

December 9, 2008

C&Y Rev. Exp. Due to Change in State Rptg Exp adopted; C&Y Creation of Rev. & Exp. Lines for OCYF Grants adopted; PH Exp. For PH Prep. Grant adopted; PH SA Injury Prevention Grant adopted; HealthChoices Transfer of Funds adopted; MH/MR Transfer of Funds; Gen. Fund SA for Exp. Homicide Case adopted; Planning Fund SA for Agricul. Preserv. Prgrm adopted; Amending Adm. Code with Rules Reg. After Hrs Use Cnty Owned/Lsd Veh. Adopted. First Rdgs. TRAN; Library SA LSTA Grant; C&Y Rev. Exp. Intake Unit; Youth for Corry Concerned for Youth; C&Y SA for Transfer from Unrest. Gaming; C&Y Rel. of Rest. Acct for Various Prgrms; Gen. Fund Rev. Exp. For Controller's Ofc; Gen Fund Rev. Exp. For Reclass of Prof. Fees Solicitors Ofc; D&A SA for Shares Cost of Dir. HS; C&Y SA for Shared Cost of Dir. HS; HealthChoices SA for Shared Cost of Dir. of HS; MH/MR Elim. Of Dep. Dir of MH/MR; Gen. Fund SA for Dir. of HS Position; 2009 Appt Off. Fee-Cnty Sol; 2009 Cnty Sol. Retainer; Appt. Off. Salary: Pub. Def; Asst. Pub. Defs.; Dir. of Adm; Dir. of Finance; Dir. of Personnel; Cnty Clerk; Gen. Fund Rev. Exp. & Change in Pos. for HRC; 2009 Non-Barg. Pay Plan. Tentative Lease Agrmt for MDJ Southwick adopted; In Sprt of Agrmt btwn Erie Cnty & Tyler Technologies adopted; In Sprt of Open Records Policy adopted; Tax Exempt Note – Lakeshore Comm. Svcs adopted; Tax Exempt Note – Stairways Behavioral Health adopted; KOEZ in Millcreek adopted; KOEZ adopted. Sale of Parcel from Repository approved.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Giles, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Council Chambers at the 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
Tom Talarico, Council Solicitor
Jim Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of the Public

Pete Zesinger, 5453 Bondi Drive, Erie, PA, has been a CASA volunteer for six years. He has been assigned to 11 different children and each child is an individual with their own dreams. OCY tries to do a good job, but the caseloads are very high with 20-30 kids. This means a caseworker may only see one of these kids one hour a month. At times, OCY workers cannot get to meetings involving these kids and CASA volunteers are asked to attend. CASA is important, but the funding has been cut and Mr. Zesinger was informed that this program may cease by the end of December unless there is additional funding. He understands how much the children, families, and judges appreciate CASA, and asked Council to consider helping CASA.

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Hearing of
The Public

Cheryl Kobel, Executive Director St. Martin's Center, appreciates the consideration Council will give towards reinstating some funding to social service agencies such as St. Martin's Center for the family support programs through the Office of Children and Youth. This is a very worthwhile program which helps families in the community. She asked Council to consider the reallocation of funds to St. Martin Center for this very valuable and viable program. She thanked Council for their support.

Richard McVey, Erie, is part of Penn Action, a community advocacy nonprofit organization. He invited Council to a roundtable discussion on Saturday at St. James AME Church. County Council, the County Executive, City Council, the Mayor, State Senator Earll, and local representatives have been invited. The purpose of the program is to get an overview of the wants and needs of the greater Erie community with respect to the second \$500 billion plus stimulus package coming out of Congress. It is hoped a wish list can be prepared to present to Congresswoman Dahlkemper to take to Washington. He handed out kits to all members of Council.

Welcome

Mr. Giles extended a welcome to Boy Scout Troop 182 from Chestnut Hill. He hopes this evening's meeting will be a learning experience. Members of Council will be available following the meeting for any questions.

