

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 04 - 76

AFFIRM WAIVER OF HIRING FREEZE ORDERED ON CITY OF BUFFALO,
AUTHORIZING EIGHTEEN POSITIONS FOR CITY GOVERNMENT

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 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, on occasion, there may be times when the approval of a hiring freeze waiver request may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, though Resolution No. 03-78 provides a process for emergency approval by BFSA Staff, which must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, City officials have submitted hiring freeze waiver requests for emergency approval at the July 21, 2004 BFSA meeting, and have indicated that there are sufficient funds available for the positions;

WHEREAS, the request is to fill the following positions:

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|--------------------|------------------------------|----------|
| 1. Law | Asst. Corporation Counsel II | \$57,245 |
| 2. Law | Asst. Corporation Counsel I | \$45,757 |
| 3. Law | Intern V (Law Clerk) | \$14,320 |
| 4. Human Resources | Secretary to Commissioner | \$29,138 |

- 5. Public Works, Parks & Streets Bridge Operating Engineers (2) (seasonal)
\$10.25 per hour
- 6. Common Council Interns (12) (various classes) \$5.15-\$10.00 per hour

NOW THEREFORE BE IT RESOLVED, that 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

BE IT FURTHER RESOLVED, that the Buffalo Fiscal Stability Authority hereby finds that the Mayor's requests to waive the hiring freeze with regard to eighteen (18) 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 eighteen (18) waiver requests.

This Resolution shall take effect immediately.

Approved July 21, 2004

/S/ Richard Tobe
Secretary