

**Minutes**  
**Erie County Fiscal Stability Authority**  
**April 11, 2008**

*(Note: the following is a draft copy of minutes of a meeting of the Erie County Fiscal Stability Authority ("ECFSA"), which was held April 11, 2008. These minutes will not become final until approved at a subsequent meeting of ECFSA directors, and may be amended before approval.)*

Chairman Baynes: "Good afternoon, I would like to call this meeting of the ECFSA to order. I welcome my fellow Board members, public officials, interested members of the public, press and media in attendance."

"Today's agenda includes a number of contracts, as well as a recommendation from the Authority's finance committee headed by Director Goodell on Six Sigma. Before our first order of business, I would like to announce that we anticipate our next meeting to be held on May 2<sup>nd</sup> at 10:00 a.m. Please mark your calendars."

"The first order of regular business is to approve the minutes of the meeting of March 7, 2008. They have been submitted by Secretary Keysa and were circulated to the members in their briefing books prior to this meeting."

"May I have a motion to approve?"

Director Goodell moved to approve, Director Kruly seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-41**

**APPROVING MINUTES AND RESOLUTIONS FROM  
THE MARCH 7, 2008 MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its March 7, 2008 meeting and ratifies and affirms ten resolutions numbered 08-27, 08-28, 08-29, 08-30, 08-31, 08-32, 08-33, 08-34, 08-35, 08-36, 08-37 and 08-38 that were approved on March 7, 2008.

This resolution shall take effect immediately.

Chairman Baynes: "The next order of business is to approve the minutes of the meeting of March 27, 2008. They also have been submitted by Secretary Keysa, and were circulated to the members in their briefing books prior to the meeting."

"May I have a motion to approve?"

Director Johnson moved to approve, Director Kruly seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-42**

**APPROVING MINUTES AND RESOLUTIONS FROM  
THE MARCH 27, 2008 MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its March 27, 2008 meeting and ratifies and affirms two resolutions numbered 08-39 and 8-40 that were approved on March 27, 2008.

This resolution shall take effect immediately.

Chairman Baynes: “The next order of business is Director Goodell and the members of the finance committee met on March 13<sup>th</sup> to receive a presentation from the County on a Six Sigma grant application. I would now ask Director Goodell to report on that committee’s findings and recommendations?”

Director Goodell: “The committee reviewed the request of the County for efficiency grant funds. The County asked for something close to \$1 million over a year. We felt that covering roughly a quarter of a year as we are getting started on Six Sigma was a better idea and the result was that the committee recommends unanimously to the Board that the funds of approximately \$120,000 be made available to give the Six Sigma effort a start. We also have established some reporting benchmarks and things of that nature that we will be getting as the board goes forward. There is a resolution.”

Chairman Baynes: “Do we have any questions for Director Goodell?”

“May I have a motion to approve the recommendations of Director Goodell’s finance committee to finance \$120,000 for Six Sigma training?”

Director Johnson moved to approve, Secretary Keysa seconded, Director Kruly abstained (saying his employer, Canisius College, will bid on providing training services) and the following resolution passed with a majority vote:

**Resolution No. 08-43**

**APPROVING AN EFFICIENCY GRANT FOR SIX-SIGMA TRAINING**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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, Section 3957-a of New York State Public Authorities Law provides that, subject to appropriations during State fiscal years 2006-07 through 2010-11, the ECFSA shall provide grants to the County of Erie (the “County”) to support activities that achieve recurring savings through innovations and reengineering; and

WHEREAS, the County Executive submitted an efficiency grant for 6 Sigma training; and

WHEREAS, pursuant to this application, the County has chosen the University at Buffalo and Canisius College to perform said training; and

WHEREAS, the ECFSA Finance Committee met on March 13th to discuss the County's 6 Sigma training efficiency grant application; and

WHEREAS, on March 13th, the ECFSA Finance Committee voted unanimously (with one abstention) to recommend to the ECFSA Board that \$120,000 in efficiency grant funding be made available to the County to be used to fund the designated 6 Sigma training; and

WHEREAS, the ECFSA anticipates that the 6 Sigma reengineering of the County's operations can deliver necessary services in a more efficient and effective manner resulting in recurring cost savings;

NOW, THEREFORE, BE IT RESOLVED based on the recommendation of the ECFSA Finance Committee, the ECFSA hereby grants up to \$120,000 to the County in efficiency grant funding to be used for the purpose of funding its 6 Sigma training.

This resolution shall take effect immediately.

Chairman Baynes: "Erie County has forwarded a number of contracts for approval. The County has also asked for examination of some of its pending agreements. I would ask Mr. Vetter to cover these items."

Executive Director Vetter: "Thank you Mr. Chairman, I think I have five different subsets to go through on the contracts that Erie County has forwarded. The first one on the matrix is 1-1. It is an early retirement incentive related to the Faculty Federation of ECC. A spreadsheet was distributed to the Board indicating that with this incentive, as long as two or more additional faculty members retire each year of this incentive, it breaks even and anything beyond two faculty members who would not have normally retired. ECC does have a benefit to this particular retirement incentive so from a staff stand point we would recommend the board seriously consider this and vote to approve this particular retirement incentive."