Finance
Committee

Mr. Mitchell reported the Finance Committee met on Thursday, December 4, 2008 to deliberate a rather extensive agenda. The Committee agreed to place on the agenda for second readings Ordinance 193, which deals with Children & Youth fund budget. For the scouts present this evening, some items are simple housekeeping issues. Also on the agenda are Ordinances 194, revenue and expense lines for OCYF grants; 195, Health Fund budget, the public health preparedness grant; 196, which deals with the Health Department injury prevention grant; 197 deals with HealthChoices fund budget transfer and revised revenues for expense projections; 198, deals with MH/MR budget transfer of funds to reflect revised revenue; 199 is the supplemental appropriation for expenditures incurred in a homicide case; 200, Planning Fund budget for agricultural preservation program; 201 amending the Administrative Code regarding after hours usage of county owned/leased vehicles.

Under new business, on the agenda are first readings of Ordinances 202 which deals with the tax and revenue anticipation note; 203, involving a library fund supplemental LSTA grant; 204 dealing with Children & Youth Fund Budget revised expenditures for intake unit; 205 which deals with transferring money to Children & Youth fund for the Corry Concerned for Youth Program in Corry; 206, Children & Youth supplemental appropriation for transfer from unrestricted gaming funds, this is some of the money that was put back into the budget; 207, Children & Youth fund supplemental appropriation and release of restrict account for various programs; 208, General Fund budget revised expenditures for Controller's Office; 209, revised expenditures for reclassification of professional fees for Solicitor's Office; 210 deals with the appropriation of shared costs of Director of Human Services job; 211 is part of the shared cost from the Children & Youth fund; and Ordinance 212 is part of the shared cost from HealthChoices budget.

Also on the agenda are Resolutions 88, the approval of tentative lease agreement for Union City magistrate's office; 89, a 16 month agreement between Erie County and Tyler Technologies; 90, in support of a new Open Records Policy in Erie County; 91, a tax exempt note Erie County General Authority \$1,500,000 for Lake Share Community Services; 92, Erie County General Authority \$4,390,000 tax exempt note for Stairways Behavioral Health. Mr. Mitchell explained that these last two items are simply an agreement because Council is one of the bodies that must agree that those loans can move forward. This does not involve any county money.

Resolution 93, KOZ zone in Millcreek, the school district and local governments have passed this; and 94 which also deals with KOZ in Erie, and the sale of parcel have been placed on the agenda.

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Personnel Committee

Mr. Cleaver reported the Personnel Committee met on Thursday, December 4, 2008, and agreed to place on the agenda Ordinances 213, the elimination of deputy director in Mental Health/Mental Retardation; 214, the creation of Director of Human Services; 215-222 pertain to fees, retainers, and salaries per the budget; 223 is a change in position for Human Relations Commission; and Ordinance 224 is the non-bargaining employees pay plan.

Mr. Giles' Report

Mr. Giles explained for the students present that Mr. Mitchell and Mr. Cleaver, who just gave reports on committee meetings, spoke of issues that are on the agenda which will be voted on later in the meeting or at the next meeting. These issues are debated at those meetings and have been placed on the agenda because each of those committees has given their approval.

Mr. Giles pointed out that one of the more significant issues before Council in the current calendar year is the relationship with the funding of the court system by each county, including Erie County. Council belongs to an organization called the County Commissioners Association of Pennsylvania which is a mix of every county in Pennsylvania with representation on the board by several Council members. Approximately 21 years ago, the Commonwealth Supreme Court produced a ruling in which it indicated that the state would fund all court operations. As of 21 years later, the court, legislature, nor anyone else has done anything about providing state funding for programs. On December 8th, CCAP filed suit requesting the court take some type of action to enforce what is referred to as the Montemuro Decision. Mr. Giles explained that Justice Montemuro was the assigned judge who developed a plan involving four phases. Only the first phase was done. Now, the counties are indicating that the cost is growing and these costs are on the backs of the counties. Mr. Leone has led the charge locally on this issue. The issue before the United States Supreme Court involves providing equal justice in every county consistently. The argument of the Supreme Court is that for the sake of equality of justice, resources need to be made available to all jurisdictions equally across the Commonwealth. Smaller counties with limited resources and smaller property tax basis will have fewer resources. Mr. Giles read the announcement:

The County Commissioners Association of Pennsylvania (CCAP) has announced that it is today filing a motion with the Pennsylvania Supreme Court asking the court to enforce a 1996 order that had set the parameters for commonwealth assumption of funding and administration for the lower judiciary. Historically, and in current practice, all personnel, capital and operating expenses of the lower judiciary, except judicial and court administrator salaries and part of the district attorney salaries, are shouldered by county government. In the 1987 decision *County of Allegheny v. Commonwealth of Pennsylvania*, the Pennsylvania Supreme Court ruled that a lower court system funded by 67 counties with disparate fiscal capacities created an inherently unequal system of justice. The Court allowed the existing system of funding to remain in place until the legislature had reasonable time to act. After five years of legislative inaction, CCAP filed a petition for mandamus with the Court in December 1992 to enforce the original decision. The Court found in favor of the Association and appointed retired justice Frank Montemuro as master to develop a set of recommendations on how the decision could be implemented. The Montemuro report was issued and adopted by the Court in 1996, and provided for four phases to transfer funding and administrative responsibility to the commonwealth.

Only the first phase of the Montemuro report, which involved the transfer of approximately 200 court employees to the state – chiefly court administrators and deputy administrators -- was accomplished in 1999. Transfer and funding of other judicial functions such as support staff for common pleas judges and magisterial district justices, court-related row offices, domestic relations and juvenile and adult probation and parole are among those issues yet to be addressed.

CCAP President and Greene County Commissioner Dave Coder explained, "For twenty-one years, the state has failed to take steps to implement the rulings of the court, and this has been to the detriment of local taxpayers. The motion we are filing today is intended to require further action by the state to address court funding and administration."

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Mr. Giles'
Report

"In spite of the *Allegheny* decision and the Montemuro report, county responsibility for court funding has actually increased," according to Coder. "CCAP can note several examples of increased county responsibility, including Act 57 of 2005 which makes district attorneys full-time (prior to the law more than half were part time), and requires the commonwealth to fund 65 percent of the cost of those salaries. Zero dollars were appropriated for this purpose in the 2008-2009 commonwealth budget."

The state currently reimburses counties \$70,000 per judicial position for court costs. This amount has not been increased since 1981 and, if adjusted for inflation, the state would need to reimburse counties \$166,000 to have the same purchasing power as the reimbursement had when it was first enacted in 1981.

"As the Court has already pointed out, the existing county-driven funding system is unfair not only to local taxpayers, but also to plaintiffs and defendants, because differences in local conditions can impact equality in the justice system from county to county," Coder said.

"The Supreme Court has issued a ruling with which the state has failed to comply. This failure to act impacts every citizen in the commonwealth, and it is our hope that the Court will take further action to compel the state to achieve the constitutional equity it has required in the court system," Coder concluded.

CCAP is a statewide, nonprofit, nonpartisan association representing the commissioners, chief clerks, administrators, their equivalents in home rule counties and solicitors of Pennsylvania's 67 counties. The Association serves to strengthen the Pennsylvania counties' ability to govern their own affairs and improve the well-being and quality of life of their constituents.

Mr. Giles stated this is a significant issue, and the background is important. Both Mr. Leone and Mr. Mitchell have been very involved, and it will be interesting as this issue moves forward. Those who have been working on this matter understand there is an undertow of some politic, but one way or another, there needs to be resolution so that if an individual has legal difficulty in any county, that individual will receive the same quality of justice. Mr. Giles offered copies of the Montemuro Decision to anyone who may be interested.

Mr. Leone's
Report

Mr. Leone thanked Mr. Giles for his report on the court system. Mr. Leone explained that the County of Erie is no more than arm of the State of Pennsylvania, and when Erie County is told, for example, the salary amount of the district attorney, if using the accrual system of accounting, that money is put in year after year. He pointed out that 65% of the \$154,000 that is paid to the District Attorney is a substantial amount, even for Erie County.

