

**MINUTES**  
**Erie County Fiscal Stability Authority**  
**August 30, 2005**

Chairman Edward V. Regan called a meeting of the Erie County Fiscal Stability Authority (“ECFSA”) to order at 2:05 p.m. on Tuesday, August 30, 2005 in Room 106A of the Buffalo Convention Center. Notice of the meeting had previously been distributed to all Directors by FedEx and announced to the public and press.

**Directors Present:** John Johnson, Sheila K. Kee, Stanley J. Keysa, Janet Penksa, P. David Campbell and Edward Regan

**Directors Absent:** Carole Stone

**Others Present:**

Richard Sigal, Esq.  
Scott Quehl of Public Financial Management, Inc.  
Greg Stamm, Esq., Special Counsel

**Opening Remarks:**

*Chairman Ned Regan welcomed all attendees and had the board members and staff introduce themselves.*

**Approval of Minutes**

*Director Campbell moved to approve minutes from August 18, 2005 meeting. The motion was seconded by Director Kee and unanimously approved.*

**Resolution 05-21**

APPROVING MINUTES AND RESOLUTIONS FROM AUGUST 18, 2005

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its meeting of August 18, 2005 and ratifies and affirms 15 resolutions numbered 05-06 through 05-20 that were approved on August 18, 2005.

This resolution shall take effect immediately.

**Resolution to appoint Acting Executive Director/Deputy Director**

*Director Johnson then moved to appoint Leroy VanRiper Acting Executive Director/Deputy Director. The motion was seconded by Director Penksa and discussion followed.*

*Director Johnson asked how long ECFSA would operate on an interim bases with staff and other professional services. Chairman Regan explained the Request for Proposal (RFP) process would be discussed later in the meeting. Greg Stamm explained that RFP’s would be sent out for five different services categories and we are going to follow a process expected to take three to four months. Even though ECFSA doesn’t have an immediate need for some of these services, RFP’s will be issued soon so that it won’t take another 2-3 months once the services are needed.*

*Leroy Van Riper will be hired on a permanent bases as Deputy Director, but will act for the near future as Executive Director, and we may determine that ECFSA doesn't have a need to fill both positions. Director Johnson suggested that the RFP process could be sped up if we followed the NYS procurement process by reporting RFP to the Contract Reporter. Mr. Stamm stated that Mr. Van Riper has the submission schedule for that publication.*

*Director Penksa noted that she had the pleasure of working with Mr. Van Riper in Albany and commended his selection.*

## **Resolution 05-22**

### **APPROVING THE EMPLOYMENT OF LEROY VAN RIPER AS ACTING EXECUTIVE DIRECTOR/DEPUTY DIRECTOR**

WHEREAS, the Erie County Fiscal Stability Authority (“ECFSA”) was formed by Chapter 182 of the Laws of 2005, as amended, to “oversee the county’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the county if the county is unwilling or unable to take the required steps toward fiscal stability”; and

WHEREAS, the ECFSA will require professional staff to assist in performing its mission; and

WHEREAS, the ECFSA is required by Chapter 182 of the Laws of 2005, as amended, to commence operations immediately and to receive a four year financial plan for the County of Erie not later than October 1, 2005 and act upon such plan not later than 15 days after its submission by the County, and to receive and act upon a four-year financial plan submitted with the County Executive’s 2006 fiscal year budget proposal and any revisions thereto; and

WHEREAS, LeRoy Van Riper is well qualified for the position of Acting Executive Director/Deputy Director, possessing training and experience that will allow him to immediately commence the duties of Acting Executive Director/Deputy Director; and

WHEREAS, LeRoy Van Riper is recommended by the Chairman and Vice-Chairman.

NOW THEREFORE BE IT RESOLVED, that the ECFSA offers the position of Acting Executive Director/Deputy Director to **LeRoy Van Riper** subject to terms and conditions of employment as determined by the Chairman or Vice Chairman of the Authority.

This resolution shall take effect immediately.

