

BUFFALO FISCAL STABILITY AUTHORITY

RESOLUTION NO. 09-21

APPROVING BOND ISSUANCE BY THE CITY OF BUFFALO NOT TO EXCEED \$27 MILLION TO COVER CAPITAL PROJECTS

WHEREAS, Section 3858 of Chapter 122 of the Laws of 2003 (“Chapter 122”), as amended, requires that the Buffalo Fiscal Stability Authority (“BFSA” or the “Authority”) “shall, with respect to any proposed borrowing by or on behalf of the city or any covered organization on or after July first, two thousand three, review the terms of and comment, within thirty days after notification by the city or covered organization of a proposed borrowing, on the prudence of each proposed issuance of bonds or notes to be issued by the city or covered organization...”; and

WHEREAS, Chapter 122, as amended, further provides that “...no such borrowing shall be made unless first reviewed, commented upon and approved by the Authority”; and

WHEREAS, Chapter 122, as amended, permits BFSA to review and approve or disapprove contracts or other obligations of the City or any covered organization; and

WHEREAS, the City Comptroller has submitted to BFSA correspondence dated June 3, 2009, requesting approval to borrow in the public markets up to \$27 million for City of Buffalo and Buffalo School District projects; and

WHEREAS, the City Comptroller’s correspondence indicates a plan to borrow for capital projects on a level debt payment basis, with a final maturity of 2024 which reflects the weighted average of the projects’ period of probable usefulness of 15.67 years; and

WHEREAS, the City Comptroller identifies the source of repayment as being property taxes collected by the City of Buffalo and deposited in advance with the Trustee to cover upcoming maturities; and

WHEREAS, debt service costs have been included in the 2010-2013 budgets and four-year plan; and

WHEREAS, the City Comptroller has advised BFSA that a request for proposals for underwriting services was sent out and the firm of Merrill Lynch has been chosen to provide these services; and

WHEREAS, BFSA will use the services of its financial advisor PFM in its review of the structure and pricing of the issue; and

NOW THEREFORE BE IT RESOLVED, that the Authority approves the borrowing as proposed by the City Comptroller to address the City and School District of Buffalo’s capital needs, provided that (i) the aggregate amount of the borrowing shall not exceed \$27 million for capital purposes, and (ii) the Chair, the Vice Chair or the Executive Director of the Buffalo Fiscal Stability Authority shall approve the final terms and pricing of the borrowing in writing; and

RESOLVED, that the Authority authorizes the City to enter into necessary and appropriate contracts in connection with this borrowing; and further

RESOLVED, that the Chair, the Vice Chair or the Executive Director of the Buffalo Fiscal Stability Authority are hereby authorized and directed to approve, execute and deliver any agreements, certificates, documents, papers or other written instrument, to make any changes, modifications or amendments as he or she deems necessary, to do all other things and to take all other actions necessary and appropriate in their judgment, to consummate the transaction contemplated by this Resolution.

This Resolution shall take effect immediately.

Approved June 10, 2009

/s/ George K. Arthur
George K. Arthur
Secretary