

Buffalo Fiscal Stability Authority

Resolution No. 03-59

APPROVING MINUTES AND RESOLUTIONS FROM OCTOBER 7 AND  
OCTOBER 21, 2003

BE IT RESOLVED that, the Buffalo Fiscal Stability Authority approves the minutes of its meeting of October 7, 2003 and ratifies and affirms thirteen resolutions numbered 03-34 through 03-46 that were approved on October 7, 2003 and approves the minutes of its meeting of October 21, 2003 and ratifies and affirms twelver resolutions numbered 03-47 through 03-58 that was approved at its meeting of October 21, 2003.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Approved November 18, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-60

AUTHORIZE CITY OF BUFFALO TO ENTER INTO EIGHT 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 eight 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 eight contracts listed below:

1.	Install refuse truck bodies on chassis	\$240,000
2.	Service Contract for sewer/water terminations	\$463,500
3.	Watermain replacement-change order	\$ 69,650
4.	Watermain installation replacement	\$ 58,015
5.	North Sedimentation Basin, Rehab	\$201,700
6.	North Sedimentation Basin Rehab	\$110,994.42
7.	PILOT Agreement, Washington Apts. L.P	\$67,931 (2 % annual incr. 15 yrs)
8.	PILOT Agreement, Watergate Apts.	\$20,845 (3% annual incr. 15 yrs)

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-61

AUTHORIZE CITY OF BUFFALO TO ENTER INTO ONE CONTRACT

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 one contract and have signed the BFSA Remittance Approval Request Form (RARF") in which they indicate that there are sufficient funds available for such contract.

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 ten contracts listed below:

1. Featherstonhaugh, Wiley, Clyne & Cordo, LLP \$ 50,000

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-62

AUTHORIZE BUFFALO SCHOOL BOARD 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 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 November 6, 2003 in which he seeks approval of five 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 five contracts listed on the letter of November 6, 2003 listed below:

- |    |   |              |
|----|---|--------------|
| 1. | Contract for Educational Services, NCLB                     | \$ TBD       |
| 2. | E-Rate Change Order   | \$541,504.36 |
| 3. | E-Rate Change Order   | \$ 95,180    |
| 4. | NCLB Supplemental Education Services-Edison Schools         | \$TBD        |
| 5. | NCLB-Supplemental Education Services-University Heights CDC | \$TBD        |

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-63

AUTHORIZE BUFFALO MUNICIPAL HOUSING AUTHORITY TO ENTER INTO CERTAIN 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 Municipal Housing Authority ("BMHA") 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, Sharon West, Executive Director of the BMHA submitted a request for the approval of certain contracts.

WHEREAS, BFSA staff has not reviewed such contracts and has not yet submitted a recommendation for approval or disapproval of said contracts,

WHEREAS, Ms. West has indicated that the approval of several of these contacts on a timely basis is important to the continued effective operations of the BMHA.

NOW THEREFORE BE IT RESOLVED, that the BFSA directs the BFSA staff to review all BMHA contracts that have been submitted for review and approval prior to November 12, 2003 and recommend to the Chair for his review and approval all such contracts that Executive Director Johnson recommends for approval,

BE IT FURTHER RESOLVED, that the BFSA Chair may approve such BMHA contracts that are recommended by Executive Director Johnson and shall advise the BFSA at its next regular meeting the details of any BMHA contract approved pursuant to this Resolution.

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-64

AUTHORIZE BFSA TREASURER TO SIGN CHECKS BY FACSIMILE

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to open bank accounts and to appoint officers, including a Treasurer.

WHEREAS, Chapter 122 of the laws of 2003 requires that the Treasurer sign all checks issued by the BFSA,

WHEREAS, It is often not possible for the BFSA Treasurer to personally sign checks,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorizes the Treasurer to sign all BFSA checks by facsimile. When the Treasurer signs by facsimile, his signature must be accompanied by the actual signature of one or two other directors or officers as provided by BFSA policy.

