

Buffalo Fiscal Stability Authority

Resolution No. 03-70

HIRING FREEZE ORDERED ON CITY OF BUFFALO

WHEREAS, Chapter 122 of the laws of 2003 requires the City of Buffalo to submit a four-year financial plan to the Buffalo Fiscal Stability Authority (“BFSA”) on September 1, 2003, and

WHEREAS, the City of Buffalo submitted a Four-Year Financial Plan (“Buffalo Plan”) dated September 1, 2003 on September 2, 2003 to the BFSA, and

WHEREAS, the City of Buffalo submitted its second Revised Financial Plan on October 16, 2003, and

WHEREAS, on October 21, 2003 the BFSA approved the Revised Plan and determined that it was complete and complied with the standards set forth in Sections 3857 and 3838 of the BFSA Act, and

WHEREAS, on November 10, 2003 the City of Buffalo submitted its first quarterly expenditure, revenue and cash flow projection entitled First Quarter Gap Sheets, November 10, 2003 (“First Quarter Report”) as required by Section 3857 of the Act.

WHEREAS, at a regular meeting of the BFSA held on November 18, 2003 City of Buffalo Commissioner of Administration and Finance advised the BFSA that the City had a negative variance of over two million dollars at the end of the first quarter.

WHEREAS, Commissioner Milroy further advised the BFSA that it was necessary for the City to take certain budget actions, including a hiring freeze to attempt to bring the budget into balance.

WHEREAS, the BFSA was not satisfied with the accuracy and completeness of the First Quarter Report dated November 10, 2002, and

WHEREAS, on November 18, 2003 the BFSA rejected the First Quarter Report for failure to comply with the requirements of the Act, and

WHEREAS, on December 1, 2003 the City of Buffalo submitted a Revised First Quarterly expenditure, revenue and cash flow projection entitled First Quarter Gap Sheets, December 1, 2003 (“Revised First Quarter Report”).

WHEREAS, the Revised First Quarter Report shows a negative variance of \$2.013 million dollars for the operations of the City of Buffalo

WHEREAS, Section 3858(2)(C) authorizes the BFSA during a control period to impose a hiring freeze upon a finding by the BFSA that a hiring freeze is essential to the maintenance of a financial plan and

WHEREAS, Section 3858(2)(O) further provides that the BFSA may, to the extent it deems it necessary or desirable in order to accomplish the purposes of the Act including but not limited to the timely and satisfactory implementation of an approved financial plan, issue an order to the appropriate City official. Such order shall be binding upon the official to whom it is issued and

NOW, THEREFORE BE IT RESOLVED, that the BFSA finds that, the immediate imposition of a hiring freeze upon the City of Buffalo is essential to the maintenance of the City of Buffalo Revised Financial Plan and is necessary to accomplish the purposes of the Act and to insure the timely and satisfactory implementation of the Revised Financial Plan.

BE IT ORDERED that the Mayor of the City of Buffalo shall immediately impose a hiring freeze on all positions in the City of Buffalo.

BE IT FURTHER ORDERED that the Mayor may request that the hiring freeze be waived and a position may be filled on a case-by-case basis. In order to fill a position during the hiring freeze the Mayor must certify that the immediate filling of a position is necessary to protect the health or safety of the City of Buffalo, is required to comply with the City Charter, will prevent the use of excessive overtime by City employees or will produce revenue in excess of the costs of filling the position. The Chair of the BFSA may approve the filling of one or more positions if he is satisfied that it is necessary and appropriate based upon a review of all the circumstances.

BE IT FURTHER ORDERED that the Mayor shall officially notify all Commissioners, Department Heads and any other employee of the City of Buffalo who has the authority to hire, that this ORDER imposing a hiring freeze has been issued by the BFSA and is in full force and effect.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary