

**MINUTES
BUFFALO FISCAL STABILITY AUTHORITY
MONDAY, SEPTEMBER 24, 2007**

The regular meeting of the Buffalo Fiscal Stability Authority (BFSA) was called to order at 1:19 pm on Monday, September 24, 2007, at the Buffalo & Erie County Central Public Library by Vice-Chair Alair Townsend. The meeting was convened by a Notice of Meeting sent to the Directors and announced to the public and press.

Directors Present: Arthur, Brown, Giambra, Norwood, Mertz, Stenhouse and Townsend

Directors Absent: Giardino

Staff Present: Johnson, Kelly, Link, Miller, Mitchell, Mobley and Stefko

Opening Remarks

Vice-Chair Townsend called the meeting to order and pointed out the emergency evacuation exits. She summarized the agenda issues to be addressed at the day's meeting, including City and School District issues, as well as issues relating to BFSA's policies and responsibilities as a New York State public authority.

Vice-Chair Townsend noted that Director Colucci had resigned from the Board subsequent to the expiration of his term. She thanked him for his service to the Board. Additionally, she welcomed newly appointed Directors Mertz and Arthur to the Board.

Following her opening statements, Vice-Chair Townsend requested a roll call of the Directors. Secretary/Treasurer Stenhouse called roll and confirmed that a quorum was present. The meeting commenced.

Approval of Minutes

Vice-Chair Townsend asked for a motion concerning Resolution No. 07-34, to ratify the August 8, 2007 Board Meeting Minutes and to ratify resolutions numbered 07-26 through 07-33 that were approved on August 8, 2007.

Motion to approve by Giambra, seconded by Stenhouse. Vote 6-0 (Arthur abstains), to take effect immediately.

**RESOLUTION NO. 07-34
APPROVING MINUTES AND RESOLUTIONS FROM AUGUST 8, 2007**

BE IT RESOLVED that the Buffalo Fiscal Stability Authority approves the minutes of its meeting of August 8, 2007 and ratifies and affirms resolutions numbered 07-26 through 07-33 that were approved on August 8, 2007.

This Resolution shall take effect immediately.

Approved September 24, 2007

Independent Audit

Vice-Chair Townsend introduced BFSA's 2006-07 independent audit and requested that Chief Financial Officer Bertha H. Mitchell address the Board. Ms. Mitchell stated that the annual audit summary is statutorily required of public authorities and that the Audit, Budget, and Finance Committee met immediately prior to the full Board and had voted to recommend sending the audit to the full Board for approval. She invited Mr. John Schiavone, Lumsden & McCormick, LLP, to review the BFSA audit.

Following Mr. Schiavone's summary, the Board voted to accept the audit. Motion to approve by Giambra, seconded by Stenhouse. Vote 7-0, to take effect immediately.

[Drafting note: The formal resolution approving the BFSA audit and annual report, as provided to the Board in advance of the meeting, was voted on later in the meeting.]

City Issues

Budget Modification

Vice-Chair Townsend introduced a budget modification which had been submitted to BFSA by Mayor Brown. She invited Mayor Brown to comment. Mayor Brown stated that the proposed budget modification to the City's 2007-08 adopted budget will increase the appropriation of funds available for demolitions by \$4 million, to be paid out of State AIM funds. He invited Rich Tobe, Commissioner of Economic Development, Permit and Inspection Services, to address the Board and further explain the proposed budget modification.

Director Arthur questioned the demolition cost estimates provided in the City document titled "Five-Year Vacant Residential Cost Estimate," which accompanied the proposed budget modification.

Mayor Brown invited Commissioner Tobe to explain details of the City's "5 in 5" plan for demolitions. Commissioner Tobe began to address the document, but Director Arthur had further questions, asking for clarification on how the projected costs associated with the demolitions were calculated. Both Mayor Brown and Commissioner Tobe attempted to explain the variable nature of housing demolitions and how, depending upon the particular circumstances surrounding a house, costs to maintain the house over five years could outpace the actual value of the house.

Director Arthur felt it might be worthwhile to explore bidding sewer and water work related to housing demolitions separately, as it might prove cheaper.

County Executive Giambra commended the Mayor for his efforts to expedite the demolition of vacant residential units which, in turn, helps to reduce City worker IOD (Injured On Duty) incidents and costs.

Motion to approve by Giambra, second by Brown. Vote 7-0, to take effect immediately.