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-65

AUTHORIZE DIRECTOR RICHARD TOBE TO SIGN ALL CHECKS AND OTHER FINANCIAL INSTRUMENTS

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority (“BFSA”) to open bank accounts and to appoint officers, who can sign such checks and other financial instruments on behalf of the BFSA.

WHEREAS, in order to effectively carry out the operations of the BFSA it is desirable to authorize another Director to be able to sign all checks and other financial instruments,

NOW THEREFORE BE IT RESOLVED, that the BFSA authorizes the Director Richard Tobe to sign all checks and other financial instruments on behalf of BFSA.

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

## **Buffalo Fiscal Stability Authority**

### **Resolution No. 03-66**

TRUST ACCOUNT AND SUBACCOUNTS AT HSBC BANK, USA; ADDITIONAL DEPOSIT ACCOUNTS AT HSBC BANK, USA; AND AUTHORIZED SIGNATORIES AND SIGNING RESTRICTIONS FOR ALL SUCH ACCOUNTS AND THE DEPOSIT ACCOUNT

WHEREAS, the Legislature of the State of New York, pursuant to Chapter 122 of the Laws of 2003, as the same may be amended (the "BFSA Act"), has enacted legislation creating the Buffalo Fiscal Stability Authority (the "BFSA") with certain control, advisory and borrowing powers; and

WHEREAS, pursuant to the BFSA Act, City Tax Revenues and State Aid Revenues (as such terms are defined in the BFSA Act) are paid by the New York State Comptroller to the BFSA until June 30, 2037; and

WHEREAS, HSBC Bank, USA (the "Bank") maintains deposit account #750016612 (the "Deposit Account") for the benefit of BFSA into which City Tax Revenues and State Aid Revenues are deposited by the New York State Comptroller; and

WHEREAS, in order to efficiently carry out the requirements of the BFSA Act, it is necessary for the BFSA to open a trust account and subaccounts thereto (collectively, the "Trust Accounts") at the Bank so that funds from the Deposit Account can be transferred into the trust account, transfers made from the trust account to its subaccounts and then transfers made out of such subaccounts, all at the direction of the BFSA; and

WHEREAS, the establishment of the Trust Accounts will enable the Bank to prepare and deliver to the BFSA monthly and annual statements identifying such flow of funds; and

WHEREAS, the BFSA desires to authorize certain representatives to give direction to the Bank with respect to transfers into and out of the Trust Accounts; and

WHEREAS, in order to efficiently carry out the requirements of the BFSA Act, it is also necessary for the BFSA to open additional deposit accounts with the Bank (the "Additional Deposit Accounts"); and

WHEREAS, the BFSA desires to appoint certain authorized signatories and to established certain signing restrictions for the Trust Accounts, the Additional Deposit Accounts and the Deposit Account.

NOW THEREFORE, BE IT RESOLVED, that the BFSA open the Trust Accounts and the Additional Deposit Accounts at the Bank; and



BE IT FURTHER RESOLVED, that in connection with the transfer of funds from the Deposit Account to the Trust Accounts, the transfer of funds to subaccounts within the Trust Accounts and transfers from the Trust Accounts and subaccounts, the following persons are authorized and directed to give direction to the Bank with respect to such transfers from the Deposit Account to and from the Trust Accounts and subaccounts; and

1. Thomas E. Baker, H. Carl McCall, Alair Townsend, Robert G. Wilmers, Richard Tobe and Dorothy A. Johnson are each authorized as a sole authorizing party or signer for any payment up to and including \$25,000.00; and

2. Two of the above-listed board members or officers of the BFSA are required to jointly authorize or sign for any payment or transfer over \$25,000.00.