### **Resolution to engage interim labor counsel**

*Director Penksa made a motion to hire the law firm of Hodgson Russ LLP as special counsel in labor relations. Stan Keysa seconded the motion. Discussion followed.*

*Greg Stamm stated again that it takes time to have proposals submitted by competent counsel and advisors and during that process there will be a need for specialty help such as labor counsel. Consultants from PFM need to know that they are not making recommendations that*

*could be illegal and end up in court when it could have been avoided. At the request of the Chairman and Vice Chairman, Mr. Stamm had identified Karl Kristoff of Hodgson Russ LLP as having special qualifications in the field of labor relations. He will work on interim basis as with other specialists who will be hired as needed.*

*Director Kee asked three questions: First, could ECFSA save money by taking advantage of the County's Labor Relations Department with their knowledge of all its union contracts? Second, can resolutions include a fiscal impact statement attached estimating the monetary impact? Third, can we place an upper limit on the amount to be paid to these special consultants?*

*Mr. Stamm stated that the usual hourly rate at Hodgson Russ would be \$178 to \$241 per hour for services of a senior partner. He suggested a ceiling of \$10,000. Director Penksa modified her resolution with a cap of \$10,000, and Director Johnson seconded the amendment, which was unanimously approved.*

*Chairman Regan stated that PFM has established a good relation with County Executive and the county staff and if he needs the county labor department's help he is sure it will be there but having them perform the work is a different matter. ECFSA needs to rely on independent counsel. Mr. Quehl stated that with the fundamental changes likely to be proposed, there would be a benefit to having an outside view.*

*The motion was then unanimously approved.*

### **Resolution 05-23**

#### **APPROVING ENGAGEMENT OF HODGSON RUSS, LLP AS LABOR COUNSEL**

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") was formed by Chapter 182 of the Laws of 2005, as amended, to "oversee the county's budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the county if the county is unwilling or unable to take the required steps toward fiscal stability;" and

WHEREAS, the ECFSA will require professional assistance in performing its mission; and

WHEREAS, the ECFSA is required by Chapter 182 of the Laws of 2005, as amended, to commence operations immediately and to receive a four year financial plan for the County of Erie not later than October 1, 2005 and act upon such plan not later than 15 days after its submission by the County, and to receive and act upon a four-year financial plan submitted with the County Executive's 2006 fiscal year budget proposal and any revisions thereto; and

WHEREAS, it is necessary that the ECFSA immediately obtain labor counsel services regarding its activities, the immediacy of such need constituting extraordinary circumstances which make competition impracticable or inappropriate within the meaning of the procurement guidelines adopted by this Authority;

NOW THEREFORE BE IT RESOLVED, that the ECFSA engage the firm Hodgson Russ LLP to provide such labor counsel services as requested by the Chairman until such time as the Authority shall have a reasonable opportunity to procure such legal services in accordance with a competitive selection process undertaken in accordance with its procurement guidelines. Such services shall be undertaken for such amounts and on such terms as shall be determined by the Chairman or Vice Chairman of the Authority, not to exceed \$10,000 without further authorization of the Board.

This resolution shall take effect immediately.

### **RFP Process**

*Motion was made by Janet Penksa to approve an RFP process. Seconded by David Campbell. Discussion followed.*

*Mr. Stamm stated that he compared the RFP processes used by the Nassau County FSA and the Buffalo FSA, and was of the opinion that they will work fine for ECFSA. On advice of BFSA we will send out RFP's in four areas but we may not need any of these. This is just in case a last minute need arises for an advisor. He had considered Mr. Keysa's suggestion of adding a Request for Qualifications (RFQ) to the process, but this would add a month or two to the process and he thought it not necessary. RFP's will be published for areas such as: independent auditor, financial advisor, bond and disclosure counsel, senior managing and co-managing underwriters, and for general counsel.*

*Mr. Van Riper stated that the timeline for engaging underwriters is extensive and that if we needed to do any temporary bonding we would have to be ready as soon as possible. The Contract Reporter's schedule is submission during the week of September 9<sup>th</sup> with October 10<sup>th</sup> publication. Once received, the board would have final choice from the applicants.*