Chairman Baynes: "That would be 1- 1 and President Quinn and all related parties are on board?"

Executive Director Vetter: "Yes Mr. Chairman, I spoke directly with Mr. Reuter. He should be here momentarily and President Quinn indicated that he may be here as well. They are meeting with the County Executive right now and were coming to the meeting right after that."

Chairman Baynes: "May I have a motion to approve contract 1-1 that Mr. Vetter just discussed?"

Director Goodell moved to approved, Director Kruly seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-44**

**APPROVING CERTAIN CONTRACT SUBMITTED BY ERIE COMMUNITY COLLEGE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contract listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of said contract via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by Erie Community College as listed on the attached document.

<b>Item</b>	<b>Description</b>	<b>Amount</b>
Erie Community College – Union MOU-FFECC	Early retirement incentive	Up to \$500,000-All College

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Chairman if I could, the second batch the staff recommends, because there are a number of contracts that are standard Erie County business, they are items 1-2 through 5-5. There are 27 contracts there that staff recommends be considered as a slate. These were distributed to the Board and upon staff review there were no

questions or if there were minor questions they were answered by the Administration. Staff recommends that 1-2 through 5-5 be considered as a slate; there are 27 contracts there, for approval by the Board.”

Chairman Baynes: “Could I get a motion for approval the contracts Mr. Vetter indicated 1-2 through 5-5?”

Director Goodell moved to approved, Director Johnson seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-45**

**APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND  
OTHER OBLIGATIONS BINDING THE COUNTY OF ERIE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document.

Department	Description	Amount
Erie Community College – Receipt of Grant Funds - Workforce Investment Board	ECC received 20% of WIB's NYS Dept. of Labor funding award to create professional development training programs in bio-manufacturing	\$100,000 – no local share
Erie County Libraries – NYS Construction Grants – NYS and Approved Vendors	Awards for projects at the East Delavan branch library	\$138,720 - \$69,360 library share
Erie County Libraries – NYS Construction Grants – NYS and Approved Vendors	Awards for projects at the Central Library	\$367,612 - \$191,018 library share
Erie County Libraries – NYS Construction Grants – NYS and approved vendors	Award for projects at the Niagara branch library	\$471,160 - \$235,579 local share
Erie County Libraries – NYS Construction Grants – NYS and approved vendors	Roof replacement for Orchard Park Library	\$107,500 - \$53,750 local share
Erie County Clerk – Lease Extension – Uniland Development	One-year extension for 77 Broadway Auto Bureau	\$174,864 – all County share
Erie County Clerk – Receipt of Grant Funds – Local Government Records Management Improvement Fund	Grant provides funds to the Clerk's Office for the purchase of shelving to maintain and preserve records & documents	\$50,000 – no local share
Erie County Emergency Services, Homeland Security – Purchase Contract– Nabco Inc.	Parcel containment product	\$63,700 – no local share
EC Environment & Planning – Federal Sub-recipient Agreement – Trowbridge & Wolf	Contract amendment that expands engineering and inspection services to be performed by the firm relative to the Tow Path Park – Phase II Project	\$20,000 - \$13,000 local share
EC Environment & Planning – Service Contracts – Listed Cultural Organizations	2008 approved cultural organization contracts.	\$5,441, 985 – all local share
EC Environment & Planning – Federal Sub-recipient agreement – E. Aurora	Community Development block grant funding for the demolition of the Sinking Ponds Storage building.	\$55,650 - \$3,800 local share
EC Environment & Planning – Federal Sub-recipient Agreement – Listed municipalities and government entities	Community Development Block Grant Funding for the Urban County Consortium	\$3,238,029 – no local share
EC Environment & Planning – Receipt of Federal Grant Funds – 37 local governments & related vendors	HOME Investment Partnership Grant from HUD for a variety of housing, economic development and municipal infrastructure projects	\$1,085,721 – no local share
EC Environment & Planning – Receipt of Federal Grant Funds – 37 local governments & related vendors	Erie County administers Federal Emergency Grant Program funds on behalf of 37 municipalities for a variety of housing, economic development and municipal infrastructure projects	\$127,877 – no local share
EC Environment & Planning – Federal Sub-recipient Agreement – Rural Transit Service, Inc.	Community Development Block Grant funds – for operation/administration of Southtowns on-demand van transportation system.	\$238,849 – no local share
EC Environment & Planning – Federal Sub-recipient Agreement – Village of Akron	Community Development Block Grant funds for replacement of deteriorating waterline on John St.	\$100,000 – no local share
EC Environment & Planning – Federal Sub-recipient Agreement – Village of Depew	Community Development Block Grant funds relining of sanitary sewer pipe	\$100,000 – no local share
EC Environment & Planning – Federal Sub-recipient	Community Development Block Grant funds –	\$200,000 – no County

