

April 20, 2010

Minutes of Apr. 6, 2010 Reg. Mtg. Apprvd. Creation of New Line Items for Unbudgeted OT in Lib adopted; Gen. Fund SA for Transfer to Lib. failed. Library SA for 2009 Donation from Friends of Lib. adopted; PH SA Creation of New Line Items for Lead Grant adopted; PH SA for AIDS Grant adopted; Comp. Revision & Re-enact. Of Adm. Code adopted; PH Revised Expend. Creation of Pt Time Pension Eligible Line Item in Comm. Health Svcs adopted; PH Rev. Expend. Creation of Pt Time Pension Eligible Lien Item in Immun. Grant adopted. First Rdgs. Gen Fund SA Creation of New Line Items for PLCB Grant in DA Ofc; Gen Fund SA Creation of New Line Item for PCCD Grant in PD Ofc; Gen Fund SA Creation of New Line Item for PCCD Grant for Sheriff Gun Permit System; Gen. Fund SA for 2009 GASB 45 Rprt. Dontai Johnson appt'd to Erie Cnty Redev. Auth.

ERIE COUNTY COUNCIL – Regular Meeting

Dr. Foust, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.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: Dr. Foust, Chairman
Mr. Leone, Vice Chairman
Mr. Beeman
Mr. Cleaver
Mr. Fatica
Mrs. Loll

Members Absent: Mr. Giles

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
James Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of
The Public

Michael Michaelson, Millcreek Township, approached Council to speak about health care once again. He stated there are too many holes in the health care plan passed by the Federal Government. Each state has the right to create a way to fill in these holes. He believes Pennsylvania must fill them in with single payer. This would save money. Mr. Michaelson asked Council to bring up a resolution and either vote up or down. He also stated that he was present at the Erie Together meeting which addressed poverty in Erie County. This is not just a city issue. Four members of City Council were also present, but no members of County Council. As a county resident, he is disappointed. Poverty is in all areas of the county, and he would appreciate Council Members' attendance at these meetings.

Dr. Foust acknowledged the presence of students from Gannon University.

Minutes

Mr. Leone moved to approve the minutes of the April 6, 2010 Regular Meeting; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Finance
Committee

Mr. Fatica reported the Finance Committee met on Thursday, April 15, 2010 and agreed to move Ordinances 42, 43, 44, 46, 47, and 48 to second readings and to place Ordinances 56, 57, 58, and 59 on the agenda for first readings. Also on the agenda is the possible appointment of Dontai Johnson to the Erie County Redevelopment Authority.

Dr. Foust noted a detailed discussion was held regarding 9-1-1 issues was also held at that meeting, and Mr. Grossman met with Council before tonight's meeting to clarify some of those issues. Another meeting will be held on Friday at 10:00 a.m. at the County Executive's Office to further address the EMS choice issue, and hopefully, a well reasoned solution will be achieved quite quickly.

Personnel
Committee

Mrs. Loll reported the Personnel Committee met following the Finance Committee, and agreed to place on the agenda Ordinances 49 and 50 for second readings. Both ordinances deal with Public Health and Safety.

Mr. Fatica's
Report

Mr. Fatica stated that, according to the Kimball Report, the 9-1-1 Call Center does not have a Standard Operating Guidelines Booklet. Mr. Fatica wished to make it known that the Call Center does have such a guide, and he held up the guide. According to Mr. Love, this guide is constantly being updated. The Center also has an EMS and Fire Radio Procedures Booklet, as well as a Law Enforcement Radio Procedures Booklet. Mr. Fatica pointed out that these booklets are quite extensive and very thorough.

Mr. Cleaver's
Report

Mr. Cleaver reported that, as liaison to the Erie County Gaming Revenue Authority, he submitted a letter to Council Secretary for inclusion in the minutes regarding the reason for the rejection of 17 applications. A letter was sent to every applicant outlining the reason for the rejection.

Mr. Cleaver's
Report

April 13, 2010

Whitey Cleaver, Erie County Council
Erie County Courthouse
Room 116
140 West 6th Street
Erie, PA 16501

Dear Councilman Cleaver:

The Erie County Gaming Revenue Authority (ECGRA) has completed its review of seventeen 2009 Municipal Gaming Revenue Applications and has voted to deny funding to all seventeen based on one or more of the following reasons as stated in the application requirements for funding:

1. Improper due diligence letter.
From page 12 of 2009 grant application part C:
"Due Diligence letter should be prepared by independent third party professional having expertise in the area or field being addressed by the project. Letter should indicate extent to which the preparer has evaluated the project proposal, should identify any pertinent materials reviewed and should address project objective, need, relationship to operations of licensed facility and reasonableness under circumstances."
2. Failure to show "extent to which the project demonstrates **a real and substantial association** with the operation of the casino" (page 5 of 2009 grant application D.6)

In addition to the seventeen applications having one or both major deficiencies noted above most were lacking detailed, verifiable and quantifiable data and information to back up their claims that their grant request was needed as a direct result of the impact of Presque Isle Downs and Casino on their community.