*Director Keysa was satisfied that qualifications could be written into the RFPs, thus saving time. He had been concerned that there would be a "cottage industry" of unqualified applicants whose proposals would need to be considered before we got to those that were qualified. Mr. Stamm stated that we would be to find quality talent we need with the RFP process.*

*Director Campbell stated that we are making assumptions that any resources ECFSA needs could be handled on an interim temporary basis and Mr. Stamm stated that he doesn't anticipate needing a resource that we will not be able to secure.*

*The motion was then unanimously approved.*

### **Resolution 05-24**

#### **ADOPT PROCUREMENT POLICIES FOR CERTAIN CONTRACTS**

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") was created by Chapter 182 of the Laws of 2005, as amended, to be a corporate governmental agency and instrumentality of

the State of New York constituting a public benefit corporation to “oversee the county’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the county if the county is unwilling or unable to take the required steps toward fiscal stability”; and

WHEREAS, the ECFSA will require professional assistance in performing its mission, and

WHEREAS, the ECFSA is a public authority of the state of New York and as such is governed by certain state laws that specify the method for the procurement of certain services, and

WHEREAS, ECFSA previously adopted resolution 05-10 on August 18, 2005 to adopt Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts, and

WHEREAS, ECFSA requested counsel explore the use of a split procurement process and involving requests for qualifications (“RFQs”), followed by request for proposals (“RFPs”), and

WHEREAS, counsel has recommended the use of a single RFP process as being more efficient,

NOW THEREFORE BE IT RESOLVED, that ECFSA affirm the Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts as adopted in resolution 05-10.

This resolution shall take effect immediately.

### **Discussion on Gap Closing strategies for County**

*Chairman Regan asked if the members had any questions regarding the report by PFM working along with County Executive Giambra that was released yesterday.*

*Director Kee asked about interfund transfer functions and stated she wasn’t able to discern what the assumption was relative to the subsidy to ECMC. Scott Quehl replied that with a number of issues, including litigation in progress, they have not seen any numbers to back any of them up but should be receiving them shortly. PFM had assumed a flat line subsidy, with potential variance. Chairman Regan asked the amount of the subsidy.*

*Jillian Jones of PFM stated that the subsidy figure for the hospital is \$19 million for 2005 and is projected to be held flat in each of the out years due to the litigation question that should be solved by the end of the year. Should the litigation result in the county being required to subsidize the hospital more that would affect the fiscal gap adversely. Chairman Regan stated for the record that President Young of ECMC has stated that it was his plan to reduce the subsidy over a period four years to zero. Director Kee noted that Young’s goal was reported in the Partnership study. The numbers are in the program-related expenses line and stated she thought they would be in interfund expense. Ms. Jones noted there was a different accounting system now in place.*

*Director Penksa asked for an explanation of the court case and a sense of the range of upside and downside potential of ECMC. Ms. Jones stated the low side is \$5 – 7 million in debt service*

*expenses. The county believes the hospital has a different interpretation of the agreement. The hospital is a huge financial impact and it is hard to figure out the gap numbers. Regan asked when Quehl would get a four-year plan from the hospital. Quehl said figures should be ready next week to review. Campbell stated the numbers should be through 2008 and Michael Young from ECMC is aware that ECMC has to be reflected in the four-year plan for the county. Even if it is not a “covered organization,” Director Campbell believes it should be covered under our plan and was pleased that the cooperative effort between the county and Mr. Young is continuing.*

*Director Johnson asked if any communication was sent to the State Legislature to clarify if the hospital was or was not a “covered organization.” Mr. Stamm informed that he had contacted senate and assembly counsel and they were in full agreement that the intent has been to make the hospital a covered organization but late night drafting allowed some loss of specific language in the bill. They had indicated they would be more than happy to amend that bill when the Legislature reconvenes. He contacted Mr. Young and explained that even though ECMC may technically not be covered, it had been the legislative intention to be covered. Mr. Stamm said the hospital will have those numbers to us by Friday or Monday and will justify those numbers so the board will have an opportunity to review next week. Chairman Regan said that if that doesn’t work then the letters go off to the Legislature.*

