the repository.

Personnel Committee Mr. Cleaver reported the Personnel Committee met on Thursday, August 30, 2007 and agreed to place Ordinance 105 on the agenda for a second reading, and Ordinance 110 for a first reading.

Mrs. Loll's Report Mrs. Loll reported that on August 27, 2007, as liaison, she attended the Health Department Board meeting. One of the topics discussed was the interest in strengthening their contact with Council and the public. The Board feels the Health Department touches each and every person in Erie County every day and would like to make sure that everyone in need of their services has the knowledge and ability to receive those services. The monthly summary of activities on TV, radio, newspaper, speakers and publications was handed out and discussed. Mrs. Loll provided copies to be placed in Council's office for review. Mrs. Loll had asked the Board whether they felt anyone in need of their services couldn't find them. Information and programs are given to the providers who then inform the client. Many on the Board and those attending the meeting felt a good job was being done. In an effort to keep Council informed, Mrs. Loll brought an agenda from the last meeting as well as minutes of the previous meeting for their review. She also provided an informational brochure from the Health Department and a list of smoke free eateries and restaurants in Erie County.

Mr. Foust's Report Mr. Foust submitted the following report:

On August 23, 2007, Mr. Foust attended the opening of the Bayfront Convention Center. Mr. Foust also served as a judge for the first round of the North East Grape Queen contestants.

On August 29, 2007, Mr. Foust met with the Concord Grape Coalition regarding the economic impact of concord grapes in the area and opportunities to better market the industry.

Wattsburg Fair Mr. Foust also reported that he attended the Wattsburg Fair last week. Mr. Foust noted that last year, this Council took action to grant approximately \$26,000 to the Wattsburg Fair to help preserve an event that's occurred in Erie County for over 100 years, the oldest such fair in the Commonwealth. He observed the crowds this year at the fair were great, and it appears the event was a success. This is an example of how County government can be of assistance to its citizens and enhance the quality of life. Had Council listened to those that said they should give an already debt ridden organization more debt, this fair would not have survived to this year. If Council had listened to those that said they should let a 100 year old entity die, there would not have been an event that had 10,000 to 20,000 people in attendance throughout the week. Mr. Foust is proud of that vote and of his colleagues who decided to vote along with him.

Community College Mr. Foust also addressed the issue of a community college noting there has been much discussion in the newspaper, and he wished to clarify his stance. He stated he is on record as supporting a community college and commended Mr. DiVecchio, the County Executive, for wanting to pursue this particular option. Mr. Foust is an administrator at Mercyhurst College which, in many ways, acts as a

community college for Erie County, offering the most associate degree programs. However, there is a problem which is approaching crisis proportions as to what can be done with the higher education delivery system. As much as Mercyhurst College tries to make education affordable, as well as Edinboro, Behrend, and Gannon, who all offer associate degree programs totaling over 30 associate degree programs offered in Erie County, this County lags behind educational attainment of other towns. Mr. Foust read from a report:

“While the City of Erie high school graduation rate is only 1/2% below the National graduation average, 2% behind the State average and 1.5% behind Pittsburgh and the City of Butler, this educational gap widens significantly when it comes to students continuing their higher education in the City of Erie. After high school the percentage of students pursuing higher education in the City of Erie falls 13.5 percent behind the Nation, 5.3% behind the State average, 10.2% behind the City of Pittsburgh rate, and a startling 14.1% behind the City of Butler. These findings are even more surprising considering that the City of Erie has two colleges/universities enrolling approximately 7,500 students.”

Mr. Foust stated these institutions do their best to price themselves so that people can take advantage of what they have to offer. The fact remains that without a community college, many people can't take the educational and financial risks to try college. Community college will greatly enhance their ability to do that because services will be offered at a greatly reduced financial risk.

With respect to poverty statistics, Erie County is lagging behind Butler and Pittsburgh. A review of Erie County's gross income per capita shows this county is falling behind year after year. A community college can turn that around over time. This is an issue Mr. Foust believes needs to be seriously looked into from the county government perspective since county government will be asked to help fund this particular issue.