BE IT FURTHER RESOLVED, that in connection with the signing of checks, drafts or other orders for the payment of money issued in the name and on behalf of the BFSA against any funds deposited in the Trust Accounts, the Additional Deposit Accounts or the Deposit Account, the following authorized signatories and signing restrictions will apply to all transactions:

1. Thomas E. Baker, H. Carl McCall, Alair Townsend, Robert G. Wilmers, Richard Tobe and Dorothy A. Johnson are each authorized as a sole signer for any payment up to and including \$25,000.00; and

2. Two of the above-listed board members or officers of the BFSA are required to jointly sign for any payment over \$25,000.00.

This resolution shall take effect immediately.

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Richard Tobe  
Secretary

Approved November 18, 2003

CERTIFICATION OF SECRETARY

I, Richard Tobe, duly appointed Secretary of the Buffalo Fiscal Stability Authority (the "BFSA"), DO HEREBY CERTIFY that attached hereto is a true, correct and complete copy of Resolution No. 03-\_\_ duly adopted by the BFSA on November \_\_, 2003. Said resolution has not otherwise been amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of November, 2003.

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Richard Tobe, Secretary  
Buffalo Fiscal Stability Authority

Buffalo Fiscal Stability Authority

Resolution No. 03-67

ESTABLISHING CITY/COUNTY WORKING GROUP

WHEREAS, on September 10, 2003 Buffalo Fiscal Stability Authority (“BFSA”) Chair announced the formation of seven working groups for the purpose of gathering information and gaining expertise to support the work of BFSA, and

WHEREAS, section 3858 of the Buffalo Fiscal Stability Authority Act authorizes the BFSA to require the City of Buffalo to “advance serious and in-depth exploration of a merger of services with the County of Erie, and

WHEREAS, the Mayor of the City of Buffalo and the Erie County Executive have expressed an interest in participating in discussions regarding the merger of city and county services, and

WHEREAS, the formation of an eighth working group will facilitate such discussions,

NOW THEREFORE, BE IT RESOLVED that the BFSA establish an eighth working group on City County Cooperation comprised of three members as follows:

Chair of the BFSA serving as the leader of the working group,  
The Mayor of the City of Buffalo and  
The Erie County Executive

BE IT FURTHER RESOLVED that this working group may meet at the discretion of its leader. The working group is authorized to conduct discussions with the parties, to gather information, to provide information to the BFSA for its consideration and to make such recommendations to the BFSA as its leader and members deem appropriate.

BE IT FURTHER RESOLVED that the working group may not act on behalf of or in lieu of the BFSA and the BFSA is free to act on any matter without regard to whether such matter has been referred to or considered by this working group.

BE IT FURTHER RESOLVED that the working group may meet for the purposes described herein without regard to the number of members present at such meeting.

BE IT FURTHER RESOLVED that the Executive Director shall be a member of the working group and she may appoint other members of the staff to also serve on each working group.

BE IT FURTHER RESOLVED that the Chair of the BFSA and the leader of each working group may appoint other individuals to the working group. Such other individuals need not be staff or directors of the BFSA. They may be appointed for a

limited period of time or indefinitely. Any such individual may be removed from a working group in the sole discretion of the Chair of BFSA or the leader of such working group.

BE IT FURTHER RESOLVED that working groups may not conduct a meeting where a quorum of the BFSA Board is physically present unless the working group complies with the requirements of the New York State Open Meetings Law.

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-68

ESTABLISHING RICHARD TOBE AS THE NEW LEADER OF THE OTHER COVERED ORGANIZATIONS WORKING GROUP

WHEREAS, on September 10, 2003 Buffalo Fiscal Stability Authority (“BFSA”) Chair announced the formation of seven working groups for the purpose of gathering information and gaining expertise to support the work of BFSA, and

WHEREAS, BFSA Director Ron Pirtle was appointed the leader of the Other Covered Organizations working group, and

WHEREAS, Mr. Pirtle has announced his plans to resign from the BFSA at the end of 2003,

NOW THEREFORE, BE IT RESOLVED that the BFSA Director Richard Tobe is appointed as the Leader of the Other Covered Organization Working Group.

This resolution shall take effect immediately.

Approved November 18, 2003

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Richard Tobe  
Secretary