Mr. Leone reported that on November 23, 24, and 25, Mr. Leone, Mr. Mitchell, and Mr. Giles attended the Fall Conference of CCAP. One of the programs offered, which Mr. Leone was very interested in attending, was the Pension Fund Diversification and Investing. Everyone is aware that the County was \$2.5 million short in the retirement system funded by the county by law through the State of Pennsylvania, Act 96. Mr. Leone was interested in finding out how many others were having problems throughout the State of Pennsylvania and, obviously, the room was packed. This was one of the more attended conferences and this was one of the more attended classes. Mr. Leone learned that many counties handle their pension fund differently. Many carry what is called unfunded debt for their retirement system. This means they use borrowed bond issues. Mr. Leone further explained that many counties have had to re-evaluate their portfolio, as some of these counties only budgeted approximately one-third of what they were supposed to have budgeted in their portfolio as far as the actuarial assumption for the retirement system. Obviously, those counties will encounter many problems.

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Mr. Leone's
Report

Mr. Leone noted that one of the sections of the formula for the actuary is the percentage of return that a county receives which is based over a long period of time. He discovered many of these counties range anywhere from 6% to 9%. Quite a few counties use 9%, but the majority use 7.5%. Many use a higher number because it won't cost as much; the lower number will cost a county more money. However, Mr. Leone feels all counties are in the same boat throughout the State of Pennsylvania, unless something happens in the market in the very near future which Mr. Leone doesn't anticipate. He believes there will continue to be problems in the retirement system. Mr. Leone explained that the law states this must be handled in a certain manner. Each Member of Council is sworn to uphold the law, and that is what each member will do.

Mr. Leone believes that Mr. Mitchell, the Finance Chairman, made a good point near the end of the budget session, that next year everyone will be facing a much larger tax increase than this year. This won't be because Council Members want to give a tax increase, but Council is in a position where it is almost impossible to do anything else.

C&Y Rev. Exp.
Due to Change
In State Rptg.
Of Expend.

Mr. Smith gave a second reading of Ordinance Number 193, 2008, "2008 Children & Youth Services Fund Budget Revised Expenditures and the Creation of Line Items Due to a Change in State Reporting of Expenditures." Mr. Mitchell moved to adopt; Mr. Leone seconded.

Mr. Giles explained that in the spirit of Mr. Leone's comments, the County operates in a partnership relationship with the state. In this partnership, the state controls the issue of mandates similar to a parental relationship with counties. This partnership is not necessarily one of equality. The state controls the mandates and also the resources, and in some instances will provide eighty cents on a dollar, in others even less. These are services the County must provide and is reimbursed at a percentage.

Mr. Giles called for a vote on Ordinance Number 193, 2008, and it carried in a unanimous roll call vote.

C&Y Creation
Of Rev. & Exp.
Lines for OCYF
Grants

Mr. Smith gave a second reading of Ordinance Number 194, 2008, "2008 Children & Youth Services Fund Budget Creation of Revenue and Expense Lines For OCYF Grants." Mr. Leone moved to adopt; Mr. Fatica seconded.

Mr. Giles noted that the same comments made regarding the previous ordinance apply to this ordinance as well, except these are budgetary line items largely directed by the state. He called for a vote on the ordinance, and it carried in a unanimous roll call vote.

PH Rev. Revenue
& Exp. For PH
Prep. Grant

Mr. Smith gave a second reading of Ordinance Number 195, 2008, "2008 Public Health Fund Budget Revised Revenue and Expenditure for Public Health Preparedness Grant." Mr. Leone moved to adopt; Mr. Foust seconded.

Mr. Giles explained that there are approximately 11 counties in Pennsylvania operating what are referred to as independent public health departments. Erie County is one of those counties, and because this is what the state would like every county to do, it infuses a little more grant money and sweetens the deal by providing more revenue so that some of the programs Erie County has are the reward of having an independent health department.

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PH Rev. Revenue
& Exp. For PH
Prep. Grant

Mr. Giles called for a vote on Ordinance Number 195, 2008, and it carried in a unanimous roll call vote.

