

Memorandum

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ERIE COUNTY LEGISLATURE

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TO: Hon. Joel A. Giambra, Erie County Executive
Hon. Members of the Erie County Legislature

FROM: James F. Doherty, 2004 Citizen Salary Review Commission Chairman

RE: 2004 Citizen Salary Review Commission Final Report

DATE: March 5, 2004

Enclosed for your review is the final report of the 2004 Citizen Salary Review Commission. I encourage the County Legislature to act promptly on our recommendations regarding the increase in salaries for the Erie County Executive, Clerk, Comptroller, Sheriff, as well as the Members of the Erie County Legislature.

Should your Honorable body have appropriate legal questions in connection with the implementation of raises for the above-mentioned, please feel free to contact Frederick A. Wolf, Erie County Attorney, at (716) 858-2201 for assistance.

It has been a pleasure for the Commission to be of service to the County of Erie.

JFD

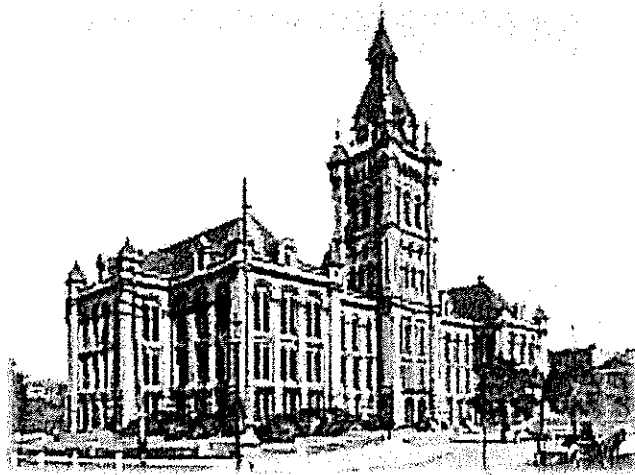
Enclosures

cc: Frederick A. Wolf, Erie County Attorney
Thomas P DeMartino, Esq., Sr. Executive Assistant to Erie County Executive

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ERIE COUNTY

2004 Citizen Salary Review Commission



FINAL REPORT

March 5, 2004

I. Purpose and Charge of the Citizens Salary Review Commission

The Erie County Citizens Salary Review Commission was formed under Section 1650 of the Erie County Charter. Prior to the current Commission, it has not convened since 1996.

It is the purpose of this Commission to review the salaries of all elected officials in the County of Erie, other than the District Attorney, whose current salary the New York State Judiciary Law prescribes at \$136,700.

This commission has been charged with the responsibility of recommending to the Erie County Legislature salaries that are fair and equitable, not only for the present, but also for future elected officials in Erie County.

The current salaries, set under the 1996 Erie County Citizens Salary Review Commission and approved by the Erie County Legislature, now under review are as follows:

County Executive	\$103,428
County Clerk	79,092
Comptroller	80,615
Sheriff	79,092
County Legislature Chairman	52,580
Majority and Minority Leader	47,588
County Legislators	42,588

II. History

This Commission met on four occasions during January and twice in February of 2004.

The Commission reviewed:

1. The duties and responsibilities of each office.
2. The salaries of executive, legislative, and administrative positions in the County.

3. The salaries of not-for-profit organizations in our geographic region, as well as those salaries paid at local colleges, universities and school systems.
4. The salaries of various department heads and staff.
5. The County collective bargaining agreements.
6. The salaries of elected officials in other Counties of commensurate size and population, both in New York State and in other states in the Country.

III. Current Commission Membership

The present Commission Members were appointed in January of 2004 for a period of three years. Pursuant to the Erie County Charter, six of the members were appointed by the County Executive, two members were appointed by the Erie County Legislature Majority, and one member was appointed by the Erie County Legislature Minority.

County Executive Appointments

Mr. James F. Doherty, Chairman
45 Anderson Road
Cheektowaga, NY 14225

Ms. Jennifer J. Parker
P.O. Box 234
Buffalo, NY 14209

Ms. Elinore Mundy
P.O. Box 128
Glenwood, NY 14069

Mr. Peter Zaleski
246 Ruskin Road
Buffalo, NY 14226

Mr. Stuart H. Angert
6400 Main Street
Williamsville, NY 14221

Mr. Albert Michaels
925 Delaware Avenue
Buffalo, NY 14209

Majority Legislature Appointments:

Mr. Thomas F. Higgins
187 Cumberland Avenue
Buffalo, NY 14220

Mr. John M. Hannon
190 Northledge Drive
Amherst, NY 14226

Minority Legislature Appointments:

Mr. Herbert Bellamy, Jr.
46 McCarthy Drive
Buffalo, NY 14211

IV. Considerations

The Commission has considered the following:

1. The intervening time since the prior salary increases. With the exception of the District Attorney's salary, over the last fourteen years, one salary increase was instituted, that having been acted upon in 1996.
2. The salaries of the department heads and personnel reporting to these elected officials.
3. The market-based salary levels required to ensure that the County can attract and encourage highly qualified and competent individuals to serve in elected positions.

V. Recommendations

1. We recommend that the salaries of elected officials be reviewed on an annual basis, unrelated to any increase in real property tax. We recommend that Charter Sections 202.3 (e), 202.3 (f) and 1650 be amended.
2. We recommend that, under no circumstances, shall the salaries of heads of the County department, administrative unit, or branch be a lesser amount than that of a subordinate in said department, administrative unit or branch.
3. We recommend that the County Executive be the highest remunerated elected official in the County of Erie.
4. We recommend that the salaries of the County Executive, Comptroller, Sheriff and County Clerk be linked to the salary of the Erie County District Attorney who is currently the highest remunerated elected County official.
5. We recommend that the salaries be commensurate with both the position and the responsibility, so that we create parity.