Mr. Foust again commended Mr. DiVecchio and the administration for taking these steps. This will more than likely cost much more than the initial \$500,000 investment, but this is something that needs to be done in the future.

Mr. Foust noted a point of disagreement with Mr. DiVecchio, is that a community college does not have to be a traditional community college model with a campus, buildings, new staff, new administration with all the traditional programs and services offered by a community college. He believes that somewhere in between those two concepts lies the concept that will be right for Erie, but will be affordable, not only for county government and the Commonwealth, but also for the citizens of this county and, hopefully, the region. The Community Foundation gave seven options as possibilities:

- 1) is challenging or helping local colleges and universities to better serve the region;
- 2) help PMI, which is in Meadville, to move north because they are a prime provider of technical education;
- 3) create a regional or multi county skill center based model;
- 4) build a new freestanding community college;
- 5) provide supportive services like child care and transportation for existing service providers so that people can take advantage of other educational opportunities that exist here in Erie County;
- 6) help Mercyhurst North East and West Campus fill the role of community college;
- 7) tuition voucher/scholarship support.

Mr. Foust commented all of these options need to be seriously considered to make education more affordable and more accessible to people who are not taking advantage of it now. He believes more technical education is needed. The current colleges and universities offer more of a liberal arts type education, and Mr. Foust does not think that should be repeated.

Mr. Giles'
Report

Mr. Giles reported that on May 16, 2007, Mercyhurst College did a well attended presentation congratulating everyone on their effort regarding the Therapeutic Jurisprudence, or Treatment Court. Erie County has had Treatment Court, which has been very effective, for the past six years. “A recent

survey of more than 120 evaluations of Treatment Programs throughout the United States showed that these programs outperformed virtually all other strategies that had been attempted for drug using offenders and seriously mentally ill offenders. Treatment Courts protect public safety, provide treatment and enable the offender to become fully productive members of the community once again.”

In Erie County, Adult Drug Court began in March 2000, Mental Health Court started in March 2002, and Juvenile Drug Court started in May 2005. There have been 106 graduates since Treatment Court started in Erie County, and 37 graduates from Mental Health Court, totaling 143 people. Only nine individuals have committed a new criminal offense in that five year period. Juvenile Drug Court has graduated ten individuals to date.

Mr. Giles reported a graduation ceremony was held on June 28th in the Adult Drug Court with 12 graduates, and in the Juvenile Drug Court with six graduates. This program was initiated through the cooperation between the Administration, Council and the Courts, and has produced significant results. Mr. Giles observed there are many different kinds of people at the graduation ceremonies. The investment in this program is worthwhile; the results are in the statistics and annual reviews indicate the success.

Land Lighthouse Mr. Giles also reported the Erie Western Authority is upgrading the Erie Land Lighthouse and Park. A public hearing was held on July 26th at which time a master plan was presented. Surveys have been sent out to the community to discover what people would like to see at the Land Lighthouse and Park.

Library Strategic Team Mr. Giles also reported the Erie County Strategic Team for the Library met for an update on the fundraiser for the West County and Edinboro branches as well as the design issues. This issue is moving ahead, and he asked Mr. Mitchell to comment regarding a session he attended with respect to the Millcreek/Fairview branch.

Mr. Mitchell's Comments Mr. Mitchell advised that the team is involved in a very intensive phase of putting the design together. They will be reviewing another plan at the next meeting scheduled for tomorrow. Mr. Mitchell had a discussion with Mr. Pasquale, Director of Purchasing, regarding the Edinboro Branch which is moving rapidly. He noted this was the former House of Edinboro Furniture Factory, and is a condominium development which is preserving the essence of that structure, the original carriage house from the Culbertson Estate. This will be a beautiful complex of offices, and the library branch will be the crown jewel in the middle providing an excellent location with plenty of parking.

NACo Mr. Giles reported the National Association of Counties annual conference was held in Richmond, Virginia this year. Mr. Giles “participated in the National Association of Counties’ (NACo) 72nd Annual Conference in Richmond, Va. held July 13-17 at the Greater Richmond Convention Center and pledged to work to help “Restore the Partnership” between counties, Congress and the White House.”

“For decades, the county and federal governments have worked together to answer the challenges facing the nation,” said NACo President Colleen Landkamer, Blue Earth County, Minn. “But in recent years, that partnership has begun to wane. We need to change that and we will through our dedicated members representing counties large and small across the country.”

More than 3,500 elected and appointed county officials representing 45 states and the District of Columbia participated in educational seminars and workshops on a variety of topics including: regional intergovernmental planning, interoperability, effectively managing criminal justice costs, economic development strategies for rural and urban communities, curbing Medicaid fraud, coping with aging populations, overcoming language barriers with non-English speaking residents, community smart growth strategies, and effective energy efficiency programs.

Members also helped the association develop official policies regarding important issues affecting counties in the areas of agriculture and rural affairs, healthcare, transportation, tax and finance, labor and employment,

environment and energy, public lands, telecommunications, and justice and public safety. Policy positions adopted by the NACo Board of Directors will be soon available on the NACo Web site.

During the conference, NACo announced creation of the NACo County Climate Protection Program to assist the growing number of counties nationwide that are leading local initiatives to reduce greenhouse gas emissions and reverse the impacts of climate change.

The NACo County Climate Protection Program will support counties as they work to have a positive impact in their communities – reducing emissions, benefiting the environment and public health, and saving taxpayer dollars. The new program will provide counties with best practices, tools and resources to assist them in developing and implementing successful climate change programs at home.

During general session meetings before the entire conference, delegates heard presentations from several nationally renowned speakers, including 2008 presidential candidate Sen. Hillary Rodham Clinton (NY); political television commentator Tucker Carlson; and marine biologist and explorer in residence at National Geographic Dr. Sylvia Earle. All presidential candidates were invited by NACo to speak at the conference.

In other business at the conference, delegates elected the following NACo officers for 2007-08: Eric Coleman, commissioner, Oakland County, Michigan, was elected president; Don Stapley, Supervisor, Maricopa County, Ariz., was elected president-elect; and Valerie Brown, Supervisor, Sonoma County, Calif., was elected first vice president. The election results for second vice president will be available on the NACo Website. NACo President Colleen Landkamer, commissioner, Blue Earth County, Minn., became immediate past president.

NACo's 2008 Annual Conference will be held July 11-15 in Jackson County, Mo."

NACo

Mr. Giles' observed that when these individuals are elected annually for second vice president, he is amazed because he believes that these candidates spend more money to run for that position than they might run for their own home seat. He also stated the election is held in a giant auditorium and there are 6,000 votes in the room. This particular election was exciting because a county commissioner from Virginia ended up winning with 3,220 votes and a supervisor from Texas had 3,199 as close an election as he's seen.

Mr. Giles' also commented that NACo is a very effective tool to lobby on behalf of all counties throughout the country. There are roughly 3,000 counties and currently, the membership in NACo is approximately 2,260. These counties range in size from the size of Forest County to a county such as LA which has 10,000 OCY employees.

Mr. Leone's
Report

Mr. Leone stated that he has been getting emails and there are individuals coming to County Council to state they are not interested in the tire plant. He wished to advise these people that County Council has nothing to do with the tire plant. The Home Rule Charter is quite clear, County Council has no say in any other municipality's legislative procedure, including boroughs or townships. People should be going to City Council to explain their problems since City Council will be making the decision as far as the tire plant is concerned.

OCY

Mr. Leone has listened to individuals that spoke on OCY and their problems. Whatever this administration recommends as far as staff is concerned will be either adopted or rejected by this Council. Mr. Leone sees no reason why this Council wouldn't approve what is necessary. He wants to avoid any type of critical situation, and indicated a willingness to sit down with administration and OCY to help resolve the issues at hand. He does not want any employee in a situation that may jeopardize them in any way, shape or form.