*Director Kee feels we should have a definite legal listing of what entities are covered and uncovered. Dick Sigal said his research was almost complete and is going to send a complete list shortly.*

*Director Penksa made a point that we urge the legislature to take up an amendment right now it is easy to comply and we are all working together. If it becomes a control period this is going to be a hot union issue and difficult for the legislature to make a single amendment, and that if we don’t have authority and clarification on ECMC it will prevent us from doing our job in the future. Chairman Regan agreed that it’s easier to do it when there is not a controversy.*

*Director Penksa moved to direct a letter be sent to the State Legislature asking that the respective houses enact legislation stating that ECMC is a “covered organization.” Director Johnson seconded. There was no further discussion, and the motion was approved by a unanimous vote.*

## **Resolution 05-25**

### **REQUESTING STATE LEGISLATIVE CLARIFICATION OF ECMC**

WHEREAS, the Erie County Fiscal Stability Authority (“ECFSA”) was formed by Chapter 182 of the Laws of 2005, as amended, to “oversee the county’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and if necessary, to develop financial plans on behalf of the county if the county is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, a question has arisen whether the Erie County Medical Center (“ECMC”) is a “covered organization” whose financial records are subject to audit by the Erie County Comptroller and review by ECFSA,

WHEREAS, the ECFSA is required by Chapter 182 of the Laws of 2005, as amended, to commence operations immediately and to receive a four-year financial plan for the County of Erie no later than October 1, 2005 and act upon such plan no later than 15 days after its submission by the County, and to receive and act upon a four-year financial plan submitted with the County Executive’s 2006 fiscal year budget proposal and any revision thereto; and

WHEREAS, the subsidies paid by Erie County to or on behalf of ECMC are estimated to be a significant portion of the county’s annual deficit,

NOW THEREFORE BE IT RESOLVED, that the ECFSA request the New York State Assembly and Senate to enact legislation clarifying whether it was the intent of the state legislature that ECMC be a “covered organization” or, in the alternative, authorizing ECFSA to determine whether ECMC should or should not be a “covered organization.”

This resolution shall take effect immediately.

*Director Kee asked if there is any other organization that could have significant impact on County. Dick Sigal stated that ECC is a covered organization and Buffalo & Erie County Public Library is a covered organization and while the Erie Co. Soil and Water Conservation district could be, the limited extent of assistance is such that we might not want to make it a covered organization.*

*Director Kee asked about the accuracy of the personnel cost projections. Ms. Jones stated that she was confident the projections are accurate, and reflect costs prior to layoffs, in addition to health insurance and other personnel expenses and pension costs. She also explained the pension rates for the out years, noting that amortization payments will be down in 2006. Director Keysa reminded the board that the retirement system had enjoyed great earnings while Mr. Regan had been State Comptroller, and that the state had changed the actuarial basis of the system about 1989 to tap some of those earnings and eliminated contributions from the state and local governments for many years. He noted that the contribution rate is projected to continue to rise.*

*Ms. Jones responded to a question by stating PFM projected retirement contributions of \$22.7 million in 2005; \$22.5 in 2006; \$20.9 in 2007, \$21.5 in 2008, and \$22.1 million in 2009*

*Director Campbell asked if these numbers were driven by total personnel costs. Ms. Jones responded that there are fewer employees than in the past.*

*Chairman Regan said it was worth noting that it is no small accomplishment to get agreement on the “gap” numbers in such a short time. This required great cooperation between PFM, the County Executive and the County Comptroller. “It says a lot that we can rely on these numbers.”*