VI. The Commission Proposes:

- 1. The County Executive earn 102% of the Erie County District Attorney's salary.**
- 2. The Comptroller earn 82% of the County Executive's salary.**
- 3. The Sheriff earn 82% of the County Executive's salary.**
- 4. The Clerk earn 82% of the County Executive's salary.**
- 5. The members of the Erie County Legislature shall be given a raise of \$10,000.**
- 6. The Majority and Minority Leaders of the Erie County Legislature earn \$5,000 more than regular members of the Legislature.**
- 7. The Chairperson of the Erie County Legislature earn \$10,000 more than regular members of the Legislature.**
- 8. These salary increases be retroactive to January 1, 2004 or increased for the remainder of 2004 to generate a 2004 salary equivalent to the salary levels suggested above.**
- 9. The County Attorney author the proposed legislation that reflects the above recommendation to be forwarded to the Erie County Executive and the Erie County Legislature.**
- 10. The Erie County Attorney has advised us that notwithstanding the fact that the salary increases which were proposed by the 1996 Citizen Salary Review Commission were thereafter enacted by a resolution of the Erie County Legislature that current statutes and opinions of the New York Attorney General make it clear that increases in the salary of elected officials between terms and budget years must generally be enacted by a local law subject to permissive referendum.**
- 11. Regardless of whether or not any salary increases are approved of by the Erie County Legislature, the Committee strongly recommends that the process**

described in the Erie County Charter for the Citizens Salary Review Commission to recommend and for the Erie County Legislature to approve of salary increases for elected County officials be amended immediately by a local law, which we are advised is not subject to a permissive or mandatory referendum, so as to require Erie County Salary Review Commission to meet annually and to delete from the County's current Charter the limitation contained in Section 202.3 of the Charter against pay raises for elected officials during any calendar year in which a tax increase takes place. A copy of a proposed local law to achieve this recommendation, which the Commission had prepared by the Erie County Attorney's Office, is attached hereto as Exhibit A.

Enclosures

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EXHIBIT _____

(This Local Law is NOT subject to a permissive referendum)

COUNTY OF ERIE

LOCAL LAW INTRO. NO. ____-2004

LOCAL LAW NO. ____ - 2004

A LOCAL LAW, amending Local Law No. 6-1986 which amended Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to establishing an annual review by the Citizens Salary Review Commission of the salaries of elected county officials, excluding the district attorney, and amending the procedure for increasing the salaries of county elected officials, excluding the district attorney.¹

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Subsection (a) of Section 202.3 of the Erie County Charter, added by Local Law No. 6-1986, is hereby amended to read as follows:

a. Prior to acting upon the citizens salary review commission's [biennial] annual report, the county legislature shall hold at least one public hearing to solicit public input on said commission's recommendations.

Section 2. Subsection (e) of Section 202.3 of the Erie County Charter, added by Local Law No. 6-1986 and amended by Local Law No. 1-1992, is hereby further amended to read as follows:

e. The county legislature shall specifically establish the effective date of any

¹Pursuant to Section 204 of the Erie County Charter, existing matters to be eliminated are enclosed in brackets and new matters to be added are underscored.

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adjustments in the salaries of elected county officials, which adjustments may be implemented between county budget years. [No increase in the salary of any elected official shall be permitted for any fiscal year in which there is an increase in the real property tax levy over the tax levy of the previous fiscal year.]

Section 3. Subsection (f) of Section 202.3 of the Erie County Charter, added by Local Law No. 6-1986 and amended by Local Law No. 1-1988, is hereby further amended to read as follows:

f. The county legislature's review of salaries as set forth above shall occur [during every even year starting with nineteen hundred eighty-six] annually.

Section 4. Section 1650 of the Erie County Charter, added by Local Law No. 6-1986, is hereby amended to read as follows:

Section 1650. Duties of commission. Beginning on July first, nineteen hundred eighty-six, the commission shall review the salaries of all elected officials of the county of Erie, except for the district attorney, and report its recommendations to the county executive and the county legislature by September first of that year. The committee shall provide ample opportunity for public input prior to making its recommendations to the county executive and county legislature. Such a review of salaries set as forth above shall occur [during every even year starting with nineteen hundred eighty-six] annually. The commission may recommend that adjustments to salaries be implemented between county budget years.

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Section 5. This Local Law shall take effect immediately upon filing with the New York Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\\Homer\ML\Legislature - draft local law - recommend charter - salary - local law.wpd

The following is a comparison of wage increases for union employees and elected officials since the last time salary commission met in 1996.

If an employee was hired in 1996 in each of the following Unions these are the raises that they would have received.

Annual wage increases are the percentages negotiated for that particular year. Step increases are contractual obligations that vary by bargaining unit and title. Step increases range from 4.75% to 6.25% so an average of 5.5% is used.