Mr. Leone reported that he met with the President Judge in the area of the ombudsman position which has been discussed. He asked the County Clerk to do a study throughout the State of Pennsylvania of all third class counties, and he read the results of that study:

No third class counties have the position of ombudsman in their employment structures. Chester County tried the position some years ago, but disbanded it. Complaints are handled internally much like they are here in Erie County. Without exception complainants with issues regarding court cases are advised to contact their attorneys and to work through the Courts. Several counties such as York, Northampton, Lancaster and Lehigh are proactive in the area of quality assurance

having units within their CYS or Human Services structure. Some Counties simply encourage complainants to file a complaint with DPW which seems to be fairly responsive in the matters.

Here is a breakdown of the 3rd class counties in the Commonwealth

BERKS: No such position; complaints are handled internally within Children's Services. Complaints commonly are transmitted through the Commissioner's Office and the Court Administrator.

DAUPHIN: No such position; complaints are handled internally.

LUZERNE: No such position; complaints are handled internally within OCY. The MH/MR Director does investigate serious complaints if the OCY Director is unable to satisfy the complainant.

WESTMORELAND: No such position; complaints are tracked via an internal form within OCY. Unresolved complaints are submitted to regional DPW (in Pittsburgh) for review.

CHESTER: No such position; OCY complaints are investigated by the MH/MR Director.

LACKAWANNA: No such position; but configuration of Agency is unique. The management of the department falls under the President Judge's authority through Family Court (their budget is controlled by the Commissioners). Systemic complaints are handled by an arm of the department called the Center for Family Engagement which resembles our OCY Advisory Board. Persons may bring complaints to that body. The Court and Community Services Director also oversees Court related issues which may arise from OCY complainants. Lackawanna reported a decrease in complaints over the last few years.

LANCASTER: No such position; complaints are filtered through caseworkers to the department head and on to the MH/MR Director if necessary.

LEHIGH: No such position; OCY complaints are filtered through the department and are ultimately looked over by the OCY Director or by the Director of Human Services.

NORTHAMPTON: No such position; but OCY does have an internal "Quality Assurance Department". Internal department consists of a program specialist and two caseworker III's who go over records, vendor compliance, etc. Quarterly reviews are conducted internally to assure that case notes are up to date and a family service plan is in place or has been attempted.

Retirement System

Mr. Leone read from a letter from Wentworth, Hauser and Violich regarding the Erie County Employee's Retirement System International Equity Portfolio:

"Our WHV International Equity Portfolio generated powerful double digit returns during the second quarter and first six months of 2007, as well as for the last 1, 3, 5 and 10 years ending 6/30/07."

"Although the U.S. economy has been decelerating due to higher interest rates, a slowdown in the housing market and a ballooning sub-prime mortgage problem, the international economies continue to be robust. Europe, Asia, Canada, Australia and the Emerging Markets have maintained their respective economic growth trends. Although the U.S. is the largest economy in the world, the U.S. represents only 28% of the world's GDP."

Mr. Leone explained the letter continues to describe how well the County retirement system did in the past year, and he wished to commend the members of the retirement system along with their consultant, Mr. Burnette, who has guided the retirement system into these particular areas as far as investment management is concerned.

Mr. Giles added that the investment advice that Mr. Burnette has provided Erie County has been shared with a variety of insurance pools in CCAP. This has opened the door to international investments at CCAP. Both the County and CCAP have done very well as a result.

Mr. Leone continued that although Wentworth has accomplished a great deal as far as returns are concerned, there is still an allocation program that the system continues to follow.

Mr. Foust's
Comments

Mr. Foust wished to address Mr. Whipple's concerns regarding the Gaming Board Authority. He explained something that hasn't been mentioned much in public is that the board which has been

created to disburse these funds is being done by law; it's a legal measure. There must be a board to facilitate the disbursement of those funds. Neither Council nor the County Executive can do that. Mr. Whipple suggested the Election Board distribute those funds since it is already in place.

