

Buffalo Fiscal Stability Authority

Resolution No. 04-05

WAIVER OF HIRING FREEZE ORDERED ON CITY OF BUFFALO, AUTHORIZING
TEN POSITIONS FOR THE COMMON COUNCIL

WHEREAS, Chapter 122 of the laws of 2003 authorizes the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization;

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

WHEREAS, on December 15, 2003 the BFSA found that, the immediate imposition of a hiring freeze upon the City of Buffalo was essential to the maintenance of the City of Buffalo Revised Financial Plan and was necessary to accomplish the purposes of the Act and to insure the timely and satisfactory implementation of the Revised Financial Plan.

WHEREAS, on December 15, 2003 the BFSA approved, Resolution 03-70, ordering a hiring freeze on the City of Buffalo with certain exemptions, and

WHEREAS, the 2003 election produced a number of changes in the make up of the Buffalo Common Council, and

WHEREAS, the 2003-04 budget of the Buffalo Common Council has been reduced by approximately eighteen percent compared to the prior fiscal year, and by thirty percent in as projected budget year 2004-05, and

WHEREAS, on January 5, 2003 President Franczyk of the City of Buffalo Common Council submitted a letter to the BFSA requesting six waivers from the BFSA’s hiring freeze, in accordance with the exemption criteria imposed and established by Resolution 03-70 in order to provide staff to the incoming Council members. These staff positions are to replace in kind staff of outgoing Council members, and

WHEREAS, on January 13, 2003 President Franczyk of the City of Buffalo Common Council submitted a letter to the BFSA requesting four waivers from the BFSA’s hiring freeze, in accordance with the exemption criteria imposed and established by Resolution 03-70 to provide upgrades for certain staff positions on the Council central staff to improve the ability of the Common Council to properly carry out its budget and other duties, that will be paid for by savings from budgets under the control of the Common Council, and

NOW, THEREFORE BE IT RESOLVED, the BFSA authorizes the filing of six vacancies on the staff assigned to individual council members, and ,

NOW, THEREFORE BE IT FURTHER RESOLVED, that the BFSA Chairman of the BFSA is authorized to permit the Buffalo Common Council to fill four positions on the Council central staff if he finds that there are sufficient savings contained in the Council's plan to fully pay for these positions.

This resolution shall take effect immediately.

Approved January 21, 2004

/S/ Richard Tobe
Secretary