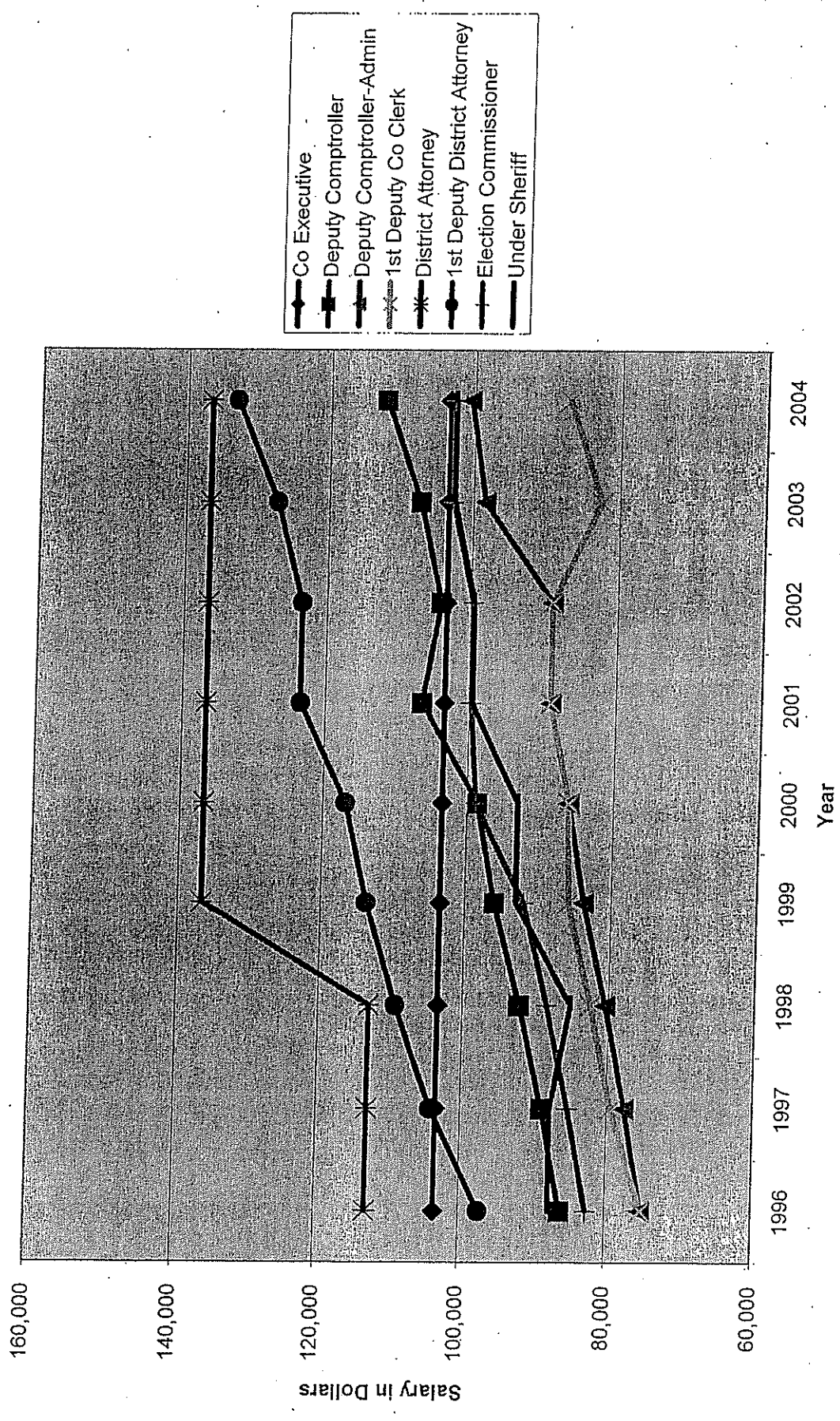
CSEA	Annual	Step Increase	
1996	2.00%	5.50%	7.50%
1997	3.30%	5.50%	8.80%
1998	3.70%	5.50%	9.20%
1999	4.00%	5.50%	9.50%
2000	2.75%	5.50%	8.25%
2001	3.25%		3.25%
2002	3.00%		3.00%
2003	3.00%		3.00%
2004	0.00%	2.50%	2.50%
Total			55.00%
AFSCME	Annual	Step Increase	
1996	0.00%	5.50%	5.50%
1997	4.00%	5.50%	9.50%
1998	4.00%	5.50%	9.50%
1999	4.00%	5.50%	9.50%
2000	2.75%	5.50%	8.25%
2001	3.25%		3.25%
2002	3.00%		3.00%
2003	3.00%		3.00%
2004	0.00%	2.50%	2.50%
Total			54.00%
Teamsters	Annual	Step Increase	
1996	2.00%	5.50%	7.50%
1997	3.00%	5.50%	8.50%
1998	4.00%	5.50%	9.50%
1999	4.00%	5.50%	9.50%
2000	2.75%	5.50%	8.25%
2001	3.25%		3.25%
2002	3.00%		3.00%
2003	3.00%		3.00%
2004	0.00%	2.50%	2.50%
Total			55.00%

NYSNA	Annual	Step Increase	
1996	4.50%	5.50%	10.00%
1997	0.00%	5.50%	5.50%
1998	2.00%	5.50%	7.50%
1999	2.50%	5.50%	8.00%
2000	2.50%	5.50%	8.00%
2001	2.50%		2.50%
2002	3.00%		3.00%
2003	2.00%		2.00%
2004	0.00%	2.50%	2.50%
Total			49.00%

