

Buffalo Fiscal Stability Authority

Resolution No. 03-47

APPROVAL OF CITY OF BUFFALO COMPLETED 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, and

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 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, at its meeting of October 7, 2003 the BFSA tentatively approved the portions of the Revised Buffalo Plan relating to BPS, BURA and BMHA, and 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. Final approval of the Revised Buffalo Plan was conditioned upon:

1. Further amendment to 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 submitting a declaration of need for financing of costs consistent with the adopted budget and financial plan after approval by the Buffalo Common Council;
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 BFSA gap financing, as may be desired and allowable pursuant to the provisions of section 3857 of the Act; and
5. No later than October 15, 2003 the City of Buffalo submitting a new plan to the BFSA for its final approval.

WHEREAS, the Mayor of the City of Buffalo sought and was granted a one day extension to submit a Completed Four Year Plan to October 16, 2003, and

WHEREAS, on October 16, 2003 a Completed Four Year Plan for the City of Buffalo was submitted that:

1. Made additional cuts totaling \$2.95 million, and contained a Resolution passed by the Common Council approving the additional cuts,
2. Made additional reductions and reorganized the Fire Department and contained a resolution passed by the Common Council approving such changes to the Fire Department including the closing of three fire companies,
3. Contained a Declaration of Need for a BFSA borrowing for \$7.811 million executed by the Mayor and approved by the Common Council.
4. Four years worth of PEG actions that conform to the minimum percentages set forth in the Statute, and
5. A Certificate from the Mayor that indicates that “the budget submitted with the Complete Plan is consistent with the City of Buffalo’s Revised Four Year Financial Plan and that the City of Buffalo operations within that budget are feasible as required by Section 3857(2)(a) of the Public Authorities Law.” and

WHEREAS, BFSA staff has reviewed the Completed Four Year Plan for the City of Buffalo dated October 16, 2003 and reported that it complies with the requirements of the Statute and recommends that the BFSA approve the plan,

NOW THEREFORE BE IT RESOLVED THAT, the BFSA determines is complete and complies with the standards set forth in Sections 3857 and 3838 of the Act.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Date: _____

Buffalo Fiscal Stability Authority

Resolution No. 03-48

APPROVAL OF MAYOR'S CERTIFICATION OF CONSISTENT BUDGET

WHEREAS, on October 16, 2003 the Mayor of the City of Buffalo submitted a Completed Four Year Plan ("the Plan"), and

WHEREAS, the Mayor submitted a Certificate of Consistent Budget ("Certificate") dated October 16, 2003 that indicates that the City budget "is consistent with the Plan and that the City of Buffalo operations within that budget are feasible as required by Section 3857(2)(a) of the Public Authorities Law", and

WHEREAS, on October 21, 2003, the BFSa approved the Plan.

NOW THEREFORE BE IT RESOLVED THAT, the BFSa approves and accepts the Certification of Consistent Budget dated October 16, 2003.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Date: _____

Buffalo Fiscal Stability Authority

Resolution No. 03-49

APPROVAL OF DECLARATION OF NEED

WHEREAS, on October 16, 2003 the Mayor of the City of Buffalo submitted a Completed Four Year Plan (“the Plan”), and

WHEREAS, the Mayor submitted a Declaration of Need dated October 16, 2003 in which the Mayor declares there is a need for financial assistance to meet the costs set in the Plan and requests that the BFSA borrow seven million, eight hundred eleven thousand dollars (\$7,811,000) and

WHEREAS, on October 16, 2003 the Buffalo Common Council passed a resolution to approve the Declaration of Need, and

WHEREAS, on October 21, 2003 the BFSA approved the Plan.

NOW THEREFORE BE IT RESOLVED THAT, the BFSA approves and accepts the Declaration of Need dated October 16, 2003.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Date: _____

Buffalo Fiscal Stability Authority

Resolution No. 03-50

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 13 contracts and grants 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 13 contracts listed below:

1.	Motor Vehicle Theft	\$ 126,819
2.	Governor Traffic Safety	\$ 20,429
3.	Law Enforcement Support	\$ 125,0000
4.	DOE/Drug Interdiction	\$ 130,325
5.	COPS Universal Hiring	\$5,449,216
6.	Stop/DWI	\$ 70,000
7.	JJDP Grant	\$ 106,000
8.	Interfund Load	\$ 17,000
9.	Operation Protect Kids	\$ 18,440
10.	LGRMIF Grant	\$ 50,000
11.	O & M Unified Courts	\$ 426,341
12.	Thomas Asphalt	\$ 127,538
13.	?	\$ 250,090

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-51

AUTHORIZE BUFFALO SCHOOL BOARD TO ENTER INTO SIX 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 October 15, 2003 in which he seeks approval of six 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 six contracts listed on the letter of October 15, 2003 listed below:

Title 1 Professional Development	\$693,119
Title 1 Parent Education/Involvement	\$ 77,135.92
Three Contracts-Supplemental Educ Services	Various
Contract Services-Teacher Certification	\$ 86,000
Buffalo Science Program	\$147,000
Path to Literacy and Numeracy	\$ 58,277

This resolution shall take effect immediately.

