

ECFSA Full Board Meeting  
SUNY ECC City Campus Auditorium  
June 8, 2022

**Present:** Chair James Sampson, Vice-Chairman Marlette, Director Craig Speers, Director James Connelly, Director Catherine Creighton, Director Oliver Young, Director Craig Speers, Director Stuhlman and Executive Director Kenneth Vetter

**Guests:** Ben Swanekamp, Bob Keating and Attorney Frank Jones.

**Chairman Sampson:** “ Again, I'd like to call the meeting to order. We have three basic items of business. One is to receive an approved the 2021 Audit. The second is to do a number of routine administrative tasks. The third is to receive a presentation about the proposed new stadium. We're going to move the agenda little bit and have the opportunity to present. So it's probably best for us to sit up here-to see the PowerPoint presentations.”

**Ben Swankamp:** “I will present the PowerPoint and the broad strokes then Bob Keating will answer any technical fiscal questions. Also, we assume it's Frank Jones, who is outside counsel and expert on state negotiations. Next slide. The Buffalo Bills and the Erie County Stadium Corporation, subsidiary of Empire State Corporation and New York State, entered into a three-party agreement on March 29th of this year. The broad MOU was approved by the Erie County Legislature on May. The MOU sets up broad features of the agreement, including the fiscal responsibility of parties, the plans for the new stadium. It also prohibits the

Buffalo Bills from negotiating with any other entity to move for September 1<sup>st</sup>.”

**Ben Swanekamp:**

“Most significant part of the agreement is the new stadium on the land, joining the current stadium across the street where ECC South is located. The land would be transferred from the county to the Stadium Corporation of New York State, and they will be still sponsors. So this the big takeaway here is this gets the county out of the stadium business. It's not owned by DPW buildings and grounds. It will be owned by the state. The stadium will not just be a normal stadium, could be a multi- use facility for outdoor sports events the big one I have being tossed out there is the World Cup play. The tentative project budget is \$1.4 billion. So the contributions are as follows The state pays \$600 million or 43%, The county pays \$150 million.. And the bills will pay for everything else with additional revenue bills portion generated by the sale of personal store licenses. A very common arrangement in the NFL today. So this is critical. The structure is that any cost overrun to the responsibility of Bills and not New York State or Erie Council. Given our period of high inflation and supply chain shortages, overruns are probably quite likely so this protects the taxpayer.”

**Ben Swanekamp:**

“Construction terms - the Bills hire the actual architect engineers. All the construction has to be done in compliance with state and local laws. The various state orders and county orders regarding MWBE and other agreements. There will be a project labor agreement with the projects between the Bills and the Buffalo building trades. The county and the state have the rights to oversee the work and make sure those goals are being met. And the team must demolish the current

stadium once it's complete. The CBA is being negotiated right now.”

**Director Creighton:**

“Yes. How much is that?”

**Ben Swanekamp:**

“I'm not. I'm sure that would given that it is an older stadium the cost maybe alot. The CBA was an important factor. At least for the County Legislature that's being negotiated right now, I think that Frank asked questions on that. That is one of the multiple items that have to be formally locked in before September 1st. So I believe that up over the course of the summer. So we had a 30 year lease here. There's also a strong relocation clause to the team if they do it. They first have to get a court order to move. If the court even allows it they have to pay back the taxpayers and ECSC contributions in the first 14 years and then declines for the final 16 years.

**Ben Swanekamp:**

“So it's as close to an ironclad as possibly agreed to . The key here so future ongoing central for the stadium are both before certainly by the buffalo belts and by the city on the next slide. Again, the county has no obligations to fund future operator capital expenses. So as it looks now, every year in the budget, we have a capital component, the allowance fund every year as well as game day and working capital funds almost every year. We're done with that once we finish our contribution, the initial setup, the accounting advantages of the stadium business. As I noted, the kind of annual amounts for 2022 is \$97 million. And because of requirements for those amounts to grow by various factors, inflation or 2%, there's different formulas for each one. It grows constantly. And so if we had kept the current deal in place with the current

stadium that renovating it, those costs would continually be growing to \$12 million based on inflationary projection 2050. The beauty of this is the county will no longer have to have expenses in the matter of the long term. The county will actually be paying slightly less to build the new stadium than if we had been locked into the current deal going forward. It's almost hard to believe, it's actually to say a long term net savings to the taxpayer."

**Ben Swanekamp:**

"I will touch on this quickly. So there is a clock ticking with the approval of the detailed documents. So there's that CBA that I referred to, but also the actual formal lease and relocation agreement and structure formation agreement. Mr. Jones and county and state are working on all those options as we speak to hammer out those specifics. So that's our first deadline. So it's on the clock."

**Ben Swanekamp:**

"Crossroad- benefits keeps Buffalo Bills for 30 years provides construction cost certainty. When inflation and supply chain constraints are pushed, costs go up dramatically year over year, and it gets the County off those future ongoing operating expenses when capital gains gain working capital."

**Chairman Sampson:**

"Ben and Bob, thank you so much. Any questions by our guests or members of the board??"

**Director Creighton:**

"So just to comment first, it's a really great financial deal. Seems to be true. Congratulations, Mr. Jones. Thank you. So what about capital improvements in the future, since we're not part of it, we don't have any say then, so we have to rely upon state to come up with the money. The only game that I would see is that the state would

say we said we're not going to put anything in. That's one potential issue.”

