

**ITEM 16 - AUTHORIZATION TO AMEND ITEM #21 OF THE MEETING HELD ON  
DECEMBER 30, 1991 ESTABLISHING A WORK DAY FOR THE  
COMMISSIONERS OF THE ERIE COUNTY WATER AUTHORITY**

Motion by Mr. Warthling seconded by Mrs. Vacco

**WHEREAS**, Heretofore on the 30<sup>th</sup> day of December, 1991, the Erie County Water Authority (Authority) adopted a resolution establishing a work day for the Commissioners of the Erie County Water Authority; and

**WHEREAS**, The State of New York has amended Title 2 NYCRR, Chapter VI, by adding a new Section 315.4, entitled "*Additional reporting requirements for elected or appointed officials of a participating employer*". The amendment is as follows:

Section 315.4 (a) requires an elected or appointed official record his or her work activities for a period of three consecutive months. Such record shall be maintained unless the elected or appointed official participates in the daily time recording process or does not participate in the New York State Retirement System. Such record of activities shall be submitted within 150 days of taking office. An elected or appointed official that has prepared a record of activities pursuant to this subdivision for a previous term may certify in writing to the governing board within 180 of taking office that his or her duties, responsibilities and hours have not substantially or materially changed. Such record of work activities shall not be valid for more than eight years from the date the record was initially maintained. Each such record shall be maintained for a period of ten years by the Secretary to the Authority and provided to the State Comptroller upon his or her request.

Section 315.4 (b) requires the adoption of a "*Standard Work Day and Reporting Resolution*". The resolution shall establish (i) the number of hours prescribed as a standard work day for each such elective or appointed office or position; (ii) the expiration of the term for each such office or position; (iii) that the employer maintain an actual daily record of time worked for the elected or appointed official or that the official holding the office has recorded and submitted to the Clerk his or her work activities for a period of three consecutive months; and (iv) for each elected and appointed official who has submitted a record of work activities, the total number of days per month to be reported based upon such record of work activities.

Section 315.4 (c) requires that said resolution be posted on the Authority web site for a minimum of 30days and a certified copy of such resolution along with an affidavit of posting shall be filed with the State Comptroller within 45 days of adoption; and

**WHEREAS,** The Erie County Water Authority has complied with the State of New York's requirements with regard to the normal work day for Commissioners and will continue to Comply with the State of New York by constituting six hours as the normal work day for the following appointed officials in accordance with Title 2 NYCRR, Chapter VI, Section 315.4:

Member ECWA (Chairman)  
Member ECWA (Vice-Chairman)  
Member ECWA (Treasurer)

**NOW, THEREFORE, BE IT RESOLVED:**

That each such Member shall submit to the Secretary of the Authority within 150 days of taking office either a three month record of work activities, or the approved Erie County Water Authority Record of Work Activities Certification form (Attached hereto as Schedule "A"), and the Secretary is hereafter directed to maintain such submittals for the Board for not less than ten years all in accordance with Title 2 NYCRR, Chapter VI, Section 315.4; and be it further

**RESOLVED:** That the Secretary to the Authority is also directed to complete the approved Erie County Water Authority Standard Work Day Reporting Certification (Attached hereto as Exhibit "B"), submit said certification to the State Comptroller's Office along with a certified copy of this resolution within forty five days, to post same on the Erie County Water Authority's web site for not less than 30 days, and submit the approved affidavit of posting to the State Comptroller's Office (Attached hereto as Exhibit "C"), all in accordance with Title 2 NYCRR, Chapter VI, Section 315.4; and be it further

**RESOLVED:** That the Erie County Water Authority adopts this as the Standard Work Day and Reporting Resolution for the Members of the Erie County Water Authority.


Ayes: Three; Comm. Swiatek, Vacco and Warthling  
Noes: None



**ERIE COUNTY WATER AUTHORITY  
STANDARD WORK DAY REPORTING CERTIFICATION**

<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Term</b>	<b>Participates in Retirement System</b>	<b>Participates in Time Keeping System</b>	<b>Days/Month (based on Record of Activities)</b>
Member ECWA (Chairman)	Frank E. Swiatek	6hrs/1day	April 28, 2007 – April 27, 2010	No	No	0
Member ECWA (Vice-Chairman)	Kelly M. Vacco	6hrs/1day	April 28, 2008 – April 27, 2011	Yes	No	8.66
Member ECWA (Treasurer)	Francis G. Warthling	6hrs/1day	April 28, 2009 – April 27, 2012	Yes	No	8.66

I Matthew J. Baudo, Secretary to the Authority of the Erie County Water Authority, of the State of New York, do hereby certify that I have compared the foregoing with the resolution Item # 16 passed by such board, at a legally convened meeting held on the 30<sup>th</sup> day of April, 2010 on file as part of the minutes of such meeting, and that this certification is in accordance with such resolution.

  
Signature



SCHEDULE C

# Affidavit of Posting

Location Code: \_\_\_\_\_

Employer Name: \_\_\_\_\_

Affidavit attesting that the Standard Work Day and Reporting Resolution was posted and available to the public for a minimum of 30 days.

State of New York )

County of Erie )

\_\_\_\_\_ being duly sworn, deposes and says:  
(Name)

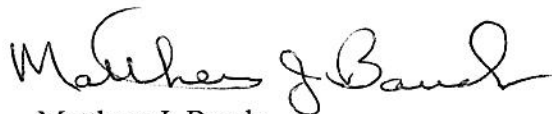
1. That (s) he is the \_\_\_\_\_ of the \_\_\_\_\_.  
(Title) (Employer)
2. That the posting of the Resolution began on \_\_\_\_\_ and continued for at least 30 days.
3. That the Resolution was posted and available to the public on the (please check one):  
\_\_\_\_ Employer's website at \_\_\_\_\_  
\_\_\_\_ Official sign board at \_\_\_\_\_  
\_\_\_\_ Main entrance to office of the clerk at \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature of clerk of governing body)

**CERTIFICATION**

**I, MATTHEW J. BAUDO**, the duly elected and qualified **SECRETARY TO THE AUTHORITY** to the **ERIE COUNTY WATER AUTHORITY**, a corporation existing under the Laws of the State of New York, do hereby certify that I have compared the annexed resolution which is an extract from the Minutes of the Meeting of the Authority held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 30<sup>th</sup> day of April, 2010 a quorum being present and that said resolution is a true and correct copy of the resolution so adopted and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of said corporation this 30<sup>th</sup> day of April, 2010.



Matthew J. Baudo  
Secretary to the Authority/  
Personnel Director

(SEAL)