Approved October 7, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-52

ENGAGE UB INSTITUTE TO CONDUCT SALES TAX STUDY

WHEREAS, Chapter 122 of the laws of 2003 authorizes the Buffalo Fiscal Stability Authority (“BFSA”) to do all things necessary or convenient to carry out its purposes, and

WHEREAS, the Directors of the BFSA desire to have a study conducted that will fully describe the uses and extent of sharing of sales tax revenue by counties and cities in Buffalo and counties and cities comparable to Buffalo, and

WHEREAS, the Institute of Local Government and Regional Growth at the University of Buffalo is uniquely qualified to conduct such a study in the timeframe required.

NOW THEREFORE BE IT RESOLVED, that the BFSA engage the services of the Institute for Local Government and Regional Growth to conduct a study on the comparative uses and sharing of sales tax in Erie County and Buffalo compared to other major urban counties and cities in New York State. Such study to be completed on approximately November 1, 2003. The fee shall be determined by the Chair of the BFSA.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Date:_____

Buffalo Fiscal Stability Authority

Resolution No. 03-53

AUTHORIZE CITY OF BUFFALO TO ENTER INTO CONTRACT WITH AMERICAN WATER SERVICES

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 City Corporation Counsel Michael Risman submitted a contract for renewal between the Buffalo Water Board and American Water in which American Water will continue to provide management services to the Buffalo Water Board.

WHEREAS, Michael Risman has advised the BFSA and Charles Martorana, Esq. (Hiscock and Barclay) counsel to the Water Board advised BFSA counsel that the new contract is for a term of five years, but can be terminated on ninety days notice by either party.

WHEREAS, BFSA counsel and staff have reviewed such contract and recommend approval,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorizes the City to enter into a contract with American Water.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-54

SETTLEMENT OF CLAIM WITH PESH

WHEREAS Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review and approve or disapprove the terms of any proposed settlement of claims against the City of Buffalo in excess of \$50,000.

WHEREAS, the City of Buffalo has requested authority from the BFSA to settle a claim against the City commenced by the New York State Department of Labor Public Employee Safety and Health Agency for violations related to the Broadway Garage, and

WHEREAS, the claim, if settled will be for approximately one half of the value of the original claim, and

WHEREAS, funds are available in the City budget to settle the claim, and.

NOW THEREFORE BE IT RESOLVED that the BFSA authorize the City to settle the claim made by PESH for \$56,673.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe
Secretary

Date: _____

Buffalo Fiscal Stability Authority

Resolution No. 03-55

ESTABLISHING STANDING AUDIT FINANCE AND BUDGET COMMITTEE

WHEREAS, On August 6, 2003 Buffalo Fiscal Stability Authority (“BFSA”) Chair announced the formation of seven “committees” for the purpose of gathering information and gaining expertise to support the work of BFSA, and

WHEREAS, The BFSA did not officially act to establish these entities or to limit their powers or fully appoint members of these “committees”, and

WHEREAS, on September 10, 2003, the BFSA determined it to be in its best interest to reconstitute the “committees” into working groups and to more clearly limit their powers and to appoint and reappoint members, and

WHEREAS, Article IV of the BFSA By Laws as revised and readopted on August 6, 2003 authorize the BFSA to create one or more standing committees, and

WHEREAS, it has been determined to be in the best interest of the BFSA to establish as a standing committee a Budget, Finance and Audit Committee to oversee the budget finance and audit activities of the BFSA.

NOW THEREFORE, BE IT RESOLVED that the pursuant to Article IV of its By Laws the BFSA establishes a Budget, Finance and Audit Committee.

BE IT FURTHER RESOLVED that the Chairperson of the Budget, Finance and Audit Committee is Director McCall and the members of the Committee are Directors Baker and Giambra. The chairperson and committee members shall continue to serve so long as they remain directors of the BFSA and have not been replaced by the BFSA.

BE IT FURTHER RESOLVED that the Budget, Finance and Audit Committee shall be responsible for the development and oversight of the BFSA budget, the receipt and distribution of funds that come into the custody of the BFSA, the maintenance of appropriate internal controls and separation of functions, the selection of the BFSA’s outside audit firm, to receive the annual audit report from the outside audit firm and to recommend to the BFSA directors actions, if any, based upon recommendations from the BFSA’s audit firm and to take such other activities as may be directed from time to time by the Chairperson of the BFSA.

This resolution shall take effect immediately.

Approved October 21, 2003

Richard Tobe, Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-56

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 6th day of August 2003.

This act shall take effect immediately

Richard Tobe
Secretary

Approved October 21, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-XX

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 6th day of August 2003.

Richard Tobe
Secretary

Approved October 7, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-XX

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 6th day of August 2003.

Richard Tobe
Secretary

Approved October 7, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-57

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 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 6th day of August 2003.

This Act shall take effective immediately

Richard Tobe
Secretary

Approved October 21, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-58

**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 6th day of August 2003.

This act shall take effect immediately

Richard Tobe
Secretary

Approved October 21, 2003