

BUFFALO FISCAL STABILITY AUTHORITY
RESOLUTION NO. 10-11

**APPROVE AMENDATORY AGREEMENT BETWEEN THE CITY OF BUFFALO AND THE
BUFFALO OLMSTED PARKS CONSERVANCY**

WHEREAS, Section 3858 (2) (H) of the Public Authorities Law provides that during a “control period” the Buffalo Fiscal Stability Authority (the “BFSA”) “may review and approve or disapprove contracts or other obligations binding or purporting to bind the City...;” and

WHEREAS, the BFSA, by Resolution 03-14 that was adopted on August 13, 2003, stated that the BFSA would “review contracts or other obligations (of the City of Buffalo) in excess of \$50,000”; and

WHEREAS, on May 11, 2010, the Mayor of the City of Buffalo (the “City”) requested BFSA approval of an Amendatory Agreement proposed between the City with the Olmsted Parks Conservancy (“Olmsted”); and

WHEREAS, an agreement was entered into between the City and the County of Erie (the “County”) in 2004 where the County would manage the City’s park system, and

WHEREAS, the Conservancy originally entered into an agreement with the County dated and effective July 1, 2004 (the “2004 Agreement”) for the operation and maintenance of the City’s Olmsted parks; and

WHEREAS, the City assumed the 2004 Agreement effective December 31, 2009, the date the management of the parks was retaken by the City; and

WHEREAS, the City wishes to enter into an agreement with Olmsted to continue the operations and maintenance of the Olmsted parks to be dated and effective January 1, 2010; and

WHEREAS, the City Common Council approved said Amendatory Agreement on May 11, 2010, providing permission for the City of Buffalo to enter into with Olmsted; and

WHEREAS, the Common Council also approved an exemption to Olmsted from the City’s Living Wage Ordinance as permitted by City Charter and Code Section 96-13(H)(1)(c); and

WHEREAS, BFSA Staff has reviewed contract terms with the BFSA’s Board of Directors, and such terms have been deemed to be reasonable;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approves the Amendatory Agreement between the City and Olmsted as dated and effective January 1, 2010.

This resolution shall take effect immediately.

Approved May 12, 2010

/S/George K. Arthur
George K. Arthur
Secretary