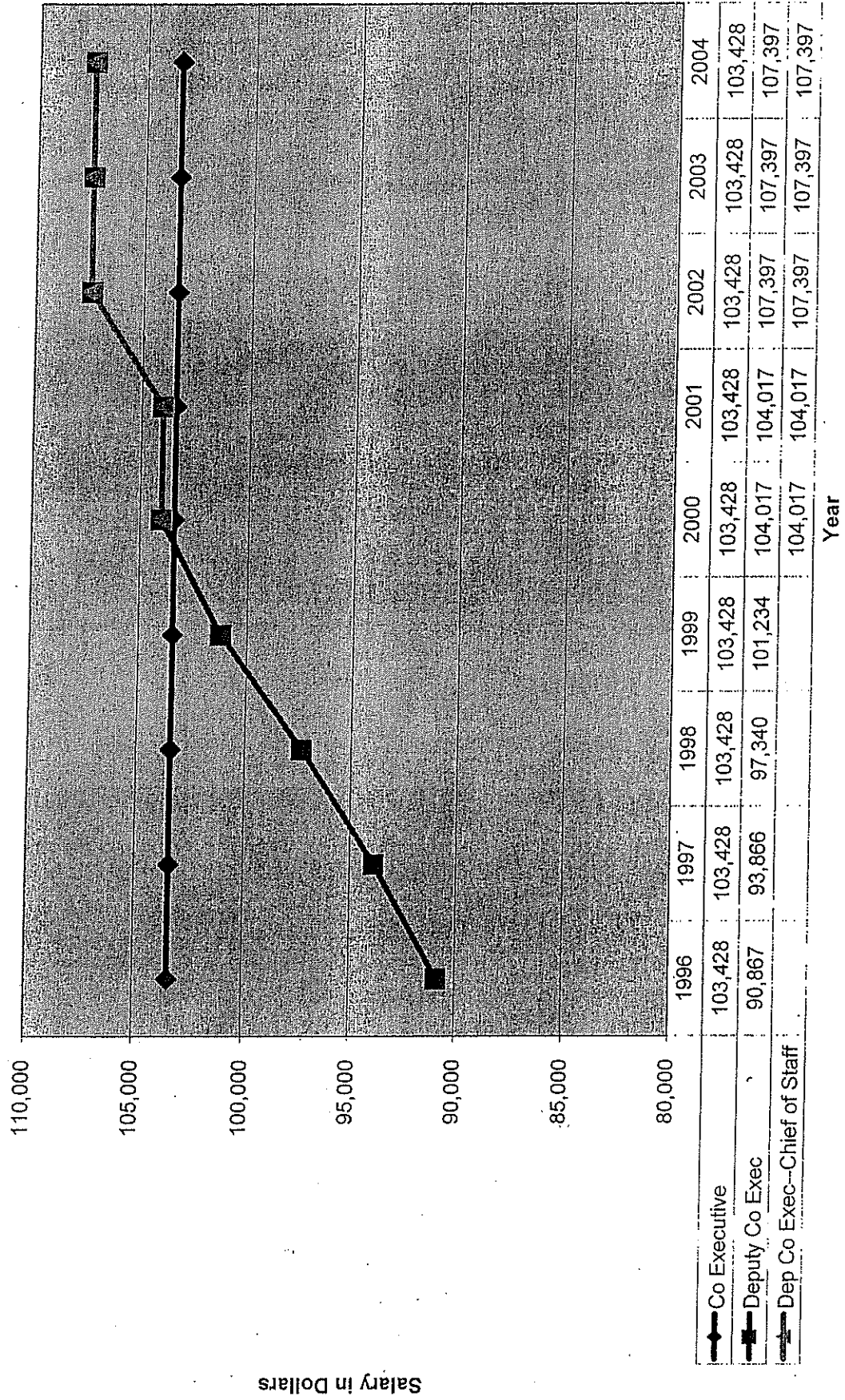
Department	Position	JG	1996	1997	1998	1999	2000	2001	2002	2003	2004
<u>Legislature</u>	Chairman	0	52,588	52,588	52,588	52,588	52,588	52,588	52,588	52,588	52,588
			Increment	-	-	-	-	-	-	-	-
	Majority Leader	0	47,588	47,588	47,588	47,588	47,588	47,588	47,588	47,588	47,588
			Increment	-	-	-	-	-	-	-	-
	Minority Leader	0	47,588	47,588	47,588	47,588	47,588	47,588	47,588	47,588	47,588
			Increment	-	-	-	-	-	-	-	-
	Legislator	0	42,588	42,588	42,588	42,588	42,588	42,588	42,588	42,588	42,588
			Increment	-	-	-	-	-	-	-	-
<u>Executive</u>	Co Executive	0	103,428	103,428	103,428	103,428	103,428	103,428	103,428	103,428	103,428
			Increment	-	-	-	-	-	-	-	-
	Deputy Co Exec	0	90,867	93,866	97,340	101,234	104,017	104,017	107,397	107,397	107,397
			Increment	-	-	-	-	-	-	-	-
<u>Comptroller</u>	Dep Co Exec--Chief of Staff	0	-	-	-	-	104,017	104,017	107,397	107,397	107,397
			Increment	-	-	-	-	-	-	-	-
	Comptroller	0	68,900	68,900	80,615	80,615	80,615	80,615	80,615	80,615	80,615
			Increment	-	-	-	-	-	-	-	-
	Deputy Comptroller	18	85,072	88,930	92,221	95,909	98,546	104,162	104,162	107,286	109,766
			Increment	1,017	-	-	-	2,407	-	-	2,480
	Deputy Comptroller-Admin	17	73,273	77,611	80,484	83,703	86,006	88,801	88,801	98,247	100,506
			Increment	1,868	-	-	-	-	-	-	-
<u>County Clerk</u>	County Clerk	0	79,092	79,092	79,092	79,092	79,092	79,092	79,092	79,092	79,092
			Increment	-	-	-	-	-	-	-	-
	1st Deputy Co Clerk	17	75,132	79,527	82,470	85,769	86,006	88,801	88,801	82,416	86,936
			Increment	-	-	-	-	-	-	-	-