Agreement – City of Lackawanna	for the reconstruction of Holland Avenue	local share
EC Environment & Planning – Receipt of Federal Grant Funds Town of Orchard Park	Community Development Block Grant funding for reconstruction of Oakwood St and Abbott Road	\$100,000 – no County local share
EC Environment & Planning – recipient agreement-Town of Evans	Community Development Block Grant for initial paving and drainage improvements for Timber Avenue	\$100,000 – no County local share
EC Environment & Planning-Federal Sub recipient agreement-East Aurora	Community Development block grant funding for the demolition of the Sinking Ponds Storage building	\$55,650 – no County share
EC Environment & Planning – Federal Sub-recipient Agreement – Healthy Community Alliance	Community Development Block Grant funding for reconstruction of a portion of the main floor space within the former Academy Place School in Gowanda for use as adult and child daycare facilities	\$150,000 – no local share
EC Environment & Planning – Sewerage District – Purchase Contract - Waste Management of NY, LLC	Bid extension for approval of pick-up and disposal of Sewer Plant Incinerator Ash Waste	\$89,800 – all sewer funds
EC Environment & Planning – Sewerage District – Purchase Contract - Graymont Inc.	Purchase of High Calcium Hydrated Lime/Quicklime	\$72,500 – all sewer funds
EC Environment & Planning – Sewerage District – Purchase Contract – Tom Greenauer Development, Inc.	Construction of approx. 1,645 ft. of 8” PVC gravity sanitary sewer and manholes	\$184,310 – all sewer funds
EC Environment & Planning – Sewerage District – Engineering Agreement – Conestoga-Rovers & Associates	Evaluation and design of Vanderbilt Pumping Station Upgrade	\$393,838.78 – all sewer funds
EC environment & Planning – Purchase Contract - Polydyne	Clarifloc Polymer	\$167,000 – all sewer funds

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Chairman, if I could, that was through 5-5. Staff is recommending that contracts 5-6 through 7-2 be considered as a slate. Originally there was a question on 5-6 with regard to Xerox. That was answered. So at this point these appear to be regular County business contracts that have been reviewed by staff and there are no questions by the Board so we would recommend as staff at this point that 5-6 through 7-2 be approved as a slate.”

Chairman Baynes: “May I have a motion to approve contracts 5-6 through 7-2 that were just presented by Mr. Vetter?”

Director Goodell moved to approve, Secretary Keysa seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-46**

**APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND OTHER OBLIGATIONS BINDING THE COUNTY OF ERIE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document.

Department	Description	Amount
EC Information & Support Services – Service Contract - Xerox	Xerox High Speed & High Volume copiers/printers	\$348,000 - \$242,000 local share
EC Information & Support Services – Service Contract – Verizon Wireless	Wireless & voice data services	\$350,000 – all local share
EC Health Dept. – Purchase Contract – Applied Biosystems	Liquid Chromatograph-Mass Spectrometer system needed to perform analytical toxicology tests on body fluids and tissues	\$226,100 – no local share
EC Health Dept-Grant contract – NYS and Related Vendors	Healthy Neighborhoods Grant period of 10/1/07-9/30/08 to provide health preventative services and improve environmental health in various target areas within the city of Buffalo	\$269,196-all grant funds
EC Public Health Lab. – Purchase Contract – Cardinal Health	Supplies necessary to conduct routine viral hepatitis	\$87,359.32 - all public health lab funds

EC Law Department – Service Contract – Legal Aid Bureau	Provision of legal services to persons charged with a crime, parolees facing re-imprisonment of other cases, respondents who are unable to retain private legal counsel.	\$2,759,206 - \$2,259,109 local share
EC Law Department-Service Contract-Counsel program	Public Defender Program	\$7,172,002-5,872,099 local share
EC Public Works – Purchase Contract – Fire Facilities, Inc.	Replacement of live burn tower located at the Fire Training Academy	\$376,851- all local share
EC Public Works – Purchase & Services Contracts – Clough Harbour Associates, EC Soil & Water Conservation & approved construction & materials & maintenance bid 280022/280023	Goods and services necessary to address conditions of EC bridges that are cited by NYS DOPT as “red”, “yellow” and “safety” flags.	\$1,027,044.97 – all local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Chairman, I would recommend at this point that items 7-3 through 9-1 be considered as a slate as well. There were questions regarding item 7-3 regarding the bid-book for County-wide bridge and road repair, a \$10.7 million contract. I believe the response that I have gotten from the County, and I believe Mr. Sentz is on his way here at this point, is that the \$4.1 million local share is that there are really two separate components of that. One, that these are capital items and assuming there is capital borrowing at some point in the not-too-distant future, that dollars would come out of the \$4.1 million in bid-book projects; roads and bridges and in addition to that these items will be subsequently submitted to the State for CHIP’s reimbursement. The County is still using a portion of the CHIP’s money as capital borrowing and then reimbursing the same projects through the State.”

Chairman Baynes: “So the local share is \$4.1 million?”