- Agenda Amended As Chairman of the Three Year Plan Committee, Mr. Cleaver moved to place on the agenda approval of Council Response to the 2008-2010 Operational and Capital Plan. Mr. Giles seconded the motion. Mr. Foust commended the Three Year Committee for this report and wished them luck next year. Mr. Leone called for a vote on the motion, and it carried in a unanimous roll call vote.
- Gen. Fund S.A.
Budget Software Mr. Maloney gave a second reading of Ordinance Number 93, 2007, "Twenty-Eighth 2007 General Fund Budget Supplemental Appropriation for Budget Software and a Waiver of the Purchasing Code". Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.
- Prison Pre-Release
Building Mr. Maloney gave a second reading of Ordinance Number 94, 2007, "2007 Capital Projects Fund Supplemental Appropriation for the Prison Pre-Release Building and Creation of a New Line Item". Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.¹
- E911 S.A.
Tower Rent Mr. Maloney gave a second reading of Ordinance Number 95, 2007, "Fifth 2007 E911 Fund Budget Supplemental Appropriation and Creation of a New Line Item for Tower Rent". Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.
- E911 S.A. Act
56 Investment Mr. Maloney gave a second reading of Ordinance Number 96, 2007, "Sixth 2007 E911 Fund Budget Supplemental Appropriation and Creation of a New Line Item for Act 56 Investment Income". Mr. Mitchell moved to adopt; Mr. Giles seconded, and it carried in a unanimous roll call vote.
- Approval of Agrmt.
Baker Integrated
Technologies Mr. Maloney gave a second reading of Ordinance Number 97, 2007, "2007 General Fund Budget Waiver of the Purchasing Code and Approval of a Two Year Agreement with Baker Integrated Technologies for Maintenance on Dispatch Equipment". Mr. Cleaver moved to adopt; Mr. Mitchell seconded, and it carried in a unanimous roll call vote.
- Overtime & Temp.
Staff for Tax Claim Mr. Maloney gave a second reading of Ordinance Number 98, 2007, "Twenty-Ninth 2007 General Fund Budget Supplemental Appropriation for Overtime and Temporary Staff for Tax Claim and Revenue". Mr. Giles moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.
- Library Operations
And Repair Mr. Maloney gave a second reading of Ordinance Number 99, 2007, "Thirtieth 2007 General Fund Budget Supplemental Appropriation for Library Operations Maintenance and Repair". Mr. Mitchell moved to adopt; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.
- New Line Item
For Guardian
Ad-Litem Mr. Maloney gave a second reading of Ordinance Number 100, 2007, "2007 General Fund Budget Revised Revenue and Creation of a New Line Item for Guardian Ad-Litem". Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.
- Grant to Alms
House Cemetery Mr. Maloney gave a second reading of Ordinance Number 101, 2007, "Thirty-First 2007 General Fund Budget Supplemental Appropriation and Creation of New Line Item for a Grant to the Alms House Cemetery". Mr. Giles moved to adopt; Mr. Foust seconded.

¹Mr. Leone subsequently changed his vote from yes to abstain on Ordinance Number 94, 2007 at the September 18, 2007 meeting. See page 234 of Minutes for September 18, 2007 County Council meeting.

Mr. Giles advised that a week from today, on September 11th, there will be an interment for 16 people, who have neither friends nor family, and have been left to the care and custody of Erie County. This ceremony is performed every two years. He noted there is a website with information and details of the 150 year history which comes from the days when the Alms House was the last stopping point for many people. These 16 people will be memorialized and their names will be placed on the wall with approximately 2,000 other names. This date was chosen because when 9-11 was happening, a memorial service was being held at that very time on that very day. When the Alms House Board met, it was decided the ceremony would always be held on that particular date.

Mr. Leone called for a vote on Ordinance 101, 2007, and it carried in a unanimous roll call vote.

Finance Director
Increase in Hours

Mr. Maloney gave a second reading of Ordinance Number 103, 2007, "Thirty-Third 2007 General Fund Budget Supplemental Appropriation for the Finance Director's Increase in Hours". Mr. Giles moved to adopt, and Mr. Mitchell seconded.