**RESOLUTION NO. 07-35
APPROVAL OF AID AND INCENTIVES TO MUNICIPALITIES FUNDING REQUEST**

WHEREAS, in 2006-07, New York State provided an increase of \$12.8 million in Aid and Incentives to Municipalities funding to the City of Buffalo (“City”), and

WHEREAS, the State law governing these funds provided that they be paid to the Buffalo Fiscal Stability Authority (“BFSA”) for distribution to the City to reduce the property tax burden or for initiatives to permanently reduce or minimize the cost of City government, and

WHEREAS, the State paid the \$12.8 million in Aid and Incentives to Municipalities funding to BFSA in March 2007, and

WHEREAS, in a letter to BFSA dated September 19, 2007, the City has requested to utilize \$4 million from this Aid and Incentives to Municipalities funding for the purpose of accelerating its efforts to demolish blighted and vacant structures in the City, and

WHEREAS, the City indicates in its letter that the continued delivery of public services – particularly police and fire services – to these blighted and vacant properties are substantial, and that their demolition will help to reduce the cost of City government, and

WHEREAS, the City also indicates that economic development and public safety will be enhanced by an acceleration of its demolition efforts, and

WHEREAS, BFSA staff has reviewed the City’s Aid and Incentives to Municipalities funding request and finds it a reasonable initiative toward helping to reduce the cost of government,

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority hereby approves the City of Buffalo’s request for \$4 million in Aid and Incentives to Municipalities funding for the purpose of accelerating the City’s demolition efforts.

This resolution shall take effect immediately.

Approved September 24, 2007

Discussion of Videotaping BFSA Meetings

Vice-Chair Townsend discussed New York State Governor's Executive Order #3 (EO3), "Promotion of Public Access to Government Decision-Making." BFSA is required by EO3 to provide an on-demand webcast of its public meetings. In cooperation with the City's Office of Telecommunications, Utilities and Franchises, BFSA has been able to post the video file in a web-friendly format without expending taxpayer funds. Vice-Chair Townsend noted, however, that the individuals who had been expected to record the day's meeting were not in attendance, and therefore BFSA would not have video of the day's meeting available for webcast. Vice-Chair Townsend requested that Mayor Brown discuss the issue with staff of the City's Office of Telecommunications, Utilities and Franchises to ensure that video recording will continue for all future BFSA meetings. Mayor Brown replied that he would address the issue.

HealthNow Project PILOT Agreement

Vice-Chair Townsend introduced a resolution to amend BFSA RES 05-69, the 2005 HealthNow PILOT Agreement. Ms. Johnson explained that the amendment would serve to change the PILOT application agreement to utilize available Brownfield Cleanup Real Property Tax credits in place of Empire Zone credits, as the Empire Zone credits had expired. Director Norwood queried, and noted the subtle differences between the Brownfield and Empire Zone tax credits.

Motion to approve by Stenhouse, seconded by Giambra. Vote 7-0, to take effect immediately.

RESOLUTION NO. 07-36

APPROVE AMENDMENT TO PILOT AGREEMENT FOR HEALTHNOW PROJECT

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 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; and

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

WHEREAS, pursuant to Resolution 05-69, BFSA approved a PILOT agreement regarding the HealthNow project; and

WHEREAS, the City has requested approval of an amendment to that 2005 PILOT agreement; and

WHEREAS, a change in Empire Zone law has made the HealthNow project ineligible for reimbursement of certain property taxes; and

WHEREAS, the amendment would serve to change the PILOT application agreement to utilize available Brownfield Cleanup Real Property Tax credits in place of Empire Zone credits;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority hereby approves this amendment to the PILOT Increment Financing Agreement with Duke HN New York, LLC, for the HealthNow project.

This Resolution shall take effect immediately.

Approved September 24, 2007

Buffalo Public Schools

Proposed Budget Modification

Vice-Chair Townsend introduced a proposed budget modification submitted to BFSA by the Buffalo School District. She requested that Ms. Johnson summarize the details.

Ms. Johnson provided a summary to the Board regarding the District's proposed modification to increase the general fund by \$2,370,000 to \$677,653,361. The proposed modification addresses legislative discretionary funds intended to support the District's Three Year Academic Achievement Plan. As they could not be expended in fiscal year 2006-07 due to the timing of the "Contract for Excellence" legislation and the corresponding Memorandum of Understanding, the District requested that the funds be reallocated into the current year.

Motion to approve by Norwood, seconded by Mertz. Vote 7-0, to take effect immediately.

RESOLUTION NO. 07 - 37 MODIFICATION TO THE 2007-08 FINANCIAL PLAN TO RECOGNIZE AN INCREASE IN THE GENERAL FUND BUDGET

WHEREAS, the School District has submitted to the Buffalo Fiscal Stability Authority (BFSA) a proposed budget modification for the current fiscal year, and

WHEREAS, the modification would increase the District's General Fund budget by \$2.37 million, and

WHEREAS, the modification is due to the appropriation of \$2.37 million in fund balance relating to unspent and unencumbered Magnet School funds from 2006-07, and

WHEREAS, the District will allocate these resources for costs related to teaching personnel in the Magnet School program and certain Contract for Excellence expenditures, and WHEREAS, the Board of Education approved the action on September 12, 2007, and

WHEREAS, the BFSA staff has studied the requested modification and finds it reasonable,

NOW THEREFORE BE IT RESOLVED THAT, the Buffalo Fiscal Stability Authority approves this modification of the Buffalo City School District's 2007-08 general fund budget.

This resolution shall take effect immediately.

Approved September 24, 2007

BFSA Contract Approval Process

Amend Utility Approval Process

At the request of Vice-Chair Townsend, Ms. Johnson summarized a proposed resolution to amend BFSA's contract approval process regarding the City's utility contracts. Ms. Johnson explained that originally there had been two resolutions regarding different aspects of BFSA's contract approval process. The first has been removed from the day's agenda as it will require further staff analysis.

The proposed resolution would amend BFSA's approval process for utility contracts. Ms. Johnson explained that the current approval process requires a two business day period to review contracts with the value of \$200,000 or more, in order to provide sufficient time for the entire Board to comment. Ms. Johnson noted that the two-day review period is impractical for utility contracts, given the volatility of the commodities market and constantly changing prices. This proposed amendment would enable the City to propose utility price contracts to BFSA and have them reviewed in a more expeditious manner. The amendment would treat utility contracts in the same expeditious fashion as BFSA handles contracts of less than \$200,000. This allows the approval request to be handled more expeditiously, addressing the volatility of the commodities market.

Motion to approve by Stenhouse, seconded by Giambra. Vote 6-0 (Arthur abstains), to take effect immediately.

RESOLUTION NO. 07 - 38

AMENDING THE APPROVAL PROCESS FOR BFSA REVIEW OF UTILITY CONTRACTS

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. 07-33, BFSA's contract approval process provides for approval of contracts with a value of \$200,000 or more after a two business day review process by the Board; and

WHEREAS, prices on utility commodities such as electricity and natural gas are ever-changing and subject to market forces, and are unlikely to remain stable on a day-to-day basis; and

WHEREAS, BFSA recognizes that the volatility of utility commodity prices often does not permit utility suppliers to keep proposed contract prices stable for multi-day periods;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority hereby amends its contract approval process regarding utility commodity contracts to:

1. Upon review and recommendation of BFSA staff, the BFSA Chair and Vice Chair may approve the item on an immediate basis.
2. In the event the Chair or Vice Chair is unavailable, the BFSA Secretary or BFSA Deputy Treasurer may be consulted.
3. Upon the concurrence of two of the above-referenced Board members, the item shall be considered approved.

This Resolution shall take effect immediately.

Approved September 24, 2007

BFSA Issues

Annual Report

At the request of Vice-Chair Townsend, Ms. Johnson introduced BFSA's fourth Annual Report. She explained that report contains a summary of BFSA's activities including total savings, BFSA credit rating upgrades, a summary of legal challenges, and BFSA's decision to lift the wage freeze. The single proposed resolution covers both the Annual Report and the Independent Audit.

In reviewing the report, Mayor Brown questioned why BFSA did not have the highest possible investment grade as debt issued by the Authority is backed by the State of New York. Ms. Johnson explained that, while it is true that debt issued is backed by the State, credit agencies base their ratings on a variety of factors – principally the revenue stream and therefore, how much money the Authority had to back debt. BFSA's investment grade is actually higher than the State of New York's.

Mayor Brown further questioned vacation payouts to exempt staff members. Vice-Chair Townsend explained that the payout was a management decision made several years ago to address staff's difficulty to utilize accrued leave time, given small staff size and workload. Rather than hire additional staff members or allow large lump sum payments to staff upon leaving the Authority, the Board determined that an annual payout of up to ten vacation days was the most cost-effective method for addressing the issue. She further explained that the method BFSA employs is based on a model developed by the State of New York.