PH SA for Inj.
Prev. Grant

Mr. Smith gave a second reading of Ordinance Number 196, 2008, "Thirteenth 2008 Public Health Fund Budget Supplemental Appropriation for Injury Prevention Grant." Mr. Mitchell moved to adopt; Mr. Leone seconded. Mr. Giles explained this is the same type of situation as the previous ordinance, an injury prevention grant fully funded by the state. He called for a vote, and it carried in a unanimous roll call vote.

HealthChoices
Transfer of Funds

Mr. Smith gave a second reading of Ordinance Number 197, 2008, "2008 HealthChoices Fund Budget Transfer of Funds to Reflect Revised Revenue and Expense Projections." Mr. Mitchell moved to adopt; Mr. Cleaver seconded.

Mr. Giles explained this ordinance deals with managed care. Erie County is now in the managed care environment regarding behavioral health and over half of the funds the county deals with on an annual basis has to do with behavioral health issues, either mental health, mental retardation, drug and alcohol, or children services. Many of these are funded by federal and state resources with a local county match; however, the state has insisted on moving to a managed care model. Erie County was one of the last in the Commonwealth to become part of the behavioral health managed care, and that is what this ordinance reflects. Mr. Giles called for a vote on the ordinance and it carried in a unanimous roll call vote.

MH/MR Transfer
of Funds

Mr. Smith gave a second reading of Ordinance Number 198, 2008, "2008 MH/MR Fund Budget Transfer of Funds to Reflect Revised Revenue and Expense Projections." Mr. Cleaver moved to adopt; Mr. Leone seconded.

Mr. Giles explained that mental health and mental retardation is a significant area funded through the county and state. Often, those numbers float during the year, and this ordinance reflects some of those changes. He called for a vote on Ordinance Number 198, 2008, and it carried in a unanimous roll call vote.

Gen. Fund SA
For Expend.
From Homicide

Mr. Smith gave a second reading of Ordinance Number 199, 2008, "Sixtieth 2008 General Fund Budget Supplemental Appropriation for Expenditures Incurred from Homicide Case." Mr. Mitchell moved to adopt; Mr. Fatica seconded.

Mr. Giles explained that this ordinance reflects additional money needed for an extremely expensive homicide case. Council budgets a certain amount and sometimes unanticipated expenses occur that must be paid for. This ordinance takes care of expenses relative to a very controversial homicide case in the news. He called for a vote on Ordinance Number 199, 2008, and it carried in a unanimous roll call vote.

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Planning Fund
SA for Agricult.
Preserv. Prgrm.

Mr. Smith gave a second reading of Ordinance Number 200, 2008, "Fourth 2008 Planning Fund Budget Supplemental Appropriation for Agricultural Preservation Program." Mr. Mitchell moved to adopt; Mr. Fatica seconded.

Mr. Giles explained this program is an incentive program funded largely with state money to encourage local counties and jurisdictions to preserve agricultural land. As a financial incentive to do that, the county becomes the agency through which this is handled and the County Planning Department is the specific agency doing the work. He called for a vote on Ordinance Number 200, 2008, and it carried in a unanimous roll call vote.

Amending Adm.
Code Rgdg. After
Hrs Use County
Vehicles

Mr. Smith gave a second reading of Ordinance Number 201, 2008, "Amending the Administrative Code of Erie County with Rules Regarding the After Hours Usage of County Owned/Leased Vehicles." Mr. Leone moved to adopt; Mr. Cleaver seconded.

Mr. Giles'
Comments

Mr. Giles stated this ordinance reflects a change in county policy. The county has roughly 100 vehicles throughout different departments, one of the bigger departments being the Sheriff's. Other offices utilizing county vehicles are the District Attorney's Office, Human Services area, and the 911 system. He explained that this ordinance would require all county vehicles to be kept after hours and on weekends on county property. One of the issues that brought this debate forward was the price of gas increasing dramatically, and to contain the costs of fuel and maintenance.