Department	Position	JG	1996	1997	1998	1999	2000	2001	2002	2003	2004
District Attorney	District Attorney	0	113,000	113,000	113,000	136,700	136,700	136,700	136,700	136,700	136,700
	Increment		-	-	-	-	-	-	-	-	-
	1st Deputy District Attorney	20	97,259	104,210	109,364	113,739	116,867	123,529	123,529	127,236	130,185
	Increment										2,949
Board of Elections	Commissioner	17	82,559	85,284	88,440	91,978	96,633	99,773	99,773	102,767	102,767
	Increment		-	-	-	-	2,126	-	-	-	-
	Commissioner	17	82,559	85,284	88,440	91,978	96,633	99,773	99,773	102,767	102,767
	Increment		-	-	-	-	2,126	-	-	-	-
Sheriff	Sheriff	0	79,092	79,092	79,092	79,092	79,092	79,092	79,092	79,092	79,092
	Increment		-	-	-	-	-	-	-	-	-
	Under Sheriff	17	87,672	87,672	83,010	90,760	92,976	99,599	99,599	102,588	102,588
	Increment				2,129	2,216					
Summary	Salaries		1,308,257	1,336,248	1,367,348	1,424,349	1,550,980	1,581,751	1,588,511	1,607,380	1,619,588
	Increments		2,875	-	2,129	2,216	4,252	2,407	-	-	5,429
	Totals		1,311,132	1,336,248	1,369,477	1,426,565	1,555,232	1,584,158	1,588,511	1,607,380	1,625,017
Sources: Erie County Adopted Budgets and											
Department of Personnel											
Under Sheriff per Personnel											
Does not include Assistant Deputies.											

