

**BUFFALO FISCAL STABILITY AUTHORITY**

**RESOLUTION 08-52**

**APPROVAL OF COLLECTIVE BARGAINING AGREEMENT**

WHEREAS, Chapter 122 of the Laws of 2003, Section 3858(2)(e), requires that during a control period the Buffalo Fiscal Stability Authority (“BFSA”) shall approve or disapprove any collective bargaining agreements binding or purporting to bind the City of Buffalo (“City”); and

WHEREAS, the BFSA is required to promptly review a collective bargaining agreement that is submitted to it and shall disapprove any collective bargaining agreement that is not in compliance with the approved financial plan; and

WHEREAS, the City and AFSCME Local 264 (“Local 264”) commenced negotiations in September 2007 and fully and completely bargained with respect to the terms and conditions of employment of union members; and

WHEREAS, Local 264 covers employees within the City of Buffalo’s General Fund, Enterprise Fund and Buffalo Water Fund; and

WHEREAS, on November 19, 2008, the members of Local 264 approved an Agreement Amending the Collective Bargaining Agreement between the City and Local 264; and

WHEREAS: on November 25, 2008 the Common Council approved the Agreement amending the Collective Bargaining Agreement between the City and Local 264; and

WHEREAS, the City submitted such agreement with supporting materials to the BFSA for approval under Section 3858(2)(e) of the Act, and has fully and promptly complied with all information requests of the BFSA; and

WHEREAS, the agreement provides for salary increases in each year of the agreement, changes to management rights, restructuring of paid leave time, transition to the lower cost 204 health insurance plan, reduced future OPEB costs, health insurance contributions for new employees that extend into retirement, and requires all Local 264 employees to live in the City; and

WHEREAS, the agreement provides for the terms and conditions of employment for the period from July 1, 2002 through June 30, 2011 and supersedes any other terms and conditions for that period, including any changes due to contract, Interest Arbitration, judgment or otherwise, now in effect or hereinafter existing; and

WHEREAS, the City will pay for the increased costs of this collective bargaining agreement through the use of savings in current budget and four-year financial plan; and

WHEREAS, Local 264, under the terms of the proposed agreement, releases all claims asserted or which could have been asserted in the lawsuits set forth in the agreement as well as lawsuits not listed, and will execute stipulations of discontinuance, on the merits with prejudice, of all such litigation and not proceed with any pending or further appeals all as more specifically described in said proposed agreement, and

WHEREAS, the proposed agreement and its sources of funding is in all respects in accordance with the approved financial plan and is in compliance with the draft guidelines established by the BFSA for review and approval of collective bargaining agreements; and

NOW, THEREFORE, BE IT RESOLVED, that the BFSA hereby finds that the agreement between the City and Local 264 conforms to the City's budget and four year plan; and be it further

RESOLVED, the BFSA does hereby approve the aforementioned agreement between the City and Local 264, which is to be effective for the period from July 1, 2002 through June 30, 2011.

This Resolution shall take effect immediately.

Approved December 12, 2008

/S/ George K. Arthur  
Secretary