**Attorney Frank Jones:** “I think I understood the question. Because the county is making a contribution to the capital campaign, but it's not coming out of your general fund or anything like that. We will levy some surcharges on users of the facility, and the money that's collected from that will go into a capital fund along with the contribution from the state. The state and the county will have some approval rights on how those funds are spent throughout the term of the lease. So you will still be able to participate and have some say in how those funds are used throughout the term of the lease going forward.

**Chairman Sampson:** “Thanks very much. Questions?”

**Director Speers:** “One of the problems of the old stadium that we currently use is the fact that it really does not comply with some state DOH regulations for health and safety concern, specifically the spacing of the seats that are not up to standard. So my concern would be that in the new stadium will state DOL be allowed to inspect the stadium to make sure that the deficiencies that are in the current stadium are not also applicable to the new stadium.

**Attorney Frank Jones:** “Going forward, the state and the county will have the ability to approve the plans for the for the new building. So you the state will have a say in addressing the issues you just brought up. We also included in the MOU a pretty detailed program statement, basically denoting what the state and the county are buying for their very substantial contributions. So I don't anticipate that being a problem. But if there are issues with the design going forward, the state

will certainly have an opportunity to step in and voice their concerns.”

**Director Speers:** “According to this presentation, I'm assuming now that the construction manager will be hired by the Buffalo Bills, is that correct?”

**Attorney Frank Jones:** “That's correct.”

**Director Speers:** “So on a routine basis, we'll either town of Orchard Park building inspectors or building inspectors from another municipality be allowed into the construction site to inspect the work as it proceeds.”

**Attorney Frank Jones:** “I anticipate the state and the county hiring construction representatives to do that. I'm not quite sure about your local laws and what would be required by Orchard Park or other local localities that are close to the stadium. But I am pretty certain that the state and the county will have representatives on site to inspect the progress of the construction, to attend construction meetings with the construction manager and the architect. Based on my prior experience, the owners of the facility will be pretty involved in the construction process going forward.”

**Director Speers:** “I understand it's a collaborative process between state, county and local officials that generally that local officials or local building inspectors are kind of left out of the process of inspections on these large state projects. I know there's been some problems with other state projects that have been undertaken in the last several years. So that's my main concern, is to make sure there's rigorous building inspection underway during the course of construction project. I think that's one of the main concerns.”

**Attorney Frank Jones:** “ I understand.”

**Director Speers:** “Overall, I think the agreement is excellent. I mean, the county now does not have any liability going forward for operating expenses or anything else. I mean, the land is being turned over to the to the state, ECSC, and they're going to proceed with the project. I think that's excellent. It's wonderful to relieve the local government of those types of costs going forward. I'm very happy with it. And just let me say something else. I mean, there's been a lot of political controversy about the contributions the county and the state have to make. When you look at the totality of the state budget, which is over \$220 billion this year, and you look at the large- scale construction projects that are continuously underway in New York City, this project pales in comparison. I mean, the state contribution is not \$1 billion. There are probably 25 projects under way in your city now as we speak that exceed that amount, some massive projects in the city. I'll give you an example. The Second Avenue subway extension project is budgeted to be approximately \$25 billion. I think this is a very reasonable contribution by the state to this new stadium project, and I compliment you and the entire team for negotiating this. Thank you very much.”

**Attorney Frank Jones:** “Thank you. I appreciate that. If I could add one thing, we talked earlier about cost overruns. And, you know, Ben mentioned some of the inflationary pressures that might be on the budget. But one of the reasons there's a very detailed program statement in this menu is to prevent the bills from value engineering the project to something you don't want. So if prices go up, they're just kind of committed to paying those and they can't keep cutting things out of the stadium. Important amenities to the community to bring the price down to something they feel like they want to pay. So that's something we'll be watching very closely going forward. But I

think that's important for f you guys to know that they can't value engineer their way out of the budget price that they're going to have to pay.

**Chairman Sampson:** “Thank you. Any other questions?”

**Director Oliver:** “On a slightly more serious question, all over the country, we've seen states that have domes like Las Vegas. This is one place I think you might want to have a dome. What went into consideration for not to have a dome?”

**Attorney Frank Jones:** “The only thing I can tell you is just based on the conversations I had with the Bills and their lawyers. The owner, Mr. Pegula, just believes football should be played outside and it's really that simple. They did not want a dome. They believed their fans support open air stadiums, the Bills Mafia and all of those other wonderful fans you have up there believes it gives the team an advantage. They appreciate it. And that's where we came out. There were certainly support on the state and the county side to put a dome on the building. We all thought it would certainly increase the multipurpose usage, but the Bills were pretty adamant about that and considering it's a \$500 million plus addition to the budget. We left it at that.”

**Executive Director Vetter:** “ If I could for a second on that. This is more anecdotal. I was one of the people in their focus groups when they brought in the accounting firm, and they're actually the focus group I was part of. There are about 30 people in the room. I was the only one who voted for it. So very if that was the microcosm of what Bills fans think. 29 out of 30 didn't want to.”

**Attorney Frank Jones:** “ It was amazing to me. Even the Bills told me, Frank, if you want to come up and see a game, just make sure you do

it before Halloween so they even know where there's a problem. But this is the way they wanted to go.?

**Chairman Sampson:** “I would like to interject there is one place colder than Buffalo that does not have a dome. Any other questions?”

**Director Oliver:** “Just one final question. When will the construction commence?