

Buffalo Fiscal Stability Authority

Resolution No. 03-34

APPROVING MINUTES AND RESOLUTIONS FROM SEPTEMBER 10 AND  
SEPTEMBER 15, 2003

BE IT RESOLVED that, the Buffalo Fiscal Stability Authority approves the minutes of its meeting of September 10, 2003 and ratifies and affirms fifteen resolutions numbered 03-18 through 03-32 that were approved on September 10, 2003 and approves the minutes of its meeting of September 15, 2003 and ratifies and affirms one resolution numbered 03-33 that was approved at its meeting of September 15, 2003.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Approved October 7, 2003

## **Buffalo Fiscal Stability Authority**

### **Resolution No. 03-35**

#### **RESOLUTION AUTHORIZING THE AUTHORITY TO OFFER A HEALTH INSURANCE, DENTAL AND VISION BENEFITS PACKAGE AND DEFERED COMPENSATION PLAN FOR EMPLOYEES AND TO TAKE RELATED ACTION**

WHEREAS, the Buffalo Fiscal Stability Authority (the “BFSA”) was formed by Chapter 122 of the Laws of 2003 (“Chapter 122”) to (1) oversee the City of Buffalo’s budget, financial and capital plans, (2) issue bonds, notes or other obligations to achieve budgetary savings through debt restructuring, (3) finance short-term cash flow or capital needs and (4) if necessary, to develop financial plans on behalf of the City of Buffalo if it is unwilling or unable to take the required steps toward fiscal stability; and

WHEREAS, the BFSA is required by Chapter 122 to commence operations immediately,

WHEREAS, the BFSA requires professional staff to assist in performing its mission and it is necessary to offer such employees standard benefits comparable to those offered to state employees; and

WHEREAS, materials were presented to the BFSA regarding state sponsored health insurance, and a voluntary Deferred Compensation Plan now

THEREFORE BE IT RESOLVED: that the Directors of the Buffalo Fiscal Stability Authority

1. Elects to participate as a participating employer in the New York State Health Insurance Program;
2. Elects to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions and to offer the Plan on a voluntary basis to all eligible employees and authorizes the appropriate officials to enter into all agreements required or necessary for the adoption, implementation and maintenance of the Plan.

RESOLVED: that the effective date of such participation shall be July 15, 2003 or such later date or such later date as is appropriate for the employees of the Authority, is permitted by law, and is acceptable to the Executive Director of the Authority; and be it further

RESOLVED: the Chairman or his designee(s) are further authorized to take all actions deemed necessary or appropriate to implement the foregoing and to take related actions.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Approved October 7, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-36

APPROVING PROCUREMENT POLICIES FOR CERTAIN CONTRACT

WHEREAS, the Buffalo Fiscal Stability Authority (“BFSA”) was formed by Chapter 122 of the Laws of 2003 to “oversee the city’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings through debt restructuring; to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the city if the city is unwilling or unable to take the required steps toward fiscal stability and

WHEREAS, the BFSA will require professional assistance in performing its mission, and.

WHEREAS, the BFSA is a public authority of the state of New York and as such is governed by certain state laws that specify the method for the procurement of certain services, and

WHEREAS, in order to comply with state law it is necessary for the BFSA to adopt Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts.

NOW THEREFORE BE IT RESOLVED, that the BFSA adopts the Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts that is attached to this resolution.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Adopted October 7, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-36

APPROVING PROCUREMENT POLICIES FOR CERTAIN CONTRACT

WHEREAS, the Buffalo Fiscal Stability Authority (“BFSA”) was formed by Chapter 122 of the Laws of 2003 to “oversee the city’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings through debt restructuring; to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the city if the city is unwilling or unable to take the required steps toward fiscal stability and

WHEREAS, the BFSA will require professional assistance in performing its mission, and.

WHEREAS, the BFSA is a public authority of the state of New York and as such is governed by certain state laws that specify the method for the procurement of certain services, and

WHEREAS, in order to comply with state law it is necessary for the BFSA to adopt Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts.

NOW THEREFORE BE IT RESOLVED, that the BFSA adopts the Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts that is attached to this resolution.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Adopted October 7, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-37

AUTHORIZE CITY OF BUFFALO TO ENTER INTO FIVE CONTRACTS

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review or approve or disapprove contracts or other obligations binding or purporting to bind the City of Buffalo or any covered organization.

WHEREAS, Chapter 122 of the laws of 2003 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000.

WHEREAS, the various City officials have submitted five contracts and have signed the BFSA Remittance Approval Request Form (RARF") in which they indicate that there are sufficient funds available for such contracts.

WHEREAS, BFSA staff have reviewed such contracts and the RARF and recommend approval of said contracts,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorize the City to enter the five contracts listed below:

1. Weed Harvester, \$78,426.01
2. Purchase of 250 PCs \$274,250
3. Recycling Grant, \$343,700
4. Maintenance Contract \$ 120,000
5. Mobile Computers for police \$244,570.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-38

AUTHORIZE BUFFALO SCHOOL BOARD TO ENTER INTO NINE CONTRACTS

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review or approve or disapprove contracts or other obligations binding or purporting to bind the City of Buffalo or any covered organization.

WHEREAS, Chapter 122 of the laws of 2003 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization including the Buffalo School Board in excess of \$50,000.

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000.

WHEREAS, James M. Kane, Executive Assistant to the Superintendent submitted a letter dated September 25, 2003 in which he seeks approval of nine contracts.

WHEREAS, BFSA staff have reviewed such contracts and recommend approval of said contracts,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorize the City to enter the nine contracts listed on the letter of September 25, 2003 that is attached to this Resolution.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-39

AUTHORIZE CITY OF BUFFALO TO ENGAGE AUDITOR

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review or approve or disapprove contracts or other obligations binding or purporting to bind the City of Buffalo or any covered organization.

WHEREAS, Chapter 122 of the laws of 2003 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization including the Buffalo School Board in excess of \$50,000.

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000.

WHEREAS, Anne Forti-Sciarrino, City Accountant submitted a letter dated September 19, 2003 in which she seeks approval of a contract to engage Deloitte and Touche LLP to audit the financial statements of the City of Buffalo for the fiscal year ending June 30, 2003.

WHEREAS, Ms. Forti-Sciarrino has indicated that there are sufficient funds to cover the fees for this engagement.

WHEREAS, BFSA staff have reviewed such contracts and recommend approval of said contracts,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorize the City to enter the contract with Deloitte and Touche to provide audit services.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary



Buffalo Fiscal Stability Authority

Resolution No. 03-39

AUTHORIZE CITY OF BUFFALO TO ENGAGE AUDITOR

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review or approve or disapprove contracts or other obligations binding or purporting to bind the City of Buffalo or any covered organization.

WHEREAS, Chapter 122 of the laws of 2003 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization including the Buffalo School Board in excess of \$50,000.

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000.

WHEREAS, Anne Forti-Sciarrino, City Accountant submitted a letter dated September 19, 2003 in which she seeks approval of a contract to engage Deloitte and Touche LLP to audit the financial statements of the City of Buffalo for the fiscal year ending June 30, 2003.

WHEREAS, Ms. Forti-Sciarrino has indicated that there are sufficient funds to cover the fees for this engagement.

WHEREAS, BFSA staff have reviewed such contracts and recommend approval of said contracts,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorize the City to enter the contract with Deloitte and Touche to provide audit services.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-40

SETTLEMENT WITH AMANA CAPITAL

WHEREAS, the BFSFA may review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000; and

WHEREAS, Corporation Counsel by way of letters to the BFSFA, dated August 13, 2003 and September 15, 2003 (copies of which are attached) has asked the BFSFA to approve the settlement of the legal proceedings commenced against the Buffalo Water Board and the Buffalo Sewer Authority by Amana Capital Corporation (the "Amana Proceedings") and that such settlement is recommended by the Corporation Counsel; and

WHEREAS, the BFSFA's counsel has been advised by the Commissioner of Public Works of the City and the General Manager of the Buffalo Sewer Authority that sufficient funds for the settlement are contained in reserves in the respective budgets of the Buffalo Water Authority and the Buffalo Sewer Authority.

