

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 79

APPROVING MINUTES AND RESOLUTIONS FROM AUGUST 31, 2005

BE IT RESOLVED that the Buffalo Fiscal Stability Authority approves the minutes of its meeting of August 31, 2005 and ratifies and affirms nine resolutions numbered 05-70 through 05-78 that were approved on August 31, 2005.

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe

Richard Tobe

Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 80

APPROVE AUDIT REPORT ON BFSA'S FINANCIAL STATEMENTS FOR FISCAL YEAR 2004-2005

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 requires the Buffalo Fiscal Stability Authority ("BFSA") to be subject to an annual financial audit performed by an independent certified accountant selected by the BFSA; and

WHEREAS, the accounting firm of Lumsden and McCormick, P.C. was selected and they have conducted an audit of the BFSA's accounts; and

WHEREAS, Lumsden and McCormick, P.C. have presented their Audit Report on BFSA's Financial Statements for Fiscal Year 2004-2005; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby accept and approve the Lumsden and McCormick, P.C. Audit Report on BFSA's Financial Statements for Fiscal Year 2004-2005; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to release this Report to the public and provide copies to the parties designated by Section 3871 of the BFSA Act.

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 81

MODIFICATION TO THE 2006 - 2009 FINANCIAL PLAN TO REFLECT BFSA-
APPROVED CHANGES TO THE 2005-06 BUDGET

WHEREAS, the School District has submitted a request to the Buffalo Fiscal Stability Authority (BFSA) for approval of a financial plan modification to the 2006 – 2009 financial plan upon the direction of BFSA, and

WHEREAS, the BFSA approved 2005-2006 budget included savings from transferring to a single health insurance provider and savings from the elimination of 148 positions and layoff of 114 employees, and

WHEREAS, those savings have now been projected forward into fiscal years ending 2007 – 2009 of the financial plan,

NOW THEREFORE BE IT RESOLVED THAT, the Buffalo Fiscal Stability Authority approves the modification of the 2006 – 2009 financial plan to reflect the BFSA approved 2005-06 budget.

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 82

APPROVAL OF BUFFALO MUNICIPAL HOUSING AUTHORITY 2005-2006 CAPITAL BUDGET

WHEREAS, the mission of the Buffalo Municipal Housing Authority (“BMHA”) is to provide safe, decent and affordable public housing, which is of vital importance to a region such as Buffalo, and

WHEREAS, BMHA presented their capital budget to the United States Department of Housing and Urban Development (“HUD”) for approval, which was granted by HUD in September 2005, and

WHEREAS, HUD approved a capital budget in the amount of \$10,640,496, which was an increase of \$1,461,275 from what was previously approved for their capital program, and

WHEREAS, HUD has also approved replacement factor grants in the amounts of \$1,312,162 and \$330,398, which must be used for capital improvement of existing buildings and equipment, not redevelopment, and

WHEREAS, BMHA has two years to commit the funds and four years to spend them, and

WHEREAS, BFSA has previously urged BMHA to use fewer capital dollars for administrative purposes before BFSA would approve any future capital budget, and

WHEREAS, though BMHA is allowed by HUD to use up to 20% for operating purposes, BMHA elected to take only 8.2%, which freed almost \$1 million for additional capital improvements, and

WHEREAS, BMHA has therefore demonstrated significant reductions in its reliance on capital dollars for administrative purposes,

NOW THEREFORE BE IT RESOLVED THAT, the Buffalo Fiscal Stability Authority approves the Buffalo Municipal Housing Authority’s 2005-2006 capital budget and replacement housing factor grants.

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 83

AFFIRM AUTHORIZATION OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY TO ENTER INTO MANAGEMENT CONTRACT

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, BMHA officials have submitted items for emergency approval prior to the October 12, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the items;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby retroactively approve and affirm going forward the authorization of the Buffalo Municipal Housing Authority entering into a management contract for Marine Drive Apartments with HKMDA LLC in the amount of \$272,364 (\$22,697 per month), and

AND BE IT FURTHER RESOLVED, that the affirmation of this month-to-month contract shall extend up to and including December 31, 2005, and

BE IT FINALLY RESOLVED, that if a new management contract for Marine Drive has not been put forward for approval, a report on the status of negotiations between the Buffalo Municipal Housing Authority and the present management shall be required.