Mr. Foust's
Comments

Mr. Foust stated that no matter how well intentioned this ordinance may be, and with all due respect to members who will vote for this, he will not support this ordinance. Mr. Foust does not believe this will be productive in the long run. If this ordinance passes, it will require every vehicle, primarily those in the Sheriff's Department, to start at the Courthouse, drive wherever papers need to be served on a day to day basis and then drive all the way back to the Courthouse. After speaking with the Sheriff, Mr. Foust learned that the office currently has 40% of those vehicles working in a particular area with no need to drive back to the Courthouse saving on mileage, wear and tear, and maintenance. This ordinance may also decrease the efficiency of the Sheriff's Department. If cars need to be back to the Courthouse by 4:30 p.m., it would require the deputies to stop working their routes early in order to return. Also, many deputies go right to their routes in the morning.

Mr. Foust also believes there will be additional issues such as security being breached on those vehicles and security will have to be added to the Courthouse to protect vehicles sitting overnight. There will also be complaints about parking spaces resulting in the necessity to add more parking spaces around the Courthouse, just because the county wants the sheriffs' cars to remain at the Courthouse overnight. For these reasons, Mr. Foust stated he will not support this ordinance.

Mr. Leone's
Comments

Mr. Leone, having no disrespect for anyone's opinion on this particular issue, stated additional ways for handling prisoner's transportation have been reviewed. He understands this is an issue Mr. Mitchell was planning on resolving prior to the end of the year by dictating to the various police departments in every borough, municipality, and township that they are responsible for the prisoner's transportation. Mr. Leone believes this will save quite a bit in costs, not only for Sheriff's overtime, but also for constable fees. Last year, the County spent over \$750,000 in constable fees. The Sheriff's overtime was just under \$300,000. Mr. Leone would like to save those costs. Also, when people take vehicles home, there is always the potential for abuse; although there may not be any abuse, there is always the potential. He asked his colleagues to pass this particular ordinance.

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Mr. Giles'
Comments

Mr. Giles explained that CCAP and members of Council have lobbied for prison reform issues. He referred to House Bills 4, 5, 6, and 7, which will impact both the transport of prisoners and the ability to electronically hold certain court proceedings so no transportation of prisoners will be involved. This will take place over the next two years, and will change the way counties relate to state facilities, including the type of prisoners housed in county facilities determinant by sentencing. Mr. Giles stated there will be some savings that will occur in partnership with this policy. Therefore, this policy is somewhat connected to expectations for providing a more cost effective method for the transport of prisoners and processing cases.

Mr. Mitchell's
Comments

Mr. Mitchell stated that Judge Kelly has been very supportive of video conferencing and has met with the magisterial district judges. A meeting was held last week, but Mr. Mitchell does not yet have a report on that meeting. There is an effort to move forward on this issue of cutting costs; however, this is like moving an elephant that does not want to be moved. This matter will have to be inched along.

Mr. Giles called for a vote on Ordinance Number 201, 2008, and it carried in a roll call vote of 5-2, Mr. Foust and Mr. Mitchell voting no.

First Readings

Mr. Giles explained the following ordinances are new business, and are simply read. No action is taken unless there is a need to move to a second reading.

Mr. Smith gave a first reading of the following ordinances:

Ordinance Number 202, 2008, "Authorizing the Issuance of a Tax and Revenue Anticipation Note in the Principal Amount of \$_____; Providing for the Date, Interest Rates, Maturity Date and Place of Payment in Respect of the Note; Providing for the Security of the Note; Authorizing the Proper Officers to Execute and Deliver the Note; Authorizing and Directing the Preparation, Certification and Filing of the Proceedings with the Department of Community and Economic Development; Setting Forth a Form of Note and Repealing Inconsistent Ordinances"

Ordinance Number 203, 2008, "Twelfth 2008 Library Fund Budget Supplemental Appropriation for LSTA Grant"

Ordinance Number 204, 2008, "2009 Children & Youth Services Fund Budget Revised Expenditures for Intake Unit"

Ordinance Number 205, 2008, "2009 Gaming Fund Budget Revised Expenditures for Transfer to Children & Youth for Corry Concerned for Youth and the Creation of a New Line Item"

Ordinance Number 206, 2008, "First 2009 Children & Youth Services Fund Budget Supplemental Appropriation for Transfer from Unrestricted Gaming Funds"

Ordinance Number 207, 2008, "Second 2009 Children & Youth Services Fund Budget Supplemental Appropriation and Release of Restricted Account for Various Programs"

Ordinance Number 208, 2008, "2009 General Fund Budget Revised Expenditures for Controller's Office"

Agenda
Amended

Mr. Foust moved to amend the agenda to include Ordinance Number 209, 2008 for a second reading. Mr. Leone seconded, and it carried in a unanimous roll call vote.