In each official letter being sent to the applicant denying funding it is explained why the grant has been denied as well as recommendations for improvements ECGRA suggests they make should they wish to apply again in the future for this or any other project.

With the denial of the seventeen municipal applications the Erie County Gaming Revenue Authority also respectfully requests that the 2009 restricted grant funds now be transferred to ECGRA account to become uncommitted funds. A sub-committee of the ECGRA board is currently working on a framework and process for distribution of uncommitted gaming funds which will be complete in the next couple of months.

Should you or any member of County Council have any specific questions about any of the seventeen applications or the process used to evaluate each application by the Authority please do not hesitate to contact me.

Best regards,

/s/ Thomas W. Kidd
Executive Director

Mr. Leone's
Report

Mr. Leone reported on several issues that the County Governance Committee of the County Commissioners Association of Pennsylvania has endorsed. One of these issues is the 9-1-1 issue. The County Governance Committee at the November 2009 meeting considered the seriousness of working towards a common goal for all counties where 9-1-1 is concerned. They are seeking passage of legislation for House Bill 1789 and a rewrite of Public Safety and Emergency Telephone Act, called Act 78, with consideration for increasing the standardizing of rates. Mr. Leone explained that the purpose is to eventually fully fund 9-1-1.

Mr. Leone's
Report

Mr. Leone referred to the March 26, 2010 edition of the *Legislative Bulletin*:

911 STATUTE UNDER REVIEW – The Association presented testimony on March 24 at a joint hearing of the Senate Veterans Affairs and Emergency Preparedness Committee and the Senate Communications and Technology Committee on operational funding, and administrative issues of the Public Safety Emergency Telephone Act (Act 78), the statute that is the backbone of the 911 system. Improvement of the 911 system is a county priority for 2010.

In its testimony, CCAP expressed counties' pride in providing 911 call-taking and dispatch, and equal pride in bringing 911 to the Commonwealth's citizens. Setting perspective for the discussion, the testimony noted that 911 was virtually non-existent in the state until counties sought passage of Act 78, moving responsibility for 911 from the municipal to the county level.

The testimony called for a full rewrite of Act 78, noting that a series of amendments incorporating wireless and VoIP technologies have added different planning, operations and funding mechanisms, creating a disjointed and inefficient administrative system. Also at issue is the adequacy of the fee structure, based on subscriber surcharges limited to about \$1 a month. A joint study sponsored by PEMA, CCAP, and emergency management groups found that the structure, little changed since 1990, funds less than half of the costs of 911 services.

The testimony also expressed support for HB 1789, legislation to clarify collection of the subscriber surcharge on prepaid wireless. That bill passed the House on March 8 and is now in the Senate.

Mr. Leone noted that another issue discussed at the County Governance Committee meeting was providing alternatives to current newspaper advertising requirements, including alternative publications and internet publications. Needless to say, the legislators have caved in to these issues and the newspapers have prevailed to a certain extent. Mr. Leone pointed out that, obviously, the newspapers in the state are very powerful and legislators are not going to step on their toes.

Increasing the county bidding code from \$10,000 to \$25,000 with the approval of the commissioners or county council was also discussed.

The Committee also brought up no fault absentee ballots. Mr. Leone stated this is something he has been trying to fight for a long period of time. A voter must have a reason to apply for an absentee ballot, and Mr. Leone does not believe this is valid. If a voter would like an absentee ballot, they should not need an excuse to get one; they should just be given an absentee ballot. Mr. Leone expressed his hope that legislators will do something to pass this particular piece of legislation.

Lastly, and one of the most important issues, involves providing counties with defined contributions and other alternatives for pension plans. Act 205 provides for continuous smoothing with counties to be able to use 130% instead of 120%. Mr. Leone stated that he opposes this due to the fact that this would reduce the ARC which is the Actuarial Required Contribution. This simply delays payments

for future legislators to have to vote on, and Mr. Leone feels that is wrong. If there are any changes to the retirement system, Mr. Leone believes it should come because of the deferred compensation program.