*Director Penksa asked why real estate numbers, property, and mortgage taxes took a sizable leap in 2005 and why, if real estate transfer tax and mortgage tax track each other, that isn't that in the numbers. Ms. Jones stated that the county in the past adjusted tax rate to keep levy flat and the County Executive has changed his policy and plans to leave the rate flat. That change is projected forward and, together with the impact of 2006 reevaluation, accounts for large growth in property tax revenue in 2006. Regarding the mortgage tax, a 9% trend was used in each of the out years. The real estate transfer tax was coming in low for 2005. Ms. Penksa said this was an historic moment getting a financial plan that the County Executive, County Comptroller and State Comptroller all agree on. She thought the consultants did a great job getting this all done.*

*Director Keysa inquired about the Partnership's report stating that the county is paying full health care costs for retirees who had served over ten years. Regular pension system is a pay as you serve system and then benefits are defined. The retirement health care is a paid as incurred long after the employee has retired, and there is no reserve for this. It is not a benefit under state system. As we look at the gap figures, we should be looking for an annualized cost to pay for health care for that year.*

*Director Kee- note that the state had capped Medicaid growth costs at 3.5% this year, and lesser amounts in the future, and asked what kind of strategies the county should be followed to minimize its costs. Chairman Regan reviewed the history of Medicaid and past efforts to keep costs down for nursing home expenditure and state initiatives. Mr. Quehl said Medicaid growth limits were important in identifying the gap to address the problems. With the gap number identified, the next step is to identify ways to meet that gap.*

*Director Johnson asked if state aid projections made for 2005-2009 were derived from county budget information only or were they compared with other sources at the state. Mr. Quehl said the numbers had come from the state, and that, for state aid in general, state aid outside of social services will be held flat. State aid for social services will increase because state aid is reimbursement for expenditures and reflects increasing demand.*

*Chairman Regan commented on Medicaid costs the state about \$4.4 billion in fraud, waste and abuse, and that, while primarily downstate, he expected the waste in Erie County would exceed \$100 million. He speculated as to how we could deal with recouping those losses. The local share of Medicaid is larger than the property tax levy.*

*Director Campbell stated that, as part of our initiatives, we should include those specific revenues that can get saved by auditing and looking for fraud.*

*Chairman Regan stated that 200 initiatives are being reviewed by the County Executive, who will determine which are doable now, and set a timetable to accomplish those which are more difficult. He commends the spirit of cooperation seen so far, and asked for a summary of the types of suggestions.*

*Mr. Quehl stated there are five themes: labor strategies; improved costs recovery; managed competition between county and private sector service providers; organizational restructuring and process improvements. Meetings are scheduled with the County Executive for four half days*

*to review these initiatives. These will be delivered to the Legislature by September 12 and between now and the 12<sup>th</sup> these need to be reviewed. Mr. Quehl stated that these initiatives are the result of a collaboration including the Buffalo Niagara Partnership, the County Executive and PFM. Director Campbell stated that these initiatives are the cornerstone of the expected four-year plan.*

*Director Kee advised that a proposal that includes a state law change couldn't be budgeted until that law is enacted. Mr. Quehl replied that they have differentiated what needs different levels of approval from the unions, or changes in state or local laws.*

*Director Kee asked what role ECMC will require. Mr. Sigal stated that it is not a covered organization, but that a highly detailed review by department should be done by PFM. Mr. Quehl stated that he will be meeting with them and feels he will have full cooperation.*

*Directors Kee made a motion that ECFSA thank publicly all that hard work the Buffalo Niagara Partnership did in their report. The motion was seconded by Johnson and unanimously approved.*

*Director Penksa asked about the strategy to work with the county legislators now and warm them up to the ideas. Mr. Quehl informed us that the steering committee has included members of the county legislature from day one. "Everything has been shared and there will be no surprises."*

*Director Campbell asked about the worker compensation bill and if there are initiatives to reduce worker's compensation costs. Mr. Quehl stated that it was \$7.9 million and they do have a lot of opportunity to improve it. Risk Management demands a strong relationship. Mr. VanRiper commented that he would be working with PFM and relay information back to the Chair and the members.*

*Chairman Regan wants to bring two strategic concepts. One strategy employs one-time deficit reductions following the county's introduction of their plans and the second is to provide low-cost deficit borrowing while it takes time until an initiative can be implemented. Our role will be to follow how the County Executive and the County Legislature handle these initiatives and the cost reduction process and then provide help with the financing.*

