

Buffalo Fiscal Stability Authority

Resolution No. 03-69

APPROVING MINUTES AND RESOLUTIONS FROM NOVEMBER 18, 2003

BE IT RESOLVED that, the Buffalo Fiscal Stability Authority approves the minutes of its meeting of November 18, 2003 and ratifies and affirms ten resolutions numbered 03-59 through 03-68 that were approved on November 18, 2003.

This resolution shall take effect immediately.

Richard Tobe
Secretary

Approved December 15, 2003

Buffalo Fiscal Stability Authority

Resolution No. 03-70

HIRING FREEZE ORDERED ON CITY OF BUFFALO

WHEREAS, Chapter 122 of the laws of 2003 requires the City of Buffalo to submit a four-year financial plan 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 City of Buffalo submitted its second Revised Financial Plan on October 16, 2003, and

WHEREAS, on October 21, 2003 the BFSA approved the Revised Plan and determined that it was complete and complied with the standards set forth in Sections 3857 and 3838 of the BFSA Act, and

WHEREAS, on November 10, 2003 the City of Buffalo submitted its first quarterly expenditure, revenue and cash flow projection entitled First Quarter Gap Sheets, November 10, 2003 (“First Quarter Report”) as required by Section 3857 of the Act.

WHEREAS, at a regular meeting of the BFSA held on November 18, 2003 City of Buffalo Commissioner of Administration and Finance advised the BFSA that the City had a negative variance of over two million dollars at the end of the first quarter.

WHEREAS, Commissioner Milroy further advised the BFSA that it was necessary for the City to take certain budget actions, including a hiring freeze to attempt to bring the budget into balance.

WHEREAS, the BFSA was not satisfied with the accuracy and completeness of the First Quarter Report dated November 10, 2002, and

WHEREAS, on November 18, 2003 the BFSA rejected the First Quarter Report for failure to comply with the requirements of the Act, and

WHEREAS, on December 1, 2003 the City of Buffalo submitted a Revised First Quarterly expenditure, revenue and cash flow projection entitled First Quarter Gap Sheets, December 1, 2003 (“Revised First Quarter Report”).

WHEREAS, the Revised First Quarter Report shows a negative variance of \$2.013 million dollars for the operations of the City of Buffalo

WHEREAS, Section 3858(2)(C) authorizes the BFSA during a control period to impose a hiring freeze upon a finding by the BFSA that a hiring freeze is essential to the maintenance of a financial plan and

WHEREAS, Section 3858(2)(O) further provides that the BFSA may, to the extent it deems it necessary or desirable in order to accomplish the purposes of the Act including but not limited to the timely and satisfactory implementation of an approved financial plan, issue an order to the appropriate City official. Such order shall be binding upon the official to whom it is issued and

NOW, THEREFORE BE IT RESOLVED, that the BFSA finds that, the immediate imposition of a hiring freeze upon the City of Buffalo is essential to the maintenance of the City of Buffalo Revised Financial Plan and is necessary to accomplish the purposes of the Act and to insure the timely and satisfactory implementation of the Revised Financial Plan.

BE IT ORDERED that the Mayor of the City of Buffalo shall immediately impose a hiring freeze on all positions in the City of Buffalo.

BE IT FURTHER ORDERED that the Mayor may request that the hiring freeze be waived and a position may be filled on a case-by-case basis. In order to fill a position during the hiring freeze the Mayor must certify that the immediate filling of a position is necessary to protect the health or safety of the City of Buffalo, is required to comply with the City Charter, will prevent the use of excessive overtime by City employees or will produce revenue in excess of the costs of filling the position. The Chair of the BFSA may approve the filling of one or more positions if he is satisfied that it is necessary and appropriate based upon a review of all the circumstances.

BE IT FURTHER ORDERED that the Mayor shall officially notify all Commissioners, Department Heads and any other employee of the City of Buffalo who has the authority to hire, that this ORDER imposing a hiring freeze has been issued by the BFSA and is in full force and effect.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-71

BUFFALO REFINANCE HSBC BONDS

WHEREAS, Chapter 122 of the laws of 2003 requires, with respect to any proposed borrowing by or on behalf of the City of Buffalo or any covered organization, the Buffalo Fiscal Stability Authority ("BFSA") to review the terms of and comment, within thirty days after notification by the City or any covered organization of a proposed borrowing, on the prudence of each proposed issuance of bonds or notes and no such borrowing shall be made without BFSA review, consent and approval.

WHEREAS, the Buffalo City Comptroller SanFilippo advised the BFSA that the City is in a position to earn substantial savings by the refinancing of certain bonds related to the construction of the HSBC Arena.

WHEREAS, the BFSA staff and counsel have reviewed the proposed refinancing and recommend approval by the BFSA.

NOW THEREFORE BE IT RESOLVED that the BFSA authorize the City Comptroller to sell \$9.1 million of taxable bonds plus any associated costs, to refinance the City of Buffalo bonds sold to finance the City's share of the HSBC Arena project.

The resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-72

APPROVAL OF CITY OF BUFFALO COMPLETED CAPITAL BUDGET

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, including a capital budget to the Buffalo Fiscal Stability Authority (“BFSA”) on September 1, 2003, and

WHEREAS, the Charter of the City of Buffalo requires the Mayor to prepare and submit a capital budget and four year recommended capital improvement program to the Citizens Planning Council in the early fall of each year.

WHEREAS, the Charter requires the Citizens Planning Council to recommend a capital budget and four year plan by the seventh day of October of each year.

WHEREAS, the Mayor submitted a capital budget to the Buffalo Common Council for its consideration without first submitting the capital budget to the Citizens Planning Council and

WHEREAS, the Citizens Planning Commission has requested an inventory of all city buildings, and

WHEREAS, the Mayor has not prepared a four year capital improvement program, and

WHEREAS, the Buffalo Common Council has approved the Mayor’s capital budget without revision, and

WHEREAS, the capital budget calls for \$24.8 million in new capital spending not all of which will be incurred in 2004. The capital budget contains \$15.5 million for the fire department, \$2.5 million for City Hall restoration, \$3.3 million for Inner Harbor restoration and the balance for a variety of bridge and road projects, and

WHEREAS, ten million dollars of the capital budget is for the planning, acquisition and construction of five new fire stations that are required as part of the MMA Consulting Group’s Management and Assessment of the Buffalo Fire Department. These changes are part of the comprehensive downsizing of the Fire Department, and

WHEREAS, the Citizens Planning Commission advised the BFSA that there is no reason to object to any of the items contained in the 2004 capital budget, and

WHEREAS, there are sufficient revenues in the City of Buffalo’s approved four-year plan to make the debt service payments required by this capital budget

NOW THEREFORE BE IT RESOLVED THAT the BFSA approves the City of Buffalo Capital Plan for 2004 and

BE FURTHER RESOLVED THAT the BFSA directs the City of Buffalo to:

1. Prepare an inventory of all buildings that it owns and to provide a copy of the inventory to the Citizens Planning Commission,
2. To prepare a four year capital plan for 2005 and to submit this plan to the Citizens Planning Commission on the dates and in the manner as required by the Charter, and
3. To submit the 2005 Capital plan to the BFSA only after compliance with all provisions of the Charter including the review by the Citizens Planning Commission.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Date: _____

Buffalo Fiscal Stability Authority

Resolution No. 03-73

AUTHORIZE CITY OF BUFFALO TO ENTER INTO ELEVEN 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 eleven 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 ten contracts listed below:

1.	Service Contract N.J efferson Library	\$2,983,300
2.	Payment to Erie County cellblock	\$ 778,964.70
3.	Service Contract sidewalks	\$ 312,895
4.	Purchase Contract dump truck bodies	\$ 65,422
5.	Purchase Contract dump truck chassis	\$ 39,270
6.	Grant DOJ training	\$ 50,000
7.	Grant Law Enforcement Block Grant Yr 8	\$ 593,344
8.	Urban Area Security II	\$ 978,174.23
9.	Michigan Water Main emergency repair	\$ 111,876
10.	Medical case management services	\$ 94,000

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-74

AUTHORIZE BUFFALO SCHOOL BOARD TO ENTER INTO THIRTEEN 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 December 4, 2003 in which he seeks approval of thirteen 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 thirteen contracts listed on the letter of December 4, 2003 listed below:

1.	No Child Left Behind-Brooks Learning CTR	\$ 76,019.40
2.	No Child Left Behind-Bethel AME	\$ 50,679.60
3.	No Child Left Behind-Boys and Girls Club	\$ 84,466
4.	No Child Left Behind-Bethesda World Harvest	\$ 67,572.80
5.	Technology Phase II C/O	\$ 110,014
6.	CTR Applied Technology	\$ 551,338
7.	BVTC Relocation hardware purchase	\$ 200,000
8.	NYS Reading Academy	\$ 64,900
9.	Purchase Order Xerographic paper	\$ 58,159.20
10.	Lease Immaculate Conception	\$ 65,000
11.	Contract Ecology and Environment	\$ 380,800
12.	No Child Left Behind- Buffalo Urban League	\$ 84,466
13.	No Child Left Behind-CEM	\$ 33,786.40

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-75

AUTHORIZE BUFFALO MUNICIPAL HOUSING AUTHORITY 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 Municipal Housing Authority 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 M. West, Executive Director of the Buffalo Municipal Housing Authority submitted a letters dated December 4, 2003 and December 2, 2003 in which she 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 Buffalo Municipal Housing Authority to enter the nine contracts listed in the letters of December 2, 2003 and December 4, 2003 listed below:

