

**GOVERNANCE COMMITTEE MINUTES
BUFFALO FISCAL STABILITY AUTHORITY
FRIDAY, DECEMBER 12, 2008**

The following are minutes from the Buffalo Fiscal Stability Authority's Governance Committee meeting on Friday, December 12, 2008, at the Buffalo & Erie County Public Library's Central Branch.

Committee Members Present: Arthur, Kolkmeier & Townsend

Additional Directors Present: Johnstone & Mertz

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

Also Present: Harris Beach Legal Counselor, Mr. Bill Smith, Esq.

Opening Remarks

The Buffalo Fiscal Stability Authority's Governance Committee was called to order at 12:30 pm by Committee Chair Alair Townsend. She called roll. Finding a quorum present, the meeting commenced.

Director Townsend explained that the meeting's agenda would encompass BFSA's proposed 2008 public meeting schedule and an amendment to the Bylaws.

Minutes

Director Townsend introduced a resolution to approve the Committee's meeting minutes from November 14, 2008.

Motion by Kolkmeier, second by Arthur. Director Arthur recommended approval of the minutes with the following amendments:

**Page One – Approval of Resolution 08-02; and
Page Three - Motion to accept the proposed language and to send the Travel Policy to the full Board with the recommendation for approval**

Approvals should change from "4-0" to "3-0." Director Mertz, while a participant of the Committee meeting at the behest of the Committee Chair, can not be recorded as casting a vote as he is not a member of the Committee.

Motion to approve by Arthur, second by Kolkmeier. Approval 3-0 to take effect immediately.

**GOVERNANCE COMMITTEE RESOLUTION NO. 08-03
APPROVING MINUTES AND RESOLUTION FROM NOVEMBER 14, 2008**

BE IT RESOLVED that the Buffalo Fiscal Stability Authority approves the minutes of its meeting of November 14, 2008, and ratifies and affirms resolution 08-02 that was approved on said date.

Bylaws

Director Arthur made a motion to table the review of the revisions to the Bylaws stating that he would like additional time to review the material.

Chair Kolkmeier noted that the Bylaws have been tailored after “best-practice” models in the private sector.

Finding no objections, the Committee tabled the issue until the next Governance Committee meeting.

BFSA 2009 Public Meeting Schedule

Committee Chair Townsend introduced BFSA’s proposed 2008 public meeting schedule and asked for a motion to send the schedule to the full Board with the recommendation for approval.

Director Arthur expressed support for the schedule as presented with the exception of the date for the Public Forum. He revisited his objection to holding the Public Forum prior to the approval of the Mayor’s budget by the Common Council stating, “there is no budget” until the Common Council approves it. The Mayor’s budget can be rejected or amended by the Common Council. Further, a public forum held as in the past by BFSA is redundant as the Common Council holds its own public forum soliciting feedback from the public prior to their vote.

Director Townsend agreed that BFSA is put in an awkward position by the enabling legislation. The intent is to solicit comments before it is “set in stone.” Participation has dwindled in recent year; people express their dissatisfaction with the process by their lack of participation.

Chair Kolkmeier agreed that the timing of the event is mandated by the BFSA Act and asked Harris Beach counsel, Bill Smith, Esq., to elaborate.

Mr. Smith stated that § 3857 of the Act states the following:

“City financial plans. 1. Commencing with the city’s two thousand four—two thousand five fiscal year, the mayor shall prepare and submit to the authority a four-year financial plan, and the mayor’s proposed city budget, not later than the date required for submission of such budget to the council pursuant to the city charter.”

Further, § 3857, (a-1) states:

“Prior to the approval or disapproval of the financial plan of the city by the authority, the authority shall request community, educational or other entity or entities to seek public input and comment relating to the city’s and/or any covered organization’s financial plan. Such community, educational or other entity or entities shall report to the authority on such public input and comment ten days after the city has submitted the financial plan to the authority.”

As the Mayor is mandated by the City’s Charter to submit a financial plan by May 1st of the year, it has been determined that BFSA’s public forum is required to be held no later than May 10th.

Director Townsend directed Mr. Smith to revisit the legislation to address Director Arthur’s concerns. If it is determined that the public forum date and/ or venue can be altered, the committee will review whether to recommend this action to the full Board.

Director Arthur requested a meeting with Mr. Smith to discuss crafting language to submit to the Legislature relative to the timing of the Public Forum. Mr. Smith agreed to meet.

Director Johnstone asked the Committee to approve the schedule sans the public forum date.

Chair Kolkmeier made a motion to approve the schedule as submitted with the option of being resolved at a later point in time. Director Arthur seconded this motion.

Approval 3-0 to send the 2009 schedule to the full Board with the recommendation for approval.

Adjournment

Motion to adjourn by Arthur, second unanimously. The meeting adjourned at 12:54 pm.