Executive Director Vetter: “Yes and that would be capital borrowing initially and that would be reimbursed by the State with CHIP’s funding. In the current State budget, my understanding is that there are about \$7.5 million more than the County anticipated in CHIP’s funding so at this point it appears reasonable assuming bonds are in place (and that is a separate issue and a separate vote at this point) if the County is allowed to go forward with the bid-book to provide assurance that it can bid when the roads and bridges need attention the construction season will not be held up.”

Chairman Baynes: “So the question on 7-3 is, are they going to be allowed to have people submit bids and we are not going to preclude them from that?”

Executive Director Vetter: “Right, this is separating the two issues of bonding versus getting bids. They have vendors that the County bids with and this will allow them to go to the vendor and to get the bids for \$4.1 million, the way Mr. Sentz has described it to me, unless there is a source of funding which is bonding for that, they will only be able to do \$6.6 Million.”

Chairman Baynes: “Does anyone have any questions on those?”

“Alright, may I have a motion to approve the contracts that Mr. Vetter just indicated; I believe it is 7-3 through 9-1?”

Director Johnson: “Couple of questions. Considering the fact that the State budget was just passed this weekend, all the funds that are being requested here, are they in sync with the State budget?”

Executive Director Vetter: “Director Johnson, these particular items are items that the County has gotten contracts for, they do have contracts in. There actually is another item in which the County has requested exemptions from the Fiscal Stability Authority because they haven’t gotten a contract in place. These are items in which the County has a contract in hand.”

Chairman Baynes: “Mr. Secretary, we are going to separate one of these out. May I have a motion to approve contract 8-4 which includes a contract with the University of Buffalo and Canisius College. May I have a motion to approve?”

Director Johnson moved to approve, Secretary Keysa seconded and Director Kruly abstained (saying he was employed by Canisius College) and the following resolution was approved:

**Resolution No. 08-47**

**APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND  
OTHER OBLIGATIONS BINDING THE COUNTY OF ERIE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document.

Department	Description	Amount
EC Six Sigma – Service Contracts – University at Buffalo & Canisius College	Six Sigma training	\$109,084 – no local share

\*EC- Erie County

This resolution shall take effect immediately.

Chairman Baynes: “May I have a motion to approve the contracts Mr. Vetter just indicated? That would be 7-3 through 9-1 minus 8-4. May I have a motion to approve those?”

Director Kruly moved to approve, Director Johnson seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-48**

**APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND OTHER OBLIGATIONS BINDING THE COUNTY OF ERIE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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

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WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document.

Department	Description	Amount
EC Public Works - Purchase Contracts – approved “bid book” vendors	Contracts necessary for Countywide road and bridge repair	\$10,746,050.31 - \$4,124,050.31 local share
EC Public Works – Purchase Contract – DiDonato Assoc. Engineering & Architectural	Erie County Fire Training Academy Capital Improvement Program	\$100,000 – all local share
EC Public Works – Purchase Contract – Siemens Building Tech	Building management systems service contract for maintenance at 24 hour facility	\$228,325 – all local share
EC Social Services - Service Contract – Hyland Software, Inc.	On-base document imaging software	\$93,950 - \$30,994 local share
EC Social Services – Service Contract - Aramark	Food service operations for the Youth Detention Facility	\$220,000 – all local share
EC Social Services – Service Contract – Child Advocacy Center	Enables coordinated approaches to meet the needs of child victims and families, as well as prosecution of perpetrators	\$217,000 - \$20,000 County share
EC Environment & Planning – Service Contract – Buffalo Niagara Convention & Visitors Bureau	Public Services Contract with the Buffalo Niagara convention & Visitors Bureau	\$2,600,000 – all local share
EC Environment & Planning – Service Contract – Buffalo Niagara Convention Center Management Corp.	Public Services Benefit contract with Buffalo Niagara Convention Center Management Corp.	\$1,650,000 – all local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Chairman, maybe if I could go off the sheet for one moment for two items. One, there was a contract delivered from the County Executive’s office late yesterday morning with regard to the procurement of immune globulin. That is why I never went to med school; I can’t pronounce all these words. This one is from Dr. Billitier that does not appear on your list. It came in late, has been indicated by the County Executive’s office that this requires immediate approval and would suggest from a staff level at this point that this item that was put in your package, I would suggest a motion to approve this contract for the Department of Health in the amount of \$153,937.10.”

Chairman Baynes: “May I have a motion for Dr. Billitier’s request that Mr. Vetter just spoke of please?”

Secretary Keysa moved to approve, Director Johnson seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-49**

**APPROVING CERTAIN CONTRACT SUBMITTED BY THE  
ERIE COUNTY HEALTH DEPARTMENT**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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

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WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract listed on the attached document:

Department	Description	Amount
EC Health Department-Purchase contract	Cardinal Health-Purchase Immune globulin	\$153,937.10

\*EC- Erie County

This resolution shall take effect immediately.

Director Goodell: “Is there a good reason why we received this urgent contract roughly 24 hours ahead of our meeting?”

Executive Director Vetter: “Dr. Billitier is here and is coming up to the podium at this point.”