1.	Workers Compensation	\$ 534,594
2.	Roof replacement 300 Perry Street	\$ 123,700
3.	Site and utility work Phase IV general	\$2,662,000
4.	Site and utility work Phase IV landscaping	\$ 181,000
5.	Site and utility work Phase IV electrical	\$ 516,000
6.	Litigation settlement, Holling Homes roof replacement	\$ 53,000
7.	Construction Manager Fredrick Douglas	\$ 69,950
8.	Housing Resident Council Martha Mitchell CC	\$ 113,000
9.	Gilmore Kean consultant services	\$ 58,748.64

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-76

REAFFIRMATION OF THE ENGAGEMENT OF 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 including the retention of consultants on a contract basis for rendering professional or technical services, 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 reaffirms the engagement for 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. Furthermore, the study shall include, but not to be limited to an analysis of other services or revenues provided by counties and other municipalities to the benefit of their major cities. Such study to be completed on approximately February 15, 2003. The fee shall be determined by the Chair of the BFSA.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-77

APPROVING ENGAGEMENT OF HARRIS BEACH AS LEGAL COUNSEL

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 and is empowered to retain counsel to assist in the performance of its duties, 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, the BFSA has adhered to the method for the procurement of certain services through the issuance of a request for proposals for general legal services on October 21, 2003, and

WHEREAS, the BFSA set a response date to the request for proposals for general legal services of no later than November 19, 2003, and

WHEREAS, a selection committee consisting of BFSA Directors and staff selected Harris Beach as the firm most capable of carrying out the required duties,

NOW THEREFORE BE IT RESOLVED, that the BFSA has reviewed and evaluated the responses to the request for proposals for general legal services in accordance with Public Authority Law and the BFSA Procurement Policy, and

NOW THEREFORE BE IT RESOLVED, that the BFSA engage the law firm of Harris Beach LLP to provide such legal services to the Authority on an as-needed basis as requested by the Chairman. Such services shall be undertaken for such amounts and on such terms as agreed upon by the Chairman, Vice Chairman or Executive Director.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary

Buffalo Fiscal Stability Authority

Resolution No. 03-78

APPROVING AN INTERNAL APPROVAL PROCESS FOR CONTRACTS, SETTLEMENTS OR OTHER OBLIGATIONS BINDING OR PURPORTING TO BIND THE CITY OF BUFFALO

WHEREAS, Chapter 122 of the laws of 2003 authorizes the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization;

NOW THEREFORE BE IT RESOLVED, that BFSA hereby authorizes the following process for the approval of contracts or other obligations purporting to bind the City or covered organizations which shall be employed during the periods between Authority meetings for emergency matters requiring immediate BFSA action. The process shall be as follows:

1. Any contract or other obligation purporting to bind the City or covered organization for which immediate BFSA approval is requested shall be first deemed an emergency, and shall be requested in writing, by the Mayor and/or the President, Chair or CEO of the Buffalo Urban Renewal Agency or the Buffalo Municipal Housing Authority and the President of the Board of Education, as appropriate. Such request shall be submitted to BFSA with a completed standard contract approval request form, as such may be currently in use by BFSA staff, and shall include all required authorizations prior to submission to BFSA. No emergency request will be considered absent such request or completed form.
2. In addition to the written request for emergency action and the completed request form, the entity requesting BFSA action shall include supporting documentation for the contract or other obligation and an explanation as to why such emergency BFSA approval is required.
3. In no event shall BFSA consider a request for emergency approval of a collective bargaining agreement or settlement.
4. BFSA staff shall immediately review any request for emergency approval which has met the standards established in paragraphs 1-3, and may thereafter recommend the emergency approval of such contract or other obligation to BFSA Directors.
5. Should the Executive Director of the BFSA be willing to recommend emergency approval of a contract or other obligation, he or she will provide relevant information to support such recommendation in writing to the BFSA Chairman, the Vice Chair, the Director serving as head of the relevant working group or committee, and/or such other Directors as deemed appropriate. No emergency action shall be authorized absent the concurrence of at least two Directors of the BFSA.
6. If Directors agree to an emergency approval of the contract or other obligation, the Executive Director of BFSA shall inform the City or covered organization in writing of such approval, and the City or covered organization would thereby be authorized to proceed with the action, as if the matter had received the full approval of a quorum of the Directors of the BFSA.
7. If the Executive Director does not recommend approval of the requested contract or other obligation, or if at least two BFSA Directors do not agree to an emergency approval of the contract or other obligation, the Executive Director of BFSA shall so inform the City or covered organization in writing. The City or any covered organization shall not take, or authorize the taking, of action on any contract or obligation binding or purporting to bind the City or any covered organization without either the approval by a quorum of the Directors of the BFSA or written approval granted according to the process described in this resolution.
8. Any contract or other obligation approved according to this process shall be placed on the agenda of the next regularly scheduled BFSA meeting for affirmation.

9. Any contract or other obligation which does not receive emergency approval according to this process may be placed on the agenda of the next regularly scheduled BFSA meeting if the appropriate request forms and documentation have been provided, and to the extent recommended for inclusion in the BFSA agenda by BFSA staff.

This resolution shall take effect immediately.

Approved December 15, 2003

Richard Tobe
Secretary