

**BUFFALO FISCAL STABILITY AUTHORITY**  
**RESOLUTION NO. 08 -48**

**AMENDING THE 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; 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 other obligations; and

WHEREAS, the process provided for in BFSA Resolution 06-28 authorizes the BFSA Chair and Vice Chair, and, in the event one of them is not available, the BFSA Secretary, to approve contracts or other obligations; and

WHEREAS, the process provided for in BFSA Resolution 07-33 authorizes the BFSA Deputy Treasurer to approve contracts or other obligations in the event that the Chair, Vice Chair, or Secretary is not available; and

WHEREAS, pursuant to BFSA Resolution No. 06-28, the BFSA adjusted the contract review process to allow for greater input from other BFSA Directors; and

WHEREAS, there is now a desire to adjust the process outlined in Resolutions 06-28 and 07-33, to allow for additional approving authorities and additional time for other BFSA Directors to comment, ask questions and raise concerns on contracts exceeding \$200,000;

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 and in his absence a member of the BFSA Budget, Finance and Audit Committee will be an approving official.. With the concurrence of two of the above mentioned 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.

3. 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 comment to the entire BFSA Board for a period not to exceed two business days prior to approval by the two designated approving Directors. Notice of the approval shall be provided at the next scheduled Board meeting.

4. All questions raised by Directors on contracts exceeding \$200,000 will promptly be addressed by staff, and staff will ask - whether the response provided to the Director's question or concern is satisfactory, and the individual director will now have two business days to reply if the staff response is considered satisfactory. If the response is deemed unsatisfactory, the approval process for the contract in question will stop, and staff will work to resolve the concern in a timely fashion. Steps to resolve the contract concerns could include: speaking with individual directors, setting up a meeting or phone conference between the individual director and members of the City or covered organization to attempt to resolve the differences, or ultimately taking the contract in question to the full board for a vote at the next regularly scheduled BFSA meeting. Additionally, staff will provide all directors a copy of any questions raised by an individual director, as well as the answer(s) to his or her question(s).

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.

BE IT FURTHER RESOLVED, that BFSA contract approval processes outlined in Resolutions 06-28 and 07-33 are hereby superseded by the process outlined herein this resolution.

This Resolution shall take effect immediately.

Approved November 12, 2008.

/S/ George K. Arthur,  
Secretary