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 84

AUTHORIZE CITY OF BUFFALO TO ENTER INTO NINE CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limit on contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, the Mayor and other City officials have submitted the contract and other obligations for approval at the October 12, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for such items; and

WHEREAS, BFSA Staff have reviewed such items and the RARF and recommend approval of such contracts; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approve and authorize the City of Buffalo to enter into nine contracts and obligations as listed below:

1. Hansen Information Technologies – computer software upgrade	\$249,050.00
2. South Buffalo Electric – replacement of street light standards	\$239,888.00
3. United Energy Management – energy consulting services	\$133,334.00
4. Delacy Ford – police car purchase	\$1,258,347.00
5. Eisenheimer Chevrolet – police tow truck purchase	\$54,699.00
6. Spoth Enterprises – street lighting standards purchase	\$64,200.00
7. P&J Construction – sidewalk repair change order	\$66,585.00
8. URS Consultants – Peace Bridge Area improvements	\$267,500.00
9. Virginia Anderson – personal injury settlement	\$150,000.00
10. Gwendolyn Wilson – personal injury settlement	\$250,000.00
11. FEMA Assistance to Firefighters grant – Homeland Security Grant	\$64,827.00
12. FEMA Metro Medical Response grant - Homeland Security Grant	\$400,000.00

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 85

AFFIRM AUTHORIZATION OF THE CITY OF BUFFALO TO ENTER INTO FOUR CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, City officials have submitted items for emergency approval prior to the October 12, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the items;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the City of Buffalo to enter into 4 contracts as listed below:

- | | |
|--|----------------|
| 1. AMIRS – demolitions | \$240,850.00 |
| 2. American Rock Salt – rock salt purchase | \$750,000.00 |
| 3. STS Construction – Squaw Island street work | \$327,800.00 |
| 4. Destro & Brothers Concrete – Peace Bridge Area improvements | \$3,180,518.00 |

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe

Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 – 86

AUTHORIZE THE BUFFALO SCHOOL DISTRICT TO ENTER INTO FIVE CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 including the School District in excess of \$50,000.00; and

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

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or obligation is valued at \$200,000 or more; and

WHEREAS, School District officials submitted correspondence to BFSA in which they seek the approval of contracts, together with signed BFSA Remittance Approval Request Forms (“RARF”) in which they indicate that there are sufficient funds available for such contracts; and

WHEREAS, certain contracts issued in connection with “No Child Left Behind” legislation must be awarded at an amount “to be determined” (TBD) because enrollment figures are not known at this time; and

WHEREAS, BFSA Staff have reviewed all contracts and the RARF and recommend approval of five contracts; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approve and authorize the Buffalo School District to enter into five contracts as listed below:

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|---|-------------------------|
| 1. Berkshire Farm Center & Services for Youth - supplemental educational services | \$TBD |
| 2. Community Action Organization of Erie County - supplemental educational services | \$TBD |
| 3. Erie I BOCES - supplemental educational services | \$TBD |
| 4. Morris Masonry Restoration | \$182,555.00 |
| 5. BFI Waste | \$203,000.00 |
| 6. Kurk Fuel Oil Company | \$1,136,435.00 |
| 7. Parent Center Lease | \$139,615.20 |

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe
Richard Tobe
Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 87

AFFIRM AUTHORIZATION OF THE BUFFALO SCHOOL DISTRICT TO ENTER INTO TWO CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 will review contracts in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, School District officials have submitted two contracts for emergency approval prior to the October 12, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the contracts;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the Buffalo School District to enter into two (2) contracts as listed below:

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|--|----------------|
| 1. Kaleida Health System – school nursing services | \$1,500,000.00 |
| 2. Sysco Food Services – food and non-food kitchen items | \$248,000.00 |

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe

Richard Tobe

Secretary

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 05 - 88

AUTHORIZE BUFFALO URBAN RENEWAL AGENCY TO ENTER INTO ONE CONTRACT

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits 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 will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, the Buffalo Urban Renewal Agency officials have submitted contracts and other obligations for approval at the October 12, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for such items; and

WHEREAS, BFSA Staff have reviewed such items and the RARF and recommend approval of such contracts; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approve and authorize the Buffalo Urban Renewal Agency to enter into contracts and obligations as listed below:

1. Ira G. Ross Eye Institute (REI) – ophthalmic equipment \$100,000.00

This Resolution shall take effect immediately.

Approved October 12, 2005

/S/ Richard Tobe

Richard Tobe
Secretary