NOW THEREFORE BE IT RESOLVED, that the BFSFA hereby approves of the settlement of Amana Proceedings on the terms set forth in the attached letters.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-41

INTERVENTION IN LEGAL PROCEEDING WITH FIREFIGHTERS UNION

WHEREAS, the BFSFA Act grants the BFSFA the right to, among other things, sue and be sued, review and approve or disapprove of all collective bargaining agreements entered into by the City, review and approve or disapprove contracts or other obligations binding or purporting to bind the City and to review and approve or disapprove any claims against the City in excess of \$50,000; and

WHEREAS, the BFSFA has been notified of a legal proceeding (the "Action") brought by Joseph Foley, as President of the Buffalo Professional Firefighters Local 282 and Buffalo Professional Firefighters Association, Local 282 (the "Firefighters"), as Petitioners, against Anthony Masiello, as Mayor of the City of Buffalo, and Andrew Sanfillipo, as Comptroller of the City of Buffalo and the City of Buffalo, as Respondents, seeking to restrain the City from utilizing \$8.1 million of a certain \$20 million State Aid Package for any purpose other than funding reengineering agreements between the City of Buffalo and the Firefighters;

WHEREAS, if the Firefighters are granted the relief sought in the Action, the BFSFA's statutory authority will be impeded and its ability to carry out the objectives of the BFSFA Act will be impaired, it is in the best interest of the BFSFA and of the City of Buffalo for the BFSFA to intervene in the Action and to seek to have the relief sought by the Firefighters in the Action denied by the Court.

NOW THEREFORE BE IT RESOLVED, that the BFSFA bring an Order to Show Cause to intervene in the Action and to seek to have the relief sought by the Firefighters in the Action denied; and

BE IT FURTHER RESOLVED, that BFSFA's interim counsel and such other counsel as the BFSFA shall retain from time to time pursue appropriate legal proceedings to intervene in the Action and to otherwise seek to have the relief sought by the Petitioners in the Action denied; and

BE IT FURTHER RESOLVED, that the Chairman, Vice Chairman or Executive Director shall have such authority as shall be necessary or desirable in order to carry out and take such actions as shall be necessary to vigorously intervene in the Action and to have the relief sought by the Petitioners in the Action be denied and to make all decisions with respect to such intervention; and

BE IT FURTHER RESOLVED, that all actions previously taken by the BFSFA or its board members and officers with respect to the subject matter of this resolution be and hereby are ratified, approved and confirmed in all respects.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-42

CITY OF BUFFALO REVISED FOUR- YEAR FINANCIAL PLAN

WHEREAS, Chapter 122 of the laws of 2003 requires the City of Buffalo to submit a four-year financial plan that includes the City of Buffalo, the Buffalo Public Schools (“BPS”) and other covered organizations, to the Buffalo Fiscal Stability Authority (“BFSA”) on September 1, 2003, and

WHEREAS, the City of Buffalo submitted a Four-Year Financial Plan (“Buffalo Plan”) dated September 1, 2003 on September 2, 2003 to the BFSA, and

WHEREAS, the BFSA engaged the Institute for Local Governance and Regional Growth (“ILGRG”) to seek public input and comment relating to the City’s and/or any covered organization’s financial plan, and

WHEREAS, the ILGRG held an all-day public comment session on Saturday, September 6, 2003, and

WHEREAS, upon the request of BFSA, the City of Buffalo and Buffalo Public Schools made a presentation on the Four-Year Plan to the BFSA at a BFSA Board meeting on September 10, 2003 and responded to questions from BFSA Board members, and

WHEREAS, the ILGRG presented a report to the BFSA at a Board meeting on September 10, 2003 reporting on the public comments received in connection with the public comment session held on September 6, 2003, and

WHEREAS, on September 15, 2003 the BFSA, adopted Resolution 03-33 in which it:

1. Disapproved the City of Buffalo Four-Year Financial Plan dated September 1, 2003,
2. Returned the Buffalo Plan to the City of Buffalo with instructions that the City revise the Plan in accordance with the BFSA Report, and
3. Directed the City of Buffalo to submit a revised Four-Year Financial Plan no later than October 1, 2003, and

WHEREAS, on September 16, 2003 BFSA submitted its “Review of the Four-Year Financial Plan” (“BFSA Review”) to the City of Buffalo. The BFSA Review identified the reasons that prevented the BFSA from approving the Buffalo Plan including serious concerns with regard to provisions in the Plan developed by the City of Buffalo, the Buffalo Public Schools (“BPS”), the Buffalo Urban Renewal Agency (“BURA”) and the Buffalo Municipal Housing Authority (“BMHA”).