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Prof. Fees in
Solicitor's Ofc
Adopted

Mr. Smith gave a second reading of Ordinance Number 209, 2008, "2008 General Fund Budget Revised Expenditures for Reclassification of Professional Fees in Solicitor's Office." Mr. Leone moved to adopt; Mr. Foust seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 210, 2008, "First 2009 Drug & Alcohol Abuse Fund Budget Supplemental Appropriation for Shared Cost of Director of Human Services"

Ordinance Number 211, 2008, "Third 2009 Children & Youth Fund Budget Supplemental Appropriation for Shared Cost of Director of Human Services"

Ordinance Number 212, 2008, "First 2009 HealthChoices Fund Budget Supplemental Appropriation for Shared Cost of Director of Human Services"

Ordinance Number 213, 2008, "2009 MH/MR Fund Budget Elimination of Deputy Director of MH/MR Position and Revised Expenditures"

Ordinance Number 214, 2008, "First 2009 General Fund Budget Supplemental Appropriation for the Creation of Director of Human Services Position and New Line Items"

Ordinance Number 215, 2008, "2009 Appointed Official's Fee Ordinance – County Solicitor"

Ordinance Number 216, 2008, "2009 County Council Solicitor's Retainer"

Ordinance Number 217, 2008, "2009 Appointed Official's Salary Ordinance – Public Defender"

Ordinance Number 218, 2008, "2009 Appointed Officials' Salaries Ordinance – Assistant Public Defenders"

Ordinance Number 219, 2008, "2009 Appointed Official's Salary Ordinance – Director of Administration"

Ordinance Number 220, 2008, "2009 Appointed Official's Salary Ordinance – Director of Finance"

Ordinance Number 221, 2008, "2009 Appointed Official's Salary Ordinance – Director of Personnel"

Ordinance Number 222, 2008, "2009 Appointed Official's Salary Ordinance – County Clerk"

Ordinance Number 223, 2008, "2009 General Fund Budget Revised Expenditures and Change in Position for Human Relations Commission"

Ordinance Number 224, 2008, "2009 Non-Bargaining Employees Pay Plan"

Mr. Giles explained the next few items on the agenda are resolutions which require only one reading and a vote is taken.

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Lease Agrmt for
Ofc Space for
MDJ Southwick

Mr. Smith gave a reading of Resolution Number 88, 2008, "Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Magisterial District Judge Carol Southwick with James W. Shreve and Linda M. Shreve for Property Located at 132 North Main Street, Union City, Pennsylvania." Mr. Mitchell moved to adopt; Mr. Fatica seconded.

Mr. Giles explained this resolution is a change in a lease for a district judge in Union City with the support of the Council Member from that district. This is an issue with handicapped accessibility in the current office; a new office was needed that would provide that type of accessibility. Mr. Giles called for a vote on the resolution, and it carried in a unanimous roll call vote.

In Sprt of Agrmt
Btwn Erie Cnty &
Tyler-Tech.

Mr. Smith gave a reading of Resolution Number 89, 2008, "In Support of the 16 Month Agreement between Erie County and Tyler Technologies for Market Modeling Support Services." Mr. Leone moved to adopt; Mr. Mitchell seconded.

Mr. Foust moved to amend the resolution to add an additional paragraph as follows:

"BE IT FURTHER RESOLVED that Article III, Section 1D1 of the Erie County Purchasing Code is hereby waived."

Mr. Giles asked whether the title page needed an amendment as well, and Mr. Foust replied Council Solicitor indicated that was not necessary.