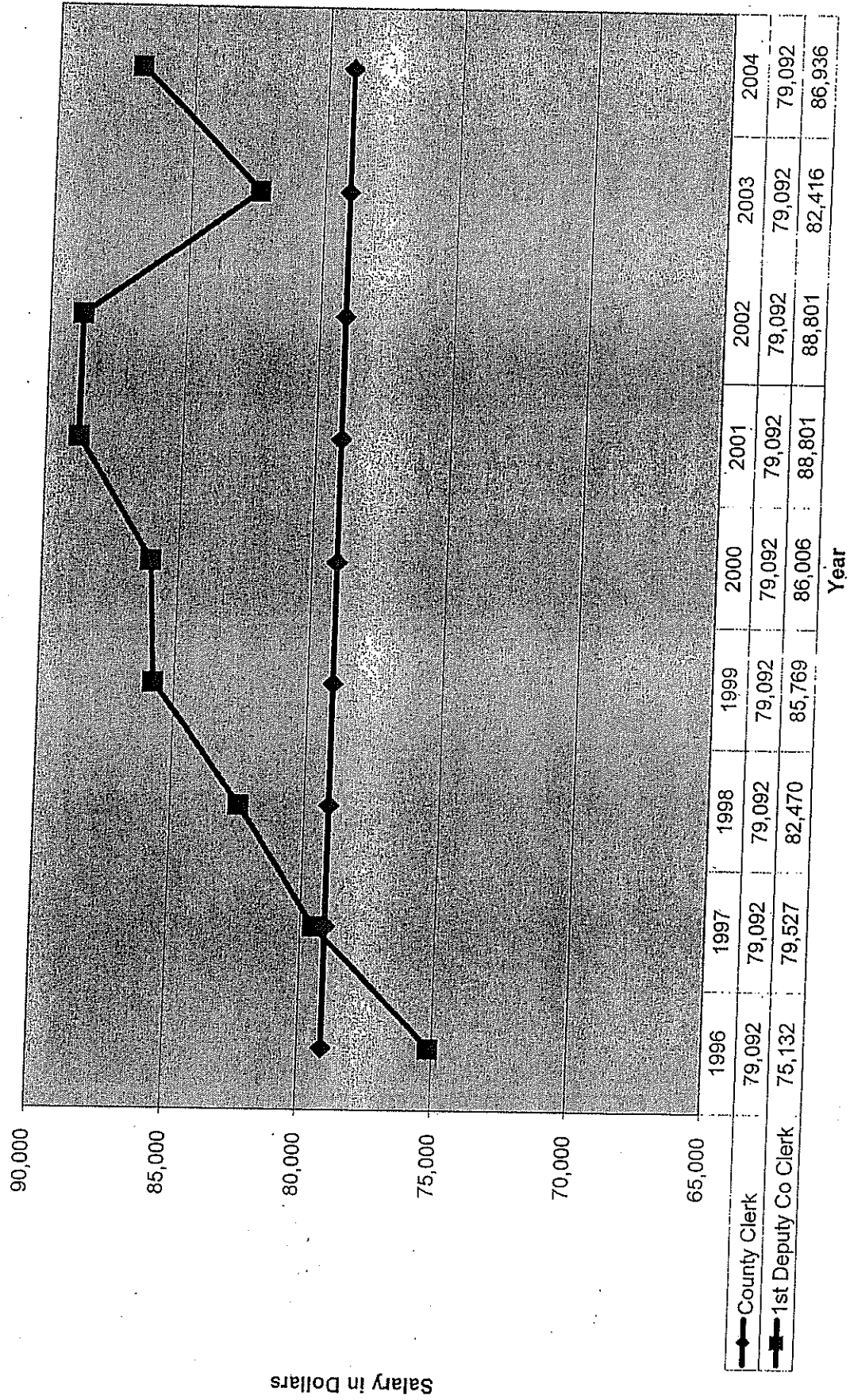
Salary Comparison



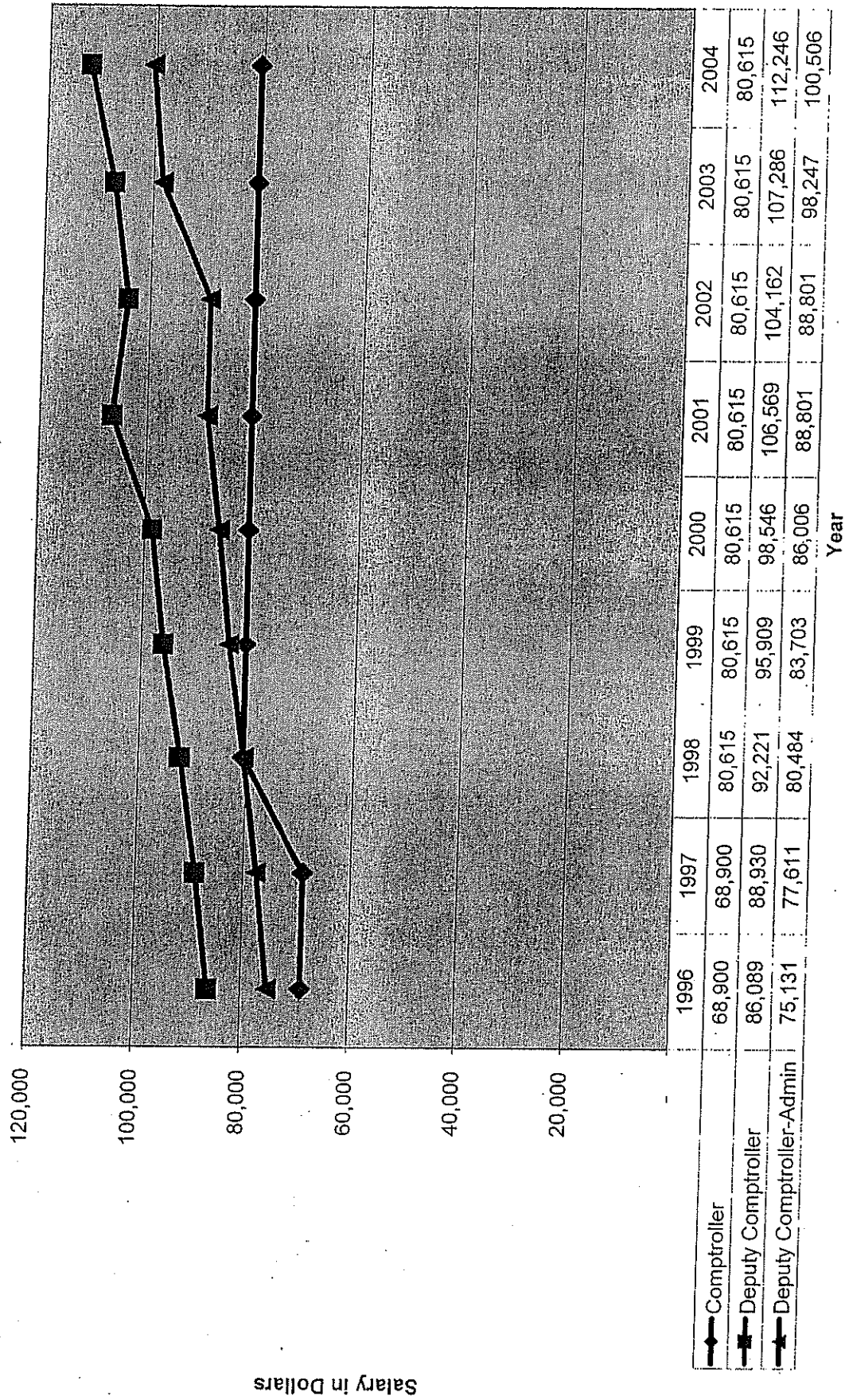
Executive Salaries