WHEREAS, on October 1, 2003 the City of Buffalo Submitted its “Revised Four-Year Financial Plan” (“Revised Buffalo Plan”), and

WHEREAS, staff from the BFSA, City of Buffalo, BPS, BURA and BMHA have repeatedly met to share information and exchange views regarding the Revised Buffalo Plan, and

WHEREAS, BFSA met on October 7, 2003, to review the Revised Buffalo Plan, and

WHEREAS, at the October 7, 2003 BFSA meeting presentations were made by the City of Buffalo, the Buffalo School Board, the Buffalo Urban Renewal Agency, the Buffalo Municipal Housing Authority and the Buffalo Comptroller, and

WHEREAS, BFSA determined that significant progress had been made by BPS, BURA and BMHA in their Plans and those portions of the Revised Buffalo Plan substantially comply with the BFSA statute, and

WHEREAS, the City of Buffalo has proposed significant cuts in employment levels, elimination of all pay raises except for those in approved contracts, more realistic revenue estimates and other budget balancing actions, and

WHEREAS, despite the gap closing efforts described in the City of Buffalo Revised Plan, such Plan as submitted is still not balanced in the current fiscal year (2003-2004) and there are serious concerns regarding budget gaps in future fiscal years, and

WHEREAS, the Mayor of the City of Buffalo announced at the BFSA meeting on October 7, 2003 that he would further amend the City of Buffalo Revised Plan to close the 2003-2004 gap with proceeds of a BFSA gap financing and would also address the future year gaps. The Mayor also stated he would submit a request for a Declaration of Need for approval of the Buffalo Common Council along with the Revised Buffalo Plan, as to be further amended, for its consideration and approval, and

WHEREAS, BFSA believes it is imperative for the Revised Buffalo Plan to be implemented as soon as possible to allow the City to begin to realize the savings that are proposed within it,

NOW THEREFORE BE IT RESOLVED THAT, BFSA tentatively approve the portions of the Revised Buffalo Plan relating to BPS, BURA and BMHA, and

BE IT FURTHER RESOLVED THAT, BFSA expresses a positive sense of progress on the portion of the Revised Buffalo Plan that relates to the City of Buffalo, particularly the 2003-04 portion. Future approval of the Revised Buffalo Plan is conditioned upon:

1. Further amending the City of Buffalo Revised Plan to bring the fiscal year 2003-2004 budget into balance consistent with the requirements of section 3857 of the Buffalo Fiscal Stability Authority Act ("Act"), including gap financing as required;
2. The Mayor of Buffalo indicating his intention to submit a declaration of need for financing of costs consistent with the

- adopted budget and financial plan after approval by the Buffalo Common Council, and that such declaration will be promptly submitted to permit the cash flow needs of the City to be met;
3. The Mayor of Buffalo submitting a certificate stating that the budget is consistent with the financial plan submitted therewith and that operation within the budget is feasible.
  4. The City of Buffalo closing the future year gaps of the Revised Buffalo Plan, with the addition of BFSAs gap financing, as may be desired and allowable pursuant to the provisions of section 3857 of the Act; and
  5. On or about October 15, 2003 the City of Buffalo submitting a new plan to the BFSAs for its final approval.

BE IT FURTHER RESOLVED THAT, information be provided to the Common Council of the City of Buffalo relating to BFSAs gap financing, which may be made available to the City in conjunction with an approved financial plan; and

BE IT FURTHER RESOLVED THAT, pursuant to the Act, such gap financing may not be made available to the City absent an approved financial plan, in which event BFSAs is required by the Act to impose a financial plan of its own formulation without the gap financing that would otherwise be available to the City.