Finance Director
Increase in Hours

Mr. Foust urged his colleagues to defeat this ordinance to keep the salaries of that level of administrators, which are 35 hour positions, in line; this position should remain the same. Mr. Foust plans on amending this particular salary in the following ordinance. It is not Mr. Foust's wish to disparage the administration, but as the veterans of this Council know, this will not be the last request for a move to 40 hours. If Council is prepared to change other positions so all positions will be fair, then this ordinance should be passed. However, if Council wants to avoid that eventuality, then this ordinance should be defeated.

Mr. Leone called for a vote on Ordinance 103, 2007, and it failed in a vote of 2-4, Mr. Cleaver, Mr. Foust, Mrs. Loll and Mr. Leone voting no.

Director of
Finance
Salary

Mr. Maloney gave a second reading of Ordinance Number 105, 2007, "2007 Appointed Official's Salary Ordinance – Director of Finance". Mr. Giles moved to adopt; Mr. Mitchell seconded.

Mr. Foust moved to amend the starting salary of the Director of Finance to the previous starting salary of \$60,247 for the reason that this would not be fair to other administrators at that level. People in the audience spoke earlier, and Mr. Foust feels justifiably, complaining that the unions were going to probably receive a 3% increase at best. By his calculations, this increase comes to almost 14% if this particular wage is approved. Mr. Foust stated this was not fair to the rank and file members and should not be done at this time.

Mr. Cleaver seconded the motion to amend. Mr. Maloney asked for a clarification on the amount and was advised by Mr. Foust the figure was \$60,247.

Mr. Mitchell's
Comments

Mr. Mitchell commented that historically in Erie County, the County Executive kept down the salary levels of the county administrative officers. As the county budget grew, these salary levels did not grow to the level of responsibility. This is the largest business in Erie County; it is a \$315 million dollar business. Over 5,000 people can trace part of their income back to this budget. Over 1,000 employees are paid out of this budget. Erie County is probably one of the largest financial operations in Northwest Pennsylvania. Mr. Mitchell asked if there was a person that knows of any \$300 million a year corporation that pays their Director of Finances \$60,000 a year. He agrees the government is public service, but there is also a very high level of need in government for performance, for background and for qualifications. Mr. Mitchell pointed out that there are thousands of regulations in this government that are not faced by private industry. For example, in Mr. Lucht's office at OCY, the directives are probably as high as he is tall. Financial people have to be on top of all those directives as well.

A \$60,000 financial person can be found, as well as a \$40,000 financial person; however, the skill levels are probably at the lower echelon. Mr. Mitchell does not believe that in private industry there would be

a person who has this type of responsibility paid under six figures. Naturally, Erie County is not going to approach six figures, but the county must be competitive on the market.

For example, Erie County has a Director of Assessment job open which is not attracting any candidates because the pay is nowhere near what the qualifications demand. The Assessment Office brings millions of dollars into the county. Mr. Mitchell believes a cold hard look needs to be taken at this administrative structure to determine the county's competitiveness in the market. The County Executive will never be paid at a CEO level because that is an elected position. Any department head at the Courthouse could talk about the complexities of the finances of each of their departments and how difficult, with diminishing resources, it is to constantly balance the budget without putting undue stress on people's homes. Erie County has one source of revenue, and that is a person's home or business. The state legislature will not allow another source of revenue. A \$185 million lawsuit was just resolved with the federal government which would have bounced about \$2.5 million out of Erie's government because the federal government did not like two words in the payment scheme for Pennsylvania. The federal government is constantly backing off on support for the counties.

All of this means that the people holding financial positions in this County have to be as qualified and as good as Erie County can get for the money. Mr. Mitchell understands there are problems, and this system needs to be looked at overall. He spoke with a planner this evening that will be leaving for Arizona for probably double the salary. He noted this county loses OCY workers to Crawford and other counties smaller than Erie on a routine basis. No one wants to raise taxes, but this County needs the best workers so everything works right.