County Clerk Salaries



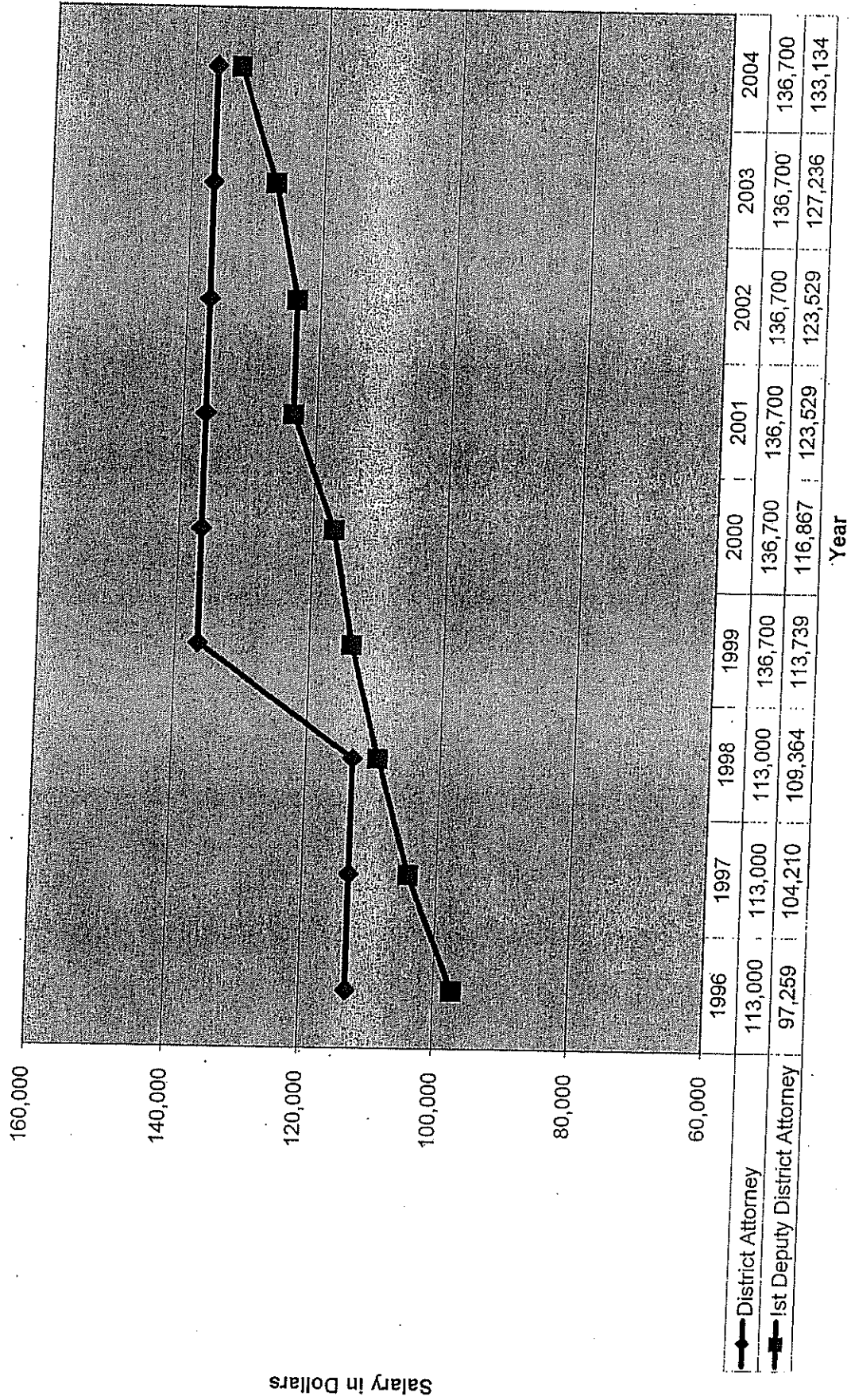
Comptroller Salaries



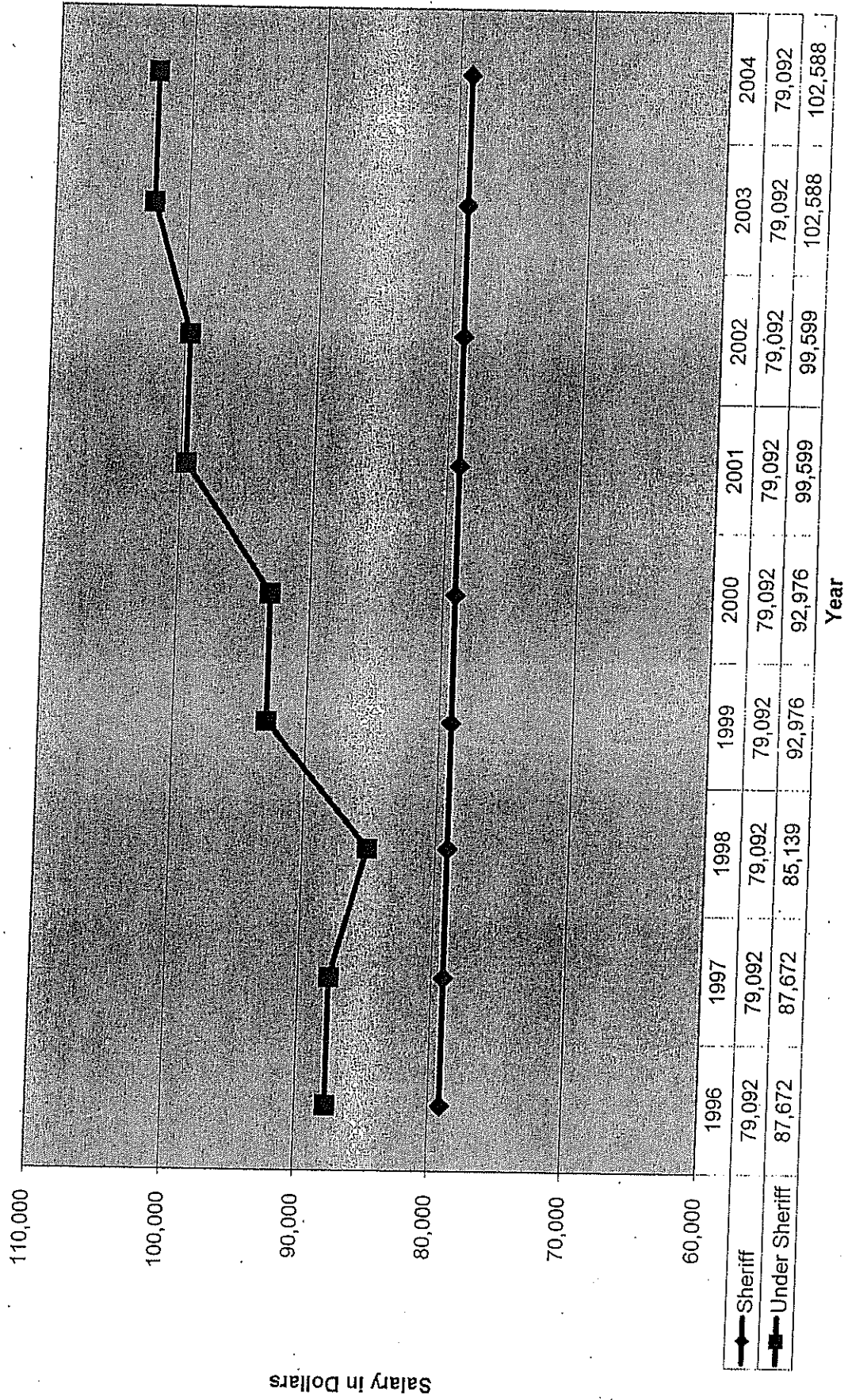
Salary in Dollars