Mr. Leone explained the present status of the retirement system in Erie County. The county has paid \$1 million per year for the early retirement cost which was \$5 million, and last year that obligation was completed. The ARC was \$6 plus million in last year's budget; this year the ARC is estimated at \$4.9 million. The cost for a retiree's benefits has always been tracked in the budget. The cost for all employees hired prior to 1992 is going to be \$1.8 plus million. This is now written in actuarial results by the actuary. GASB 45 requires that these funds be tracked. Mr. Leone stated this is called the OPEB meaning the costs presented are those for the medical benefits for employees that are retired or going to retire for those employed prior to 1992. The actual participant cost is approximately \$33 million and the actuarial accrued liability is about \$25 million. Mr. Leone admitted this can be confusing, but in total, the expected net employer contribution for the fiscal year of 2010 is \$1,818,144. If that figure is added to the \$4.9 million, that is a total of approximately \$6.7 million that the county contributes to the retirement system throughout the year. Mr. Leone noted that the GASB 45 has come about because of certified public accountants.

Mr. Leone further reported that there is a move in the state to go to a deferred compensation program. Hopefully, this will be the salvation, and the end, for many of these retirement programs.

Mr. Fatica's Comments

Mr. Fatica expressed his appreciation for Mr. Leone's report and for Mr. Leone's participation on the County Governance Committee. He is disappointed to hear that members of the State Legislature voted again not to do what so many of the young people in the audience consider a part of their lives – electronics. This means that the state decided to continue advertising in the printed media. Mr. Smith, County Clerk, performed a survey which revealed that approximately \$500,000 is spent per year advertising in the printed media because that is what the law states. Erie County has the means to advertise via their website. Mr. Fatica noted that this is \$500,000 that could be put into the retirement fund. Pressure needs to come from the constituents to get this changed and move into the 21st century. Businesses advertise on the internet. Mr. Fatica thanked Mr. Leone for enlightening him on this issue. He expressed his extreme disappointment, but stated he will not give up the fight on this issue.

Mr. Beeman pointed out that everyone should keep in mind how much money the state legislators receive from the newspapers.

Dr. Foust acknowledged students from the Benjamin Wiley Charter School in the audience.

Dr. Foust explained to the audience that as Council moves through the agenda, ordinances listed under Unfinished Business are second readings. These are issues that have already been before Council prior to this meeting, and will be voted on tonight. New Business involves new ordinances for consideration and will be read in title only. Ordinances need to be read publicly twice. Appointments to various boards are voted on at the first meeting in which they are introduced. Although no resolutions appear on tonight's agenda, those are normally read and then voted on without the requirement for a second reading.

Creation of New Line Items For Unbudgeted OT in Library

Mr. Smith gave a second reading of Ordinance Number 42, 2010, "First 2010 Library Fund Budget Supplemental Appropriation And Creation Of New Line Items For Unbudgeted Overtime In The Library." Mr. Cleaver moved to adopt; Mr. Leone seconded.

Creation of New
Line Items For
Unbudgeted
OT in Library

Mr. Fatica moved to amend the ordinance as follows:

ORDINANCE NUMBER 42, 2010

~~First 2010 Library Fund Budget Supplemental Appropriation~~
2010 Library Fund Budget Revised Expenditures
~~And Creation Of New Line Items For Unbudgeted Overtime In The Library~~
And The Creation Of New Line Items

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1), 3B (2)(b)(f), and ~~Article VIII, Section 8 of the Erie County Home Rule Charter, and certified by the County Executive,~~ that ~~this~~ **these** 2010 Library Fund Budget ~~supplemental appropriation in the amount of \$1000~~ **revised expenditures** and the creation of new line items, for unbudgeted overtime in the library, is hereby approved as outlined on the attached Exhibit A.

This ordinance shall be effective immediately upon adoption.

The exhibit is also amended to reflect the line items. Mr. Leone seconded the motion to amend. Dr. Foust explained that this ordinance allows overtime line items to be added in the event they are needed in the future since they were not a part of last year's budget. He called for a vote on the motion to amend, and it carried in a unanimous roll call vote.

Dr. Foust called for a vote on Ordinance Number 42, 2010, as amended, and it carried in a unanimous roll call vote.

Dr. Foust explained that Council has decided not to move forward with Ordinance Number 43, 2010, but the ordinance must be formally dealt with in some manner.

