

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 04 -34

WAIVER OF HIRING FREEZE ORDERED ON CITY OF BUFFALO, AUTHORIZING FIVE POSITIONS FOR THE DEPARTMENT OF AUDIT & CONTROL

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; and

WHEREAS, Section 3858(2)(C) of the Public Authorities Law authorizes the BFSA to impose a hiring freeze during a control period 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) of the Public Authorities Law further provides that the BFSA may, to the extent it deems necessary or desirable in order to accomplish the purposes of the BFSA Act, including but not limited to the timely and satisfactory implementation of an approved financial plan, issue a binding order to the appropriate City official; 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 BFSA Act and to insure the timely and satisfactory implementation of the Revised Financial Plan; and

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, for consideration at the April 21, 2004 BFSA meeting, the City Comptroller has submitted requests to waive the BFSA hiring freeze for five (5) positions, in accordance with the exemption criteria imposed and established by Resolution 03-70; and

WHEREAS, the request is to fill the following positions:

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|----|-----------------|--|---------------------|
| 1. | Audit & Control | Deputy Comptroller | \$73,208 |
| 2. | Audit & Control | Investment and Debt Management Officer | \$73,208 |
| 3. | Audit & Control | Special Assistant to the Comptroller | \$52,020 |
| 4. | Audit & Control | Principal Auditor | \$47,655 - \$56,164 |
| 5. | Audit & Control | Senior Auditor | \$37,852 - \$42,836 |

WHEREAS, there is a concern that these positions should be filled by qualified, financial professionals; and

WHEREAS, the Buffalo Fiscal Stability Authority recognizes that without the approval of these waiver requests, the City would otherwise incur larger than anticipated overtime costs and/or a loss of revenues to the City; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Buffalo Fiscal Stability Authority hereby finds that the Comptroller's requests to waive the hiring freeze with regard to five (5) positions complies with the exemption criteria contained in Resolution 03-70, determines that they are in the best interests of the City, and does hereby authorize the five (5) waiver requests; and

BE IT FINALLY RESOLVED, that the authorization is subject to the receipt and review by the Buffalo Fiscal Stability Authority of the resumes of the individuals intended to fill these positions prior to their hiring.

This Resolution shall take effect immediately.

Approved April 21, 2004

/S/ Richard Tobe
Secretary