Mr. Fatica seconded the motion to amend, and it carried in a unanimous roll call vote.

Mr. Giles called for a vote on Resolution Number 89, 2008, as amended, and it carried in a unanimous roll call vote.

In Sprt. of New
Open Rcrds. Policy

Mr. Smith gave a reading of Resolution Number 90, 2008, "In Support of the New Open Records Policy for Erie County." Mr. Cleaver moved to adopt; Mr. Leone seconded.

Mr. Giles explained the Open Records Policy reflected in this resolution is in partnership with a new state law expanding the ability of citizens to access records at any level of government in a more open format and easier fashion. This is simply to assure that Erie County is reflecting the change in the state law which becomes effective January 1, 2009. He then called for a vote on the resolution, and it carried in a unanimous roll call vote.

Tax Expt Note –
Lakeshore Comm.
Svcs, Inc. Prjct

Mr. Smith gave a reading of Resolution Number 91, 2008, "Erie County General Authority \$1,500,000.00 Tax Exempt Note – Lakeshore Community Services, Inc. Project." Mr. Cleaver moved to adopt; Mr. Leone seconded.

Mr. Giles explained this resolution and the next are loans and the county serves as an umbrella to create the cheapest rate so a nonprofit agency, in this case Lakeshore, can borrow at a low rate. Erie County is simply a pass through. There is an authority, and Council is simply ratifying the actions of that authority. He called for a vote on the resolution, and it carried in a unanimous roll call vote.

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Tax Expt Note –
Stairways Behavioral
Health, Inc. Prjct.

Mr. Smith gave a reading of Resolution Number 92, 2008, “Erie County General Authority \$4,390,000.00 Tax Exempt Note – Stairways Behavioral Health, Inc. Project.” Mr. Cleaver moved to adopt; Mr. Leone seconded.

Mr. Giles explained this resolution is the same type of situation as the previous resolution. The county is simply a conduit for providing a low interest scenario for a loan for these types of agencies, usually for capital projects. Mr. Giles called for a vote on the resolution, and it carried in a unanimous roll call vote.

KOZ in
Millcreek

Mr. Smith gave a reading of Resolution Number 93, 2008, “That the Northwest Pennsylvania Regional Planning and Development Commission is Designated as the Agency to Submit a Request to the Pennsylvania Department of Economic and Community Development (DCED) for an Expansion of a Certain Erie-City Keystone Opportunity Zone as Relates to Certain Parcels that are Presently Designated as Keystone Opportunity Expansion Zones (KOEZ) in Millcreek, Erie County, Pennsylvania.” Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a unanimous roll call vote.

KOZ in Erie

Mr. Smith gave a reading of Resolution Number 94, 2008, “A Resolution Authorizing Real Property, Earned Income Tax, Net Profits, Mercantile and Business Privilege Taxes Within a Specific Geographic Area in the City of Erie, Erie County, Designated as a Proposed Keystone Opportunity Expansion Zone (KOEZ) in Order to Foster Economic Opportunities, Stimulate Industrial, Commercial, and Residential Improvements and Prevent Physical and Infrastructure Deterioration Within Areas of the City of Erie, Erie County, Commonwealth of Pennsylvania, Upon Certain Terms and Conditions.” Mr. Leone moved to adopt; Mr. Cleaver seconded.

Mr. Giles explained this is a state program which allows local jurisdictions to carve out some land for the sake of business development. The incentive is complete freedom of tax. The county is the last to deal with this issue since the School District and the municipalities have already given their approval. He called for a vote on the resolution, and it carried in a unanimous roll call vote.

Sale of Parcel
Approved

Mr. Leone moved to approve the Sale of Parcel from Repository at Index Number: 29-016-064.2-003.93. Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Thank you

Mr. Giles thanked Chestnut Hill Boy Scout Troop 182 for being present at the meeting this evening. Members of Council would be glad to answer any questions afterward.

Adjournment

There being no further business, the meeting adjourned at 8:09 p.m.

Ann M. Bruno, Council Secretary