Year

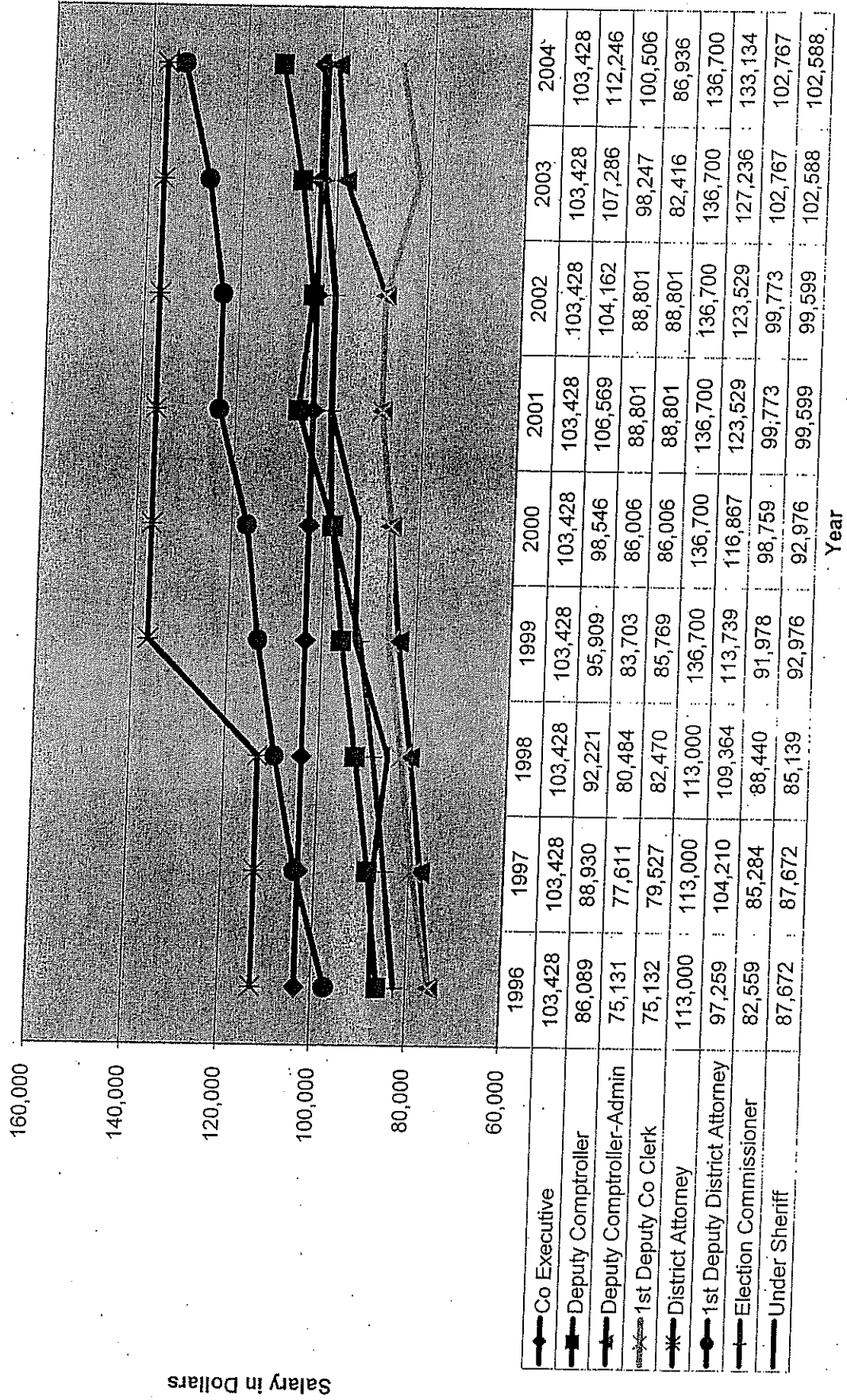
District Attorney Salaries



Sheriff Salaries



Salary Comparison



Salary Comparison

