

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

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Richard Tobe  
Secretary