Motion to approve by Giambra, seconded by Stenhouse. Vote 7-0, to take effect immediately.

RESOLUTION NO. 07-39
APPROVE AUDIT REPORT AND ANNUAL REPORT FOR FISCAL YEAR 2006 – 2007

WHEREAS, Chapter 122 of the Laws of 2003, as amended, 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, LLP was selected and they have conducted an audit of the BFSA's accounts; and

WHEREAS, Lumsden and McCormick, LLP have presented their Audit Report on BFSA's Financial Statements for Fiscal Year 2006-2007; and

WHEREAS, the Public Authorities Accountability Act of 2005 (specifically, Section 2800 of the Public Officers Law) requires state and local public authorities to file an annual report with the State, detailing its operations and activities and other budgetary and financial data; and

WHEREAS, this report must be certified as accurate by the Executive Director and the Chief Financial Officer of the BFSA; and

WHEREAS, much of this data and additional information is required by regulations promulgated by the State Comptroller; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby accept and approve the Lumsden and McCormick, LLP Audit Report on BFSA's Financial Statements for Fiscal Year 2006-2007 and the BFSA's Annual Report for Fiscal Year 2006-2007 as prepared by the BFSA Staff; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to release these Reports to the public and provide copies to the parties designated by Section 3871 of the BFSA Act and Section 2800 of the Public Authorities Law; and

BE IT FINALLY RESOLVED, that the Executive Director and the Chief Financial Officer are authorized to certify that financial statements filed with the above reports are accurate and correct. This Resolution shall take effect immediately.

Approved September 24, 2007

Other BFSA Issues (Bylaws, Code of Ethics, FOIL Policy and Records Access Officer, Internal Controls Officer, Banking Authorization, Property Disposal Guidelines, Prompt Payment Policy and Mission Statement)

Motion by County Executive Giambra to vote on the remaining eight resolutions together, seconded by Mayor Brown. Director Arthur raised a question regarding the revisions in BFSA's Bylaws. Motion by County Executive Giambra to retract his prior motion, seconded by Mayor Brown.

Motion by County Executive Giambra to vote on the remaining resolutions together with the exception of the resolution pertaining to BFSA's Bylaws, seconded by Mayor Brown, Vote 7-0 to vote on all remaining resolutions (except that pertaining to BFSA's Bylaws) together.

**RESOLUTION NO. 07-40
ADOPTING A CODE OF ETHICS**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, created the Buffalo Fiscal Stability Authority ("BFSA") to provide financial oversight and budgetary control over the City of Buffalo and other Covered Organizations; and

WHEREAS, as a public authority, BFSA is subject to regulation by the State of New York, whether in the form of State law, the Governor's Executive Orders or rules and regulations promulgated by the State Comptroller; and

WHEREAS, the Public Authorities Accountability Act of 2005 ("PAAA") establishes a wide range of duties and responsibilities for state and local public authorities to promote the highest standards of ethical practices by authority staff and members, and thereby to engender public confidence in their activities; and

WHEREAS, one such requirement is the adoption of a Code of Ethics, that at a minimum, reflects the standards set forth in Sections 73 and 74 of the Public Officers Law; and

WHEREAS, the BFSA adopted a Code of Ethics by resolution 06-50 at its meeting on August 9, 2006; and

WHEREAS, Executive Orders No. 1 and 2, signed January 1, 2007, require that public authorities operate in a non-partisan manner and impose the highest levels of honesty and ethical conduct on such authorities, necessary to maintain the public trust; and

WHEREAS, Executive Orders 1 and 2 apply to BFSA and as such should forthwith govern BFSA actions; and

WHEREAS, in order to ensure compliance with Executive Orders 1 and 2, the BFSA Code of Ethics should be amended to reflect such Orders; and

WHEREAS, the BFSA has reviewed and revised its Code of Ethics in accordance with Executive Orders 1 and 2; and

WHEREAS, the BFSA Governance Committee of the BFSA, has reviewed the attached revised Code of Ethics and has recommended its adoption by the BFSA Board;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby adopt the attached revised Code of Ethics applicable to all BFSA staff and Board Members to ensure non-partisanship and the highest level of honesty and ethical conduct and thereby engender public trust in all of the BFSA's activities.

This Resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-41
ADOPTION OF FREEDOM OF INFORMATION LAW POLICY AND APPOINTMENT
OF FREEDOM OF INFORMATION LAW RECORDS ACCESS OFFICER**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, that created the Buffalo Fiscal Stability Authority ("BFSA") provides that the directors shall appoint officers and agents as it may require; and

WHEREAS, under the Freedom of Information Law ("FOIL"), every state agency must promulgate rules and regulations pertaining to the availability of records and procedures to be followed to obtain such records; and

WHEREAS, under the Freedom of Information Law ("FOIL"), every state agency must designate someone from whom records can be obtained and someone to hear appeals of records access requests in the event the request is denied; and

WHEREAS, pursuant to Resolution 06-02, the BFSA appointed Director Richard A. Stenhouse, secretary to the BFSA Board, to be the FOIL Appeals Officer; and

NOW THEREFORE BE IT RESOLVED, that

1. The Buffalo Fiscal Stability Authority does hereby adopt the Freedom of Information Law Policy dated September 24, 2007 and attached to this resolution.
2. The Buffalo Fiscal Stability Authority does hereby appoint Michael Kelly, Principal Analyst, the FOIL Records Access Officer for the Authority.
3. The Buffalo Fiscal Stability Authority does hereby confirm that Resolution No. 06-02 will continue in effect with regard to the appointment of Director Richard A. Stenhouse, secretary to the BFSA Board, as the FOIL Appeals Officer for the Authority.

This Resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-42
APPOINTMENT OF INTERNAL CONTROLS OFFICER**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, which created the Buffalo Fiscal Stability Authority (“BFSA”) provides that the directors shall appoint officers and agents as it may require; and

WHEREAS, the BFSA as a State Authority is required by the Budget Policy and Reporting Manual, B-350- Governmental Internal Control and Internal Audit Requirements to designate an internal controls officer, who shall report to the Executive Director to implement and review the internal control responsibilities established pursuant to B-350; and

WHEREAS, these responsibilities include the coordination of internal control activities within the BFSA, and to ensure that BFSA’s internal controls program meets the responsibilities established by B-350; and

WHEREAS, it is recommended that Margreta D. Mobley, Principal Analyst, be appointed BFSA’s Internal Control Officer as Ms. Mobley has prior experience in this field,

NOW THEREFORE BE IT RESOLVED, that Margreta D. Mobley is hereby designated as the Internal Controls Officer for the Buffalo Fiscal Stability Authority until such time as her resignation, removal or death.

This Resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-43
AUTHORIZED SIGNATORIES AND SIGNING RESTRICTIONS FOR DEPOSIT
ACCOUNTS AT HSBC BANK, USA AND AT BANK OF NEW YORK AND APPROVAL
TO OPEN NEW DEPOSIT ACCOUNTS AT HSBC OR BANK OF NEW YORK WITH
SAME SIGNATORIES AND RESTRICTIONS**

WHEREAS, in order to efficiently carry out the requirements of Chapter 122 of the Laws of 2003, the Buffalo Fiscal Stability Authority (the “BFSA”) has or will establish certain deposit accounts (the “Accounts”) at HSBC Bank, USA; and

WHEREAS, in order to efficiently carry out the requirements of the BFSA Act, from time to time it is necessary for the BFSA to open new Accounts so that certain incoming funds can be segregated for specific purposes and transferred to another BFSA account or to the City as necessary; and

WHEREAS, the BFSA desires to appoint certain authorized signatories and to establish certain signing restrictions for the operations of all Accounts, other than for those where specific authority has been given by separate resolution.

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

1. The Chair, Vice Chair, Treasurer, Secretary, Deputy Treasurer, Executive Director and Deputy Director are each authorized as a sole signer for any payment up to and including \$25,000.00; and
2. Two of the above-listed signatories of the BFSA are required to jointly sign for any payment over \$25,000.00.

BE IT FURTHER RESOLVED, that the Executive Director and or the Deputy Director can authorize the opening of new Accounts at the HSBC Bank, USA or at the Bank of New York, provided that the new Accounts will operate under the same signatories and restrictions above.

This resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-44
ADOPTING PROPERTY DISPOSAL GUIDELINES**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, created the Buffalo Fiscal Stability Authority (“BFSA”) to provide financial oversight and budgetary control over the City of Buffalo and other Covered Organizations; and

WHEREAS, Section 2896 of the Public Authorities Law requires public authorities to adopt comprehensive guidelines which detail the authority’s operative policy on the disposal of personal property valued in excess of five thousand dollars; and

WHEREAS, the BFSA has developed and implemented property disposal guidelines to comply with this requirement; and

WHEREAS, the BFSA board approved the property disposal guidelines by resolution No. 06-69 on November 9, 2007, and

WHEREAS, upon review of its current property disposal guidelines finds that amendments are not needed at this time;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the attached property disposal guidelines as required by Section 2896 of the Public Authorities Law; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer designation as the “contracting officer” who shall be responsible for the disposition of property is hereby affirmed. This Resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-45
READOPTING THE PROMPT PAYMENT POLICY STATEMENT**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, created the Buffalo Fiscal Stability Authority (“BFSA”) to provide financial oversight and budgetary control over the City of Buffalo and other Covered Organizations; and

WHEREAS, as a public authority, the BFSA is subject to regulation by the State of New York, either in the form of rules and regulations promulgated by the State Comptroller or legislation approved by the State Legislature and signed into law by the Governor; and

WHEREAS, Section 2880 of the Public Authorities Law requires public authorities to promulgate rules and regulations detailing its prompt payment policy and to periodically review the same; and

WHEREAS, the BFSA has developed and implemented a prompt payment policy statement to comply with this requirement; and

WHEREAS, the BFSA adopted by resolution 06-61 its prompt payment policy statement on September 28, 2006; and

WHEREAS, upon review of its current prompt payment policy statement finds that amendments are not needed at this time,

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the prompt payment policy statement that is attached to this resolution.

This Resolution shall take effect immediately.

Approved September 24, 2007

**RESOLUTION NO. 07-46
ADOPTION OF BFSA MISSION STATEMENT**

WHEREAS, Chapter 122 of the Laws of 2003, as amended, created the Buffalo Fiscal Stability Authority (“BFSA”); and

WHEREAS, BFSA's Board of Directors has undergone a transition in its member composition since BFSA was first created; and

WHEREAS, in the interest of ensuring BFSA's current Board of Directors is familiar with BFSA's mission statement as contained in the BFSA Act;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby acknowledge that the following portions of Chapter 122 of the Laws of 2003 constitute its mission statement:

"The city budget must be balanced and economic recovery enhanced. Actions should be undertaken which preserve essential services to city residents, while also ensuring that taxes remain affordable... It is hereby further found and declared that a control and advisory finance authority should be established 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." "The legislature further finds and declares that maintenance of a balanced budget by the city of Buffalo is a matter of overriding state concern, requiring the legislature to intervene to provide a means whereby: the long-term fiscal stability of the city will be assured, the confidence of investors in the city's bonds and notes is preserved, and the economy of both the region and the state as a whole is protected."

This Resolution shall take effect immediately.

Approved September 24, 2007.

Vice-Chair Townsend reintroduced the item pertaining to BFSA's Bylaws, noting that they needed to be considered for inclusion in BFSA's annual report filing with the State. In response to Director Arthur's questions, Vice-Chair Townsend responded that only minor changes were being made to the Bylaws. Vice-Chair Townsend pointed out the specific changes to the Board.

Motion to approve by Giambra, seconded by Brown. Vote 6-0 to take effect immediately (Arthur abstains).

**RESOLUTION NO. 07-47
APPROVING THE REVISED BYLAWS OF THE BUFFALO FISCAL STABILITY
AUTHORITY AND AFFIRMING THE USE OF ITS SEAL**

WHEREAS, the Buffalo Fiscal Stability Authority ("BFSA") was created by Chapter 122 of the Laws of 2003 to be a corporate governmental agency and instrumentality of the State of New York constituting a public benefit corporation to oversee the City of Buffalo's budget, financial and capital plans; to issue bonds, notes and other obligations, as defined in the Act; and to develop and implement financial plans on behalf of the City of Buffalo as necessary.

WHEREAS, it was necessary for the BFSA to adopt By-Laws to conduct its business.

WHEREAS, the BFSA approved the adoption of the By-Laws by resolution No.03-01 adopted July 15, 2003 and

WHEREAS, the BFSA has reviewed its By-Laws and has made minor changes to the original document; and

WHEREAS, the BFSA has obtained a seal for the Authority and has used it from time to time in the conduct of its business

NOW THEREFORE BE IT RESOLVED, that the BFSA approves the adoption of the revised By-Laws attached and dated September 24, 2007 and affirms the use of its seal whenever appropriate and necessary.

This resolution shall take effect immediately.

Closing Remarks

There being no further business, Vice-Chair Townsend called the meeting to an end. The meeting adjourned at 2:15 pm.