BE IT FURTHER RESOLVED THAT, the City of Buffalo will present its further revised plan on or about October 15, 2003. BFSAs will schedule a Board meeting for either October 20, 2003 or October 21, 2003, at which time BFSAs will act to approve or disapprove the further revised Buffalo Financial Plan; if the BFSAs disapproves this further revised plan, it is required to give seven days notice of its intention to impose a financial plan on the City of Buffalo.

This resolution shall take effect immediately.

Approved October 7, 2003

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Richard Tobe  
Secretary

Date: \_\_\_\_\_

**Buffalo Fiscal Stability Authority**

**October 7, 2003**

**RESOLUTION NO. 03-43**

**Buffalo Fiscal Stability Authority Adoption of The State of New York Deferred  
Compensation Plan**

**AUTHORIZATION TO SET EMPLOYEE BENEFITS AND TO TAKE  
RELATED ACTIONS**

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**WHEREAS, the Buffalo Fiscal Stability Authority wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible employees; and**

**WHEREAS, the Buffalo Fiscal Stability Authority is a local public employer to adopt the Plan pursuant to Section 5 of the State Finance Law; and**

**WHEREAS, the Buffalo Fiscal Stability Authority has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and**

**WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Buffalo Fiscal Stability Authority by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;**

**NOW, THEREFORE, it is hereby:**

**RESOLVED, that the Buffalo Fiscal Stability Authority hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further**

**RESOLVED, that the appropriate officials of the Buffalo Fiscal Stability Authority are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further**

**RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the president of the State of New York Civil Service Commission.**

Adopted the   7th   day of   October   2003, at a meeting of the Buffalo Fiscal Stability Authority.

I hereby certify that the Buffalo Fiscal Stability Authority is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Witnesseth by:

Buffalo Fiscal Stability Authority  
By:

\_\_\_\_\_

\_\_\_\_\_

Consent of the Deferred  
Compensation Board of the  
State of New York to  
Local Public Employer's  
Participation

By: \_\_\_\_\_

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**Buffalo Fiscal Stability Authority**

**Resolution No. 03-44**

**RESOLUTION APPROVING PARTICIPATION IN THE NEW YORK STATE AND LOCAL EMPLOYEE'S RETIREMENT SYSTEM**

BE IT RESOLVED: that the Directors of the Buffalo Fiscal Stability Authority does hereby elect to provide the additional pension benefits of Section 41 (j) of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED: that the effective date of such shall be the 6<sup>th</sup> day of August, 2003.

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Richard Tobe  
Secretary

Approved October 7, 2003

**Buffalo Fiscal Stability Authority**

**Resolution No. 03-45**

**RESOLUTION APPROVING PARTICIPATION IN THE NEW YORK STATE AND LOCAL EMPLOYEE'S RETIREMENT SYSTEM**

BE IT RESOLVED: that the Directors of the Buffalo Fiscal Stability Authority does hereby elect to provided the additional pension benefits of Section 75-c; Section 75-e; Section 75-g and Section 75-i of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED: that the effective date of such shall be the 6<sup>th</sup> day of August, 2003.

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Richard Tobe  
Secretary

Approved October 7, 2003

**Buffalo Fiscal Stability Authority**

**Resolution No. 03-46**

**RESOLUTION APPROVING PARTICIPATION IN THE NEW YORK STATE AND LOCAL EMPLOYEE'S RETIREMENT SYSTEM**

BE IT RESOLVED: that the Directors of the Buffalo Fiscal Stability Authority does hereby elect to participate as an employer in the New York State and Local Employees Retirement System and approves inclusion of its officers and employees in such system, in accordance with any and all of the laws governing such participation as set forth in the Retirement and Social Security Law, as presently or hereafter amended, together with any administrative rule, regulation or directive governing same; and

BE IT FURTHER RESOLVED: that this election shall become effective on the 6<sup>th</sup> day of August, 2003.

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Richard Tobe  
Secretary

Approved October 7, 2003