Gen Fund SA
For Transfer
To Lib. Fund

Mr. Smith gave a second reading of Ordinance Number 43, 2010, "Sixteenth 2010 General Fund Budget Supplemental Appropriation For Transfer To The Library Fund." There being no motion to adopt or seconded, the ordinance failed.

Lib. Fund SA
2009 Donation
From Friends
Of Library

Mr. Smith gave a second reading of Ordinance Number 44, 2010, "Second 2010 Library Fund Budget Supplemental Appropriation for 2009 Donation From Friends Of The Library." Mr. Leone moved to adopt; Mr. Fatica seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Creation of
Line Item
For Lead
Grant

Mr. Smith gave a second reading of Ordinance Number 46, 2010, "Second 2010 Public Health Fund Budget Supplemental Appropriation And Creation Of A New Line Item For The Lead Grant." Mrs. Loll moved to adopt; Mr. Cleaver seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

PH SA for
AIDS Grant

Mr. Smith gave a second reading of Ordinance Number 47, 2010, "Third 2010 Public Health Fund Budget Supplemental Appropriation For The AIDS Grant." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Comp. Revision
& Ren-act of
Admin. Code

Mr. Smith gave a second reading of Ordinance Number 48, 2010, "Comprehensive Revision And Re-enactment Of The Administrative Code." Mrs. Loll moved to adopt; Mr. Leone seconded.

Dr. Foust noted that this particular ordinance has been on hold for a couple years due to legal issues Council wanted to resolve before adoption.

Mr. Leone moved to amend the Administrative Code ordinance according to the changes detailed on the exhibit provided to the County Clerk which includes general information regarding Erie County Care Management Board taken from their By-Laws. The exhibit also includes changes to the MH/MR Board and Drug and Alcohol Board relating to the advice and consent function of County Council and the selection process for these boards. Mr. Fatica seconded the motion to amend, and it carried in a unanimous roll call vote.

Dr. Foust further noted that a big step taken with this revision provides that if Councilpersons are away due to an emergency or vacation, they can participate electronically and have their vote count. He believes there was a legal argument made before, but this now clarifies that issue. This is a step forward in recognizing today's technology.

Dr. Foust called for a vote on the ordinance, as amended, and it carried in unanimous roll call vote.

Creation of Pt Time
Pension Elig. Line
Item Comm. Health
Svcs.

Mr. Smith gave a second reading of Ordinance Number 49, 2010, "2010 Public Health Fund Budget Revised Expenditures, Creation Of A Part Time Pension Eligible Line Item In Community Health Services." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 5-1, Mr. Beeman voting no.

Congratulations to
Mrs. Loll

Dr. Foust wished to extend congratulations to Mrs. Loll, who chaired the Administrative Code Committee, and stated that Council looks forward to her service next year.

Creation of Pt. Time
Pension Elig. Line
Item in Immun. Grant

Mr. Smith gave a second reading of Ordinance Number 50, 2010, "2010 Public Health Fund Budget Revised Expenditures, Creation Of A Part Time Pension Eligible Line Item In The Immunization Grant." Mrs. Loll moved to adopt; Mr. Leone seconded, and it carried in a unanimous roll call vote.

First Readings

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 56, 2010, "Eighteenth 2010 General Fund Budget Supplemental Appropriation And Creation Of New Line Items For PLCB Grant In District Attorney's Office"

Ordinance Number 57, 2010, "Nineteenth 2010 General Fund Budget Supplemental Appropriation And Creation Of A New Line Item For PCCD Grant In Public Defender Department"

First Rdgs Ordinance Number 58, 2010, "Twentieth 2010 General Fund Budget Supplemental Appropriation And Creation Of A New Line Item For PCCD Grant For Sheriff Gun Permit System"

Ordinance Number 59, 2010, "Twenty-First 2010 General Fund Budget Supplemental Appropriation For 2009 GASB 45 Report Showing Actuarial Post Employee Benefits"

Dontai Johnson
Appt'd to
Redev. Auth.

Mr. Leone moved to appoint Dontai Johnson to the Redevelopment Authority; Mr. Cleaver seconded, and it carried in a unanimous roll call vote.

Dr. Foust addressed members of the audience noting that they may not have seen long discussions on the issues before Council. He explained that county government is much different than municipal, state, or federal government. In many ways, county government is an arm of the state and carries out the state's mandates, which reduces the amount of debate held.

Adjournment There being no further business, the meeting adjourned at 7:31 p.m.

Ann M. Bruno, Council Secretary
