

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