Mr. Foust noted that he wished to amend the salary amount of Ordinance 105 to read \$60,267, not \$60,247. Mr. Leone called for a vote on the amendment, and it carried in a vote of 4-2, Mr. Giles and Mr. Mitchell voting no.

Mr. Leone then called for a vote on Ordinance 105, 2007 as amended. Mr. Mitchell asked for clarification on the motion. Mr. Leone advised that the amendment is for \$60,267, and the motion will read \$60,267 for the salary. The ordinance was adopted in a roll call vote of 4-2, Mrs. Loll and Mr. Mitchell voting no.

Mrs. Loll then wished to change her vote to a yes, causing the ordinance to be adopted in a roll call vote of 5-1, Mr. Mitchell voting no.

First Readings

Mr. Maloney gave first readings of the following ordinances:

Ordinance Number 106, 2007, "Sixth 2007 Emergency Management Fund Budget Supplemental Appropriation and Creation of New Line Items for a Grant from NW Regional Commission for Hazard Mitigation Plan"

Ordinance Number 107, 2007, "Thirty-Fourth 2007 General Fund Budget Supplemental Appropriation for County Records Improvement Account"

Ordinance Number 108, 2007, "Sixth 2007 Library Fund Budget Supplemental Appropriation for Software Maintenance Costs Reimbursed by the Independent Libraries and the Creation of a New Line Item"

Ordinance Number 109, 2007, "Thirty-Fifth 2007 General Fund Budget Supplemental Appropriation for Temporary Staff and Overtime for the Sheriff's Department"

Ordinance Number 110, 2007, "2007 General Fund Budget Waiver of Personnel Code for Register of Wills"

Friends of L'Arche Pjct. Mr. Maloney gave a reading of Resolution Number 46, 2007, "Erie County General Authority \$1,100,000.00 Tax Exempt Note – Friends of L'Arche of Erie, Inc. Project". Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

GEIDC Recipient LEDA Funds Mr. Maloney gave a reading of Resolution Number 47, 2007, "Resolution Designating the Greater Erie Industrial Development Corporation as the Recipient of LEDA Funds for Erie County". Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Exonerating Taxes Mr. Maloney gave a reading of Resolution Number 48, 2007, "Exonerating the 2006 Taxes on Property (17) 4048-206". Mr. Foust moved to adopt; Mr. Cleaver seconded, and it carried in a vote of 5-1, Mr. Giles voting no.

Exoneration of County Fees Mr. Maloney gave a reading of Resolution Number 49, 2007, "Exoneration of County Fees for 2005 and 2006 on Three Parcels Owned by Bluebird Properties, L.L.C." Mr. Giles moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

Janice Dennis Appt'd. OCY Advisory Brd. Mrs. Loll moved for the appointment of Janice Dennis to the OCY Advisory Board. Mr. Giles seconded, and it carried in a unanimous roll call vote.

Sale of Parcels Mr. Foust moved for the sale of parcels from repository for unsold properties at index numbers:

- 15-021-021.0-102.00
- 15-021-032.0-109.00
- 16-030-011.0-326.00
- 16-030-016.0-112.00
- 17-040-018.0-247.00
- 18-050-015.0-241.00
- 18-050-081.0-125.00
- 18-051-027.0-107.00
- 19-060-013.0-118.00

Mr. Giles seconded, and it carried in a unanimous roll call vote.

Council Response To 2008-2010 Operational & Capital Plan Approved Mr. Cleaver moved to approve the Council Response to the 2008-2010 Operational and Capital Plan. Mr. Giles seconded, and echoed Mr. Foust's previous comments that the team did an excellent job. The motion carried in a unanimous roll call vote.

Mr. Foust congratulated Mr. Maloney on his job filling in for Mr. Smith, the County Clerk, who was absent tonight due to a death in the family.

Adjournment There being no further business, the meeting was adjourned at 8:27 p.m.

Ann M. Bruno, Council Secretary
