

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 04 - 89

APPROVING A NEW APPROVAL PROCESS FOR CONTRACTS, SETTLEMENTS OR OTHER OBLIGATIONS BINDING OR PURPORTING TO BIND THE CITY OF BUFFALO AND OTHER COVERED ORGANIZATIONS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 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; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 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 \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA reviews contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, pursuant to BFSA Resolution No. 03-78, the BFSA provided an emergency contract review process utilizing the concurrence of at least two BFSA Directors to approve contracts or other obligations prior to the next scheduled BFSA meeting; and

WHEREAS, in the interests of expediting the contract approval process and focusing the BFSA Directors on larger value contracts, the BFSA Staff has suggested that the current review and process be revised;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority (BFSA) hereby authorizes the following process for the approval of contracts or other obligations binding or purporting to bind the City of Buffalo or other covered organizations, including settlements of claims and hiring freeze waiver forms. The process shall be as follows:

1. Any contract, settlement or other obligation binding or purporting to bind the City or covered organization with a value of \$50,000 or more will be reviewed and approved by the BFSA before it becomes effective. The request must be in writing; from the Mayor on behalf of the City, from the Superintendent or Board President on behalf of the School District, from the Executive Director or Board Chairman on behalf of the Buffalo Municipal Housing Authority and the President or Chairman of the Buffalo Urban Renewal Agency. Such request shall be submitted to BFSA with a completed standard contract approval request form, as such may be developed by the BFSA Staff, and shall include all required authorizations prior to submission to the BFSA, along with any additional supporting information that may be required. No request will be considered absent a written request and completed form.
2. Upon meeting the above conditions, all contracts, settlements or other obligations binding or purporting to bind the City or covered organization will be reviewed by BFSA Staff. Regarding those with a value of \$50,000 or more but less than \$200,000, the BFSA Staff

will make a recommendation regarding the request to the BFSA Chair and Vice Chair. If one of them is not available, then the Secretary may be consulted. With the concurrence of two Directors, the request will be considered approved. Failure to gain two Director approvals shall be deemed disapproved. BFSA Staff will then notify the requesting organization in writing that their request has been approved or disapproved. Disapproved requests can be resubmitted with additional information to support reconsideration or the matter can be referred to the entire BFSA Board for their consideration. Upon the written confirmation of the approval of two Directors, the request is deemed approved. There will not be a vote to affirm the decision by the full BFSA Board, but the written approval will be provided to all members of the BFSA Board for their information. Matters referred to the entire BFSA Board for their consideration will require an affirmative vote before being considered approved.

3. Unless approved under the process described in paragraph 4 of this resolution, any contract, settlement or other obligation binding or purporting to bind the City or covered organization with a value of \$200,000 or more must meet the same conditions as above, but will be submitted for review and approval by the BFSA Board at the next scheduled Board meeting.
4. In the event any contract, settlement or other obligation binding or purporting to bind the City or covered organization with a value over \$200,000 needs to be approved prior to the next scheduled Board meeting, it may be submitted for emergency review by the Staff with the approving concurrence of at least two Directors. Such request must meet the conditions established in paragraph 1 and must explain why the request should be considered an emergency. Once approved, any contract, settlement or other obligation binding or purporting to bind the City or covered organization with a value over \$200,000 will be placed on the agenda of the next scheduled Board meeting for affirmation.
5. All labor-related items regardless of amount, including collective bargaining agreements, memoranda of understand/agreement and negotiated settlements to grievances will not be eligible for expedited review and must be submitted to the BFSA Board for review and approval at the next regularly scheduled Board meeting.
6. Hiring freeze waiver request forms should also be submitted in the manner described in paragraphs 1 and 2 until such time as the BFSA Board lifts the hiring freeze.

BE IT FURTHER RESOLVED, that BFSA Resolution 03-78 is hereby rescinded in favor of the process outlined herein.

This Resolution shall take effect immediately.

Approved September 8, 2004

/S/ Richard Tobe
Secretary