### **History of Tobacco borrowing process**

*Mr. Sigal reported that there had been a major settlement agreement between 48 attorneys general and several large tobacco companies. California and NYS were the only ones that shared with their counties. Some counties wanted to get out of the business of working with tobacco companies.*

*Director Penksa asked whether the County Executive had recommended using the tobacco money to bond out the entire deficit. Chairman Regan stated the County Executive has made several different proposals on how the funds are to be spent. Initially, it will provide immediate cash flow needs. Chairman Regan and Director Campbell have emphasized the need to provide long-term benefits, using the money for capital projects which otherwise would be bonded.*

*Responding to a question as to what would the difference in interest rates would be if the control board borrowed versus the County going out to market the capital, Chairman Regan stated that if we borrowed we would get a better rate. Nancy Winkler of PFM stated that analysis has been done of an AA rating versus the current BBB- of the County. Chair Regan emphasized that one-shot revenues are difficult to sustain, and looked upon adversely by the lending community.*

*Attached to these minutes is a summation of Mr. Sigal's remarks on the history of the tobacco borrowing process along with two articles from the Bond Buyer.*

## **Meeting Dates**

*Chairman Regan reviewed the timetable to make sure everyone was aware of the tight timetable. The next meeting will be September 22<sup>nd</sup> at ECC City Campus Auditorium and that a four-year plan will be presented on the 12<sup>th</sup>. The fiscal initiative plan will be presented in a document that the board would have by the 12<sup>th</sup>. The board will work on getting all the information and arrange their schedules according to the timeline. The Legislature will have the time to adopt it by Friday 30<sup>th</sup>. Board acts on it meeting by October 14<sup>th</sup>, which is mandated by state law. Director Campbell asked if the initial information will be sent out or will it be presented at a formal meeting. The information will be distributed.*

## **Resolution on By- Laws**

*Director Penksa made a motion to amend the By-Laws, seconded Director Kee. On discussion, Mr. Van Riper explained that the Article III Section 6 is being amended to comply with state law. A conference call will now be allowed that would not constitute a formal meeting. Teleconferencing can constituted a formal meeting requiring notice to the media. Mr. Stamm stated that the board wanted to be as public as is required by state law and this puts us in compliance with the Open Meeting Law.*

*The motion was then unanimously approved.*

## **Resolution 05-26**

WHEREAS, the Erie County Fiscal Stability Authority ("ECFSA") adopted amended By-Laws at its meeting of August 30, 2005; and

WHEREAS, the ECFSA's attorneys and Directors recommend that certain technical amendments be made in the By-Laws.

NOW THEREFORE BE IT RESOLVED, that the ECFSA approves the adoption of the By-Laws attached to this resolution and that said By-Laws hereby replace the previously adopted By-Laws.

This resolution shall take effect immediately.

**Resolution to authorize ECFSA treasurer to sign checks by facsimile**

*Director Campbell made a motion to authorize signing checks by facsimile, seconded by Director Kee. On discussion, Mr. Van Riper explained that the facsimile signature would need a second and third signature since she is required to sign all checks.*

*The motion was then unanimously approved.*

**Resolution 05-27**

**AUTHORIZE ECFSA TREASURER TO SIGN CHECKS BY FACSIMILE**

WHEREAS, Chapter 182 of the laws of 2005 permits the Erie County Fiscal Stability Authority (“ECFSA”) to open bank accounts and to appoint officers, including a Treasurer; and

WHEREAS, Chapter 182 of the laws of 2005 requires that the Treasurer sign all checks issued by the ECFSA; and

WHEREAS, it is often not possible for the ECFSA Treasurer to personally sign checks;

NOW THEREFORE BE IT RESOLVED, that the ECFSA authorizes the Treasurer to sign all ECFSA checks by facsimile. When the Treasurer signs by facsimile, his or her signature must be accompanied by the actual signature of another Director who is authorized to sign checks on behalf of the Authority.