Chairman Baynes: “Dr. Billitier, thank you for coming today.”

Dr. Billitier: “Thank you and thanks for entertaining this approval. I am Dr. Anthony Billitier from the Erie County Health Department. As you know we did declare a disaster during this event and we had to immunize people and so we had an emergency purchase. At that point, well frankly we did not realize until recently that we had to come before this Board and I am not sure but I think this is the first time this has come up for us with you. What tipped us off was that our vendor, Cardinal, would not ship us any more pharmaceuticals for other clinics, in particular, sexually-transmitted diseases clinic and TB clinic. So the problem now is that we will have problems in those clinics if the Comptroller does not pay the bill for this immune globulin. Again this sort of snuck up on us and we didn't realize that we had to do it because normally all rules are waived in disasters and I don't think this body has a procedure for that so I guess we are sort of making it up as we go.”

Director Goodell “What if we were unable to meet today and had to wait for two weeks? What would happen?”

Dr. Billitier: “Well we might end up with another disaster in one of our other clinics frankly.”

Director Goodell: “A disaster?”

Dr. Billitier: “Well I shouldn't say a disaster, but we have other clinics that involve medications to give directly to patients with TB or sexually transmitted diseases. So we would have another emergency because of that.”

Director Goodell: “Thank you.”

Chairman Baynes: “Thank you Dr. Billitier. I really appreciate it.”

Executive Director Vetter: “Mr. Chairman, before getting to the last item, item 9-2, I would like to recommend that we go through the exemption requests that were submitted by the County. There are a number of items; nine of them here, 1-1 through 2-4, for which the County has reasonable assurance that they will be receiving the grant money. They have received the reward letter or the documentation from the State but they do not yet have a contract in hand to submit in the approval process that the ECFSA has established. Staff recommends that the Board exempts these particular items. The County will forward contracts later and that exemption may be removed if the contract is significantly different then

the documentation submitted at this point. So I recommend a motion to approve these exemptions.”

Chairman Baynes: “May I have a motion to approve exemption 1-1 through 2-4?”

Secretary Keysa moved to approve, Director Johnson seconded, and the Directors voted unanimously to approve the following resolution:

**Resolution No. 08-50**

**APPROVING THE ECFSA EXEMPTION OF CERTAIN GRANTS BINDING THE COUNTY OF ERIE**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA exempts itself from certain grants listed on the attached document.

Department	Description	Amount
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EC Health Department – Grant Program – NYSDOH & Related Vendors	Grant period 3/31/08-3/30/09 to reduce morbidity, mortality and disability associated with tuberculosis	\$284,583 - \$59,779 local share
EC Public Health Lab – Grant Program – NYSDOH & Related Vendors	Grant period 4/1/08-3/31/09 to assist with the ongoing effort to comply with the 190 public water supplies, monitoring of fairgrounds, agricultural and market facilities.	\$250,000 – no local share
EC Department of Health – Grant Program – NYSDOH & Related Vendors	Immunization Action Plan Annual Grant – grant period 4/1/08-3/31/09 helps ensure that children are completely immunized through their lifecycle into adulthood.	\$300,000 – no local share
EC Department of Health – Grant Program – NYSDOH & Related Vendors	Partners for Prevention – grant period 4/1/07-3/31/08 – to support a network of breast and cervical cancer screening providers for low income, asymptomatic, underinsured women	\$587,650 – no local share
EC Department of Social Services – Grant Program – NYS and Related Vendors	A Partnership for Youth Program – grant period of 10/1/07-9/30/08 – funds will enable the County to plan, administer and support special delinquency prevention programs in the community	\$206,294 – no local share
EC Department of Social Services – Grant Program – NYS Office of Temporary and Disability Assistance	Safety net Public Assistance Program – to serve 300 Safety net Public Assistance recipients who have a disabling physical or mental condition that limits participation in education and employment activities	\$80,000 – no local share
EC Department of Social Services – Grant Program – NYS and Related Vendors	Intensive Case Services for Non-Compliant Families – grant period 6/1/08-5/31/09 – to provide enhanced case management services up o 300 TANF clients subject to benefit sanctions because of failure to comply with work requirements.	\$706,390 – no local share
EC Department of Social Services – Grant Program – NYS and Related Vendors	Strengthening Families Program – grant period 4/1/08-3/31/08 – to increase the accountability of non-custodial parents for payment of court ordered child support	\$250,000 – no local share
EC Department of Social Services – Grant Program – NYS and Related Vendors	CPS Caseload Reduction Grant – grant period 4/1/08-3/31/09 – to enhance staffing for mandated child protective services operations to reduce the size of worker caseloads	\$346,659 – \$41,733 local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Chairman, the last item on the contract submittal list is item 9-2 regarding the \$600 settlement for AFSCME.”

Chairman Baynes: “The final item of this afternoons agenda arises from a resolution adopted by the Erie County Legislature on March 6, 2008 determining that it would be quote “be appropriate to give a one time payment in the amount of \$600 to all current active members of AFSME 1095 bargaining unit who are employed by the County, the Erie County Medical Center Corporation, the Erie County Home, Erie Community College and the Buffalo and Erie County Library System on December 31, 2005.” Through the Clerk of the Erie County Legislature, the Chair of the Legislature has requested that the control board approves the referenced payment. The Board has questioned whether a proper request has been submitted to the Authority for its consideration and action so we have asked out legal counsel, Craig Bucki from Philips Lytle, to discuss the nature of the request submitted by the Chair of the Legislature and whether that request presents an item that is right for our consideration. Mr. Bucki?”

Craig Bucki, Esq.: “Good Afternoon. Craig Bucki from Phillips Lytle. As Chairman Anthony Baynes said we were asked to consider a resolution that was adopted by the Erie County Legislature on March 6, 2008 and as the Chairman read in this resolution, the Legislature determined that it would be appropriate for the County to pay this \$600, one time payment to certain employees of AFSME 1095 bargaining unit. After that resolution’s adoption, the Chair of the County Legislature referred this item to the Fiscal Stability Authority for its consideration and for its approval. With regard to the resolution, I don’t believe that I can emphasize enough that is simply states that the Legislature views such payments as appropriate as a matter of policy. Under Public Authorities Law section 3959(2H) with regard to the powers of this Authority during the course of a control period, you the Directors of the Authority, and I am quoting from the statute, “may review, approve or disapprove contracts or other obligations binding or purporting to bind the County. As we read this resolution it simply constitutes not a binding obligation but rather a statement of the will of the Legislature as to a course of action that the Legislature would like to see taken at some point in the future. In the text of the resolution the Legislature had the opportunity to say that it would authorize a payment to certain County workers.”

Chairman Baynes: “And they haven’t done that?”

Craig Bucki, Esq.: “And they have not done that in the resolution. Just to give some background also, we asked for a copy of the resolution that proposed this payment and was approved by the Legislature and this is the resolution that we received. The Legislature also has an opportunity in the text of the resolution to fix the compensation for certain County employees as it has the right to do under Article 2 of the Erie County Charter. The resolution did not do that. Furthermore, there is no other language in the text of the resolution that we see would otherwise bind the County to make this payment of \$600 per employee and therefore it is our opinion that this resolution determining that payment would be appropriate, does not present a proposed binding obligation upon the County for the approval by this Fiscal Stability Authority and therefore the proposed path is not right for this Authority’s review under the powers granted in Section 3959(2h) of the public authorities law which I have already quoted. So the question remains what conditions would need to be met for this item to come right for review. There would need to be two things; first of all, action by the Legislature on a resolution that would bind the County to such action of making the payments and second, pursuant to the contract approval procedures that this Authority established earlier on in 2007, there would need to be a request from the County Executive once an appropriate resolution or piece of legislation would be approved a request from the County Executive that this Authority consider the request and accept or reject it. Are there any questions?”

Chairman Baynes: “Mr. Bucki, so what you are telling us here today is that the Legislature needs to re-file this, send it to the County Executive and then it can come before our body.”

Craig Bucki, Esq.: “What I am saying is that the Legislature needs to pass a resolution that would create a binding obligation upon the County rather than a resolution that simply makes a statement of the will of the Legislature as this resolution for March 6<sup>th</sup> did; and then subsequently the County Executive, once that appropriate piece of legislation or resolution is passed, needs to submit a request for this Authority’s consideration and either approval or rejection, once that action by the Legislature has taken place.”

Chairman Baynes: “So the resolution, in simple laymen’s terms, the resolution they have submitted is insufficient?”

Craig Bucki, Esq.: “Correct.”

Secretary Keysa: “As a step at this point, I assume the next step would be for our Executive Director to notify the Chair of the Legislature and the County Executive of essentially what you just told us?”

Craig Bucki, Esq.: “Essentially and basically what we have done is prepared a resolution and I believe copies of the resolution have been disseminated. This resolution goes through all of the points that I just discussed. The essence of the resolution, if it would be passed by this Authority today, the Authority would resolve neither to approve or disapprove the proposed \$600 payment nor to reject the proposed \$600 payment but rather to state that pursuant to the resolution that came from the County Legislature on March 6<sup>th</sup> on that item as a matter of policy is not right or in other words not ready for the review by this Authority. Furthermore, I cannot emphasize enough that if this resolution that we have provided for you today is passed by this Authority, in no way is the Authority making any commentary on the merits of the proposal, whether it is good policy or bad policy. In no way is the Authority making a statement as to whether or not it intends to accept or reject this proposal. At some time in the future once the appropriate procedures are followed. All the resolution says is that at this time the item is not actionable, not ready for consideration and as a consequence the Authority is not in a position under its governing law to approve or disapprove the proposed payment.”

Chairman Baynes: “So if this resolution is passed today, we will put it in form, deliver it to the Legislature with a letter? Mr. Vetter would you do that so we can keep this thing moving?”

Director Kruly: “Could you go through one more time who needs to send us a contract and why that is?”