This resolution shall take effect immediately.

**Resolution to authorize signatories and signing restrictions for bank accounts**

*Director Penksa made a motion to authorize signatories and signing restrictions for bank accounts; the motion was seconded by Director Campbell. On discussion, Mr. Van Riper explained that he would be added check signing. Any check over \$25,000 would need three signatures if one were a facsimile*

*The motion was then unanimously approved.*

**Resolution 05-28**

**AUTHORIZED SIGNATORIES AND SIGNING RESTRICTIONS FOR BANK ACCOUNTS**

WHEREAS, Chapter 182 of the Laws of 2005, as amended (the "ECFSA Act"), created the Erie County Fiscal Stability Authority (the “ECFSA”) with certain oversight and borrowing powers; and

WHEREAS, pursuant to the ECFSA Act, County Tax Revenues and State Aid Revenues (as such terms are defined in the ECFSA Act) are paid by the New York State Comptroller to the ECFSA; and

WHEREAS, HSBC maintains a bank account to accommodate the operating requirements of ECFSA; and

WHEREAS, the ECFSA desires to appoint certain authorized signatories and to establish certain signing restrictions for such bank account;

NOW THEREFORE, BE IT RESOLVED, that in connection with the signing of checks, drafts or other orders for the payment of money issued in the name and on behalf of the ECFSA against any funds deposited in such bank account, the following authorized signatories and signing restrictions will apply to all transactions, Janet Penksa, the ECFSA Treasurer and any of:

1. Edward V. Regan, David Campbell and LeRoy Van Riper are each authorized as a sole signer for any payment up to and including \$25,000.00; and

2. Two of the above-listed board members or officers of the ECFSA in addition to Treasurer Janet Penksa, are required to jointly sign for any payment over \$25,000.00.

This resolution shall take effect immediately.

### **Resolution to delegate certain administrative responsibilities to the executive director**

*Director Penksa made a motion to delegate certain administrative responsibilities to the executive director; the motion was seconded by Director Campbell. On discussion Mr. Van Riper explained that this would enable him to sign the lease for the office space and to enact other dealings in regards to office space. The motion was then unanimously approved.*

### **Resolution 05-29**

#### **DELEGATE CERTAIN ADMINISTRATIVE RESPONSIBILITIES TO THE EXECUTIVE DIRECTOR**

WHEREAS, the ECFSA By-Laws require all acts, agreements and documents of the Authority to be performed or executed in the name of the Authority by a Director or duly authorized officer of the Authority; and

WHEREAS, the ECFSA By-Laws authorize the Directors to appoint such officers, employees and other agents of the Authority as are deemed necessary to effectuate the purposes of the Authority and may delegate to such officers, employees and agents such powers and duties as the Directors may deem proper; and

WHEREAS, the Directors of the ECFSA have agreed to delegate to the Executive Director the administrative responsibilities related to managing staff, professional consultants and office operations and the power to enter into agreements on behalf of the Authority related to such administrative activities; provided that all actions taken are consistent with the adopted budget for the Authority and reported to the Directors at the next meeting of the Authority;

NOW THEREFORE BE IT RESOLVED, that the ECFSA delegate to the Executive Director and such individuals acting in such capacity from time to time the administrative responsibilities related to managing staff, professional consultants and office operations and the power to enter into agreements on behalf of the Authority related to such administrative activities.

This resolution shall take effect immediately

### **Public Record**

*Mr. Van Riper indicated that the ECFSA would be getting a website thru OGS and will be putting all the resolutions/minutes etc. Director Keysa indicated that he had left a message for James Tammaro of the state archives office and would share the information learned regarding record-keeping requirements at a later meeting.*

### **Public Comments**

*The Chairman then opened the floor to questions or comments from the audience. Seeing that no questions were asked, Chairman Regan asked for a motion to close the meeting.*

*At 4:20 p.m., Director Keysa moved to adjourn, seconded by Director Campbell, and the motion was unanimously approved.*

Respectfully submitted,

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Stanley Jay Keysa,  
ECFSA Secretary