Craig Bucki, Esq.: “Pursuant to a resolution that was adopted by this Authority earlier last year, there was a procedure that was established for approval of contracts. Pursuant to that procedure that was established, the County Executive or certain responsible officials need to submit a request for contract approval to this Authority because if we did not have a

procedure like that, then presumably any employee of the County could submit a contract. There needs to be some process by which an orderly course of events might be followed.”

Director Kruly: “The Legislature can originate this, is that correct?”

Craig Bucki, Esq.: “The Legislature can originate a request for contract approval with regard to contracts that concern the operation of the Legislature according to our current rules. This proposal of a \$600 payment does not concern, in our view, the operations of the Legislature. So furthermore, the request for consideration by this Authority should not come from the Chair of the Legislature or from the Clerk of the Legislature but rather under the procedures that we have already established, from the County Executive.”

Chairman Baynes: “So the bottom line is once they resubmit this, County Executive Collins has to submit it to us?”

Craig Bucki, Esq.: “What I am saying is that once the appropriate resolution is passed, the County Executive, whether he is in favor of the payment as a matter of policy or not in favor, should submit the request for consideration to this Authority and if he so chooses, he can opine on its merits at that time, but just as a matter of procedure if the resolution is properly passed then under our procedures it would be the County Executive job to submit the request to us and then at that time we can consider its merits.”

Secretary Keysa: “I assume we have extra copies of that or is that the only copy?”

Chairman Baynes: “I am hoping we have extra copies.”

Craig Bucki, Esq.: “I have brought extra copies.”

Chairman Baynes: “Let’s distribute these copies before we consider this item.”

Executive Director Vetter: “There are copies in each one of the books here.”

Craig Bucki, Esq.: “So with regard to the resolution that we have prepared here, I stand open to any other questions that you may have.”

Chairman Baynes: “Just the last whereas, number II, one more time.”

“Whereas the Clerk of the County Legislature, as authorized by the Chair of the County Legislature, has submitted to the ECFSA a request for approval of one-time, \$600.00 payments.”

Craig Bucki, Esq.: “Where are you referring to?”

Chairman Baynes: “On the second page “WHEREAS, section 202(f) of the County Charter empowers the Legislature to “fix the compensation of all . . . employees paid from County funds, except members of the judiciary;” and”

“So when we keep going down from there, everyone that was listed and that we spoke to said that we could pay the \$600 for AFCSME?”

Craig Bucki, Esq.:

“Yes.”

Chairman Baynes:

“They are going to agree to it obviously. Does anyone know what the vote was at the Legislature?”

Craig Bucki, Esq.:

“I believe it was such that it was a 2/3rds majority that would withstand a veto by the County Executive.”

Chairman Baynes:

“So if the County Executive gets it back and delivers it, they have veto power?”

Craig Bucki, Esq.:

“Presuming that the votes remain the same but you could change the text of a resolution and the votes may not be there anymore.”

Chairman Baynes:

“Has everybody read the resolution? Does anyone have any more questions for Mr. Bucki?”

Director Goodell:

“I would like to make a point here to the audience. It may sound like we are nit-picking but these kinds of things when there is litigation involved become important and so although it may sound like nit-picking, we are trying to take it right down, being very, very careful that whatever we do can't be challenged in a court, so forgive us for appearing to be nit-pickers, but we are just trying to be careful.”

Secretary Keysa:

“The Courts do this all the time. If the appropriate procedure has not been followed and they bring it before the Court, the Court indicates that and sends it back for appropriate action.”

Chairman Baynes:

“Has everybody read it? Is everybody ready to vote? May I have a motion to approve the resolution that Mr. Bucki just presented?”

Director Johnson moved to approve, Director Goodell seconded, and the Directors voted unanimously to approve the following resolution:

### **Resolution No. 08-51**

#### **DECLINING TO APPROVE OR REJECT PROPOSED PAYMENTS TO CURRENT ACTIVE MEMBERS OF AFSCME LOCAL 1095**

##### **I. The Erie County Fiscal Stability Authority's Prerogative to Review Monetary Obligations "Binding or Purporting to Bind" Erie County**

WHEREAS, Chapter 182 of the New York Laws of 2005 (the “ECFSA Act”) created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and

instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] 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 first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, this control period remains in effect, pursuant to Resolution 08-11, adopted by the ECFSA on January 4, 2008; and

WHEREAS, during a control period, the ECFSA “may review and approve or disapprove contracts or other obligations binding or purporting to bind the County or any covered organization,” pursuant to New York Public Authorities Law (“Public Authorities Law”) section 3959(2)(h); and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 07-10 on March 2, 2007; and

WHEREAS, Resolution 07-10 authorized a process for ECFSA approval of contracts, settlements, or other obligations “binding or purport[ing] to bind the County” (the “contract approval process”);

## **II. The County Legislature Has Adopted No Resolution “Binding or Purporting to Bind” the County to One-time Payments of \$600.00 to Certain Employees**

WHEREAS, the Clerk of the County Legislature, as authorized by the Chair of the County Legislature, has submitted to the ECFSA a request for approval of one-time, \$600.00 payments (the “Proposed Payments”) to each of certain County employees represented by the American Federation of State, County and Municipal Employees (“AFSCME”) Local 1095 (the “AFSCME Employees”); and

WHEREAS, this request arose from the County Legislature’s adoption of a resolution, dated March 6, 2008 (the “Employee Payment Resolution”); and

WHEREAS, pursuant to the Employee Payment Resolution, the County Legislature (the “Legislature”) resolved that it “determine[d] that it is appropriate to give a one-time payment in the amount of \$600.00 to all current active members of AFSCME Local 1095 bargaining unit who were employed by the County, the Erie County Medical Center Corporation, the Erie County Home, Erie Community College and the Buffalo and Erie County Library System on December 31, 2005;” and

WHEREAS, section 202(f) of the County Charter empowers the Legislature to “fix the compensation of all . . . employees paid from County funds, except members of the judiciary;” and

WHEREAS, by its text, the Employee Payment Resolution did not purport to increase the compensation of the AFSCME Employees by \$600.00 per employee for calendar year 2008; and

WHEREAS, section 2613 of the County Charter provides conditions precedent, without which “[n]o payment shall be authorized or made and no obligation [shall be] incurred against the County;” and

WHEREAS, by its text, the Employee Payment Resolution did not authorize any payment or obligation to be made by the County; and

WHEREAS, the Employee Payment Resolution constitutes a mere statement of the will of the Legislature, that the Proposed Payments to each of the AFSCME Employees would be “appropriate;” and

WHEREAS, such statement of will does not constitute a contract, settlement, or other obligation “binding or purporting to bind” the County;

**III. The Request for Approval of the Proposed Payments to the AFSCME Employees Did Not Originate from a “Responsible Official,” as Defined by the ECFSA.**

WHEREAS, pursuant to the contract approval process described by ECFSA Resolution 07-10, the “County Executive or a ‘Responsible Official’ . . . must sign any request by the County for ECFSA review of a contract, settlement, or other obligation;” and

WHEREAS, that process defines the Chair of the Legislature as a Responsible Official “with regard to any contract, settlement, or other obligation arising from or relating to the operation of the Department of the Legislature;” and

WHEREAS, the Proposed Payments to each of the AFSCME Employees would not arise from or relate to the “operation” of the Department of the Legislature; and

WHEREAS, the Chair of the Legislature would not constitute a “Responsible Official” who could validly sign a request for ECFSA approval of the Proposed Payments to each of the AFSCME Employees; and

WHEREAS, pursuant to the contract approval process presently in effect, the County Executive would constitute the only person who could validly sign such a request; and

WHEREAS, the County Executive has not signed such a request, nor submitted it to the ECFSA; and

WHEREAS, a condition precedent to ECFSA consideration of the merits of the Proposed Payments to each of the AFSCME Employees consequently remains to be satisfied; and

**IV. Resolutions**

WHEREAS, the merits of the Proposed Payments to each of the AFSCME Employees, as described by the Employee Payment Resolution, are not ripe for consideration by the ECFSA, for the following reasons:

- (1) Neither the Employee Payment Resolution, nor any other resolution adopted by the Legislature, would bind or purport to bind the County to make the Proposed Payments.

(2) The County Executive has not submitted to the ECFSA his signed request for its consideration of the merits of the Proposed Payments.

NOW, THEREFORE, BE IT RESOLVED that the Proposed Payments to each of the AFSCME Employees do not constitute a binding obligation that Public Authorities Law section 3959(2)(h) would empower the ECFSA to approve or disapprove; and

BE IT FURTHER RESOLVED that the ECFSA declines to take action to approve or disapprove the Proposed Payments, or to consider or comment on their merits, in the absence of a ripe request for approval of those Payments.

This resolution shall take effect immediately.

Chairman Baynes: "Mr. Bucki, thank you."

Director Goodell: "I would like to speak from my personal opinion and my opinion is at least shared by some Board members that receiving the settlements of a number of different labor agreement, whether they be in the past or are retroactive in the future, I for one am very, very reluctant to take them in small pieces like this. I think it is appropriate for us, the taxpayers and I would think the employees of the County as well, to have a more comprehensive settlement, perhaps a small number of settlements that can be reviewed in totality, because it is just very difficult to put these things in prospective. We all feel that contracts should have zero cost to them; there has to be something on either side and that there is another element here. So I would ask that the County and the employees give some thought to how they are going to deal with these things, all of these labor agreements retroactive in the future. I think as Chairman Baynes has said several times, if there is a good labor contract agreement in the future or a series of labor contracts, that that makes the Board less reluctant to stay as a hard board. Thank you."

Chairman Baynes: "There being not further business today, I would entertain a motion to adjourn."

Director Kruly moved to adjourn, Secretary Keysa seconded, and the Directors voted unanimously to adjourn the meeting.

Respectfully submitted,

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Stanley Jay Keysa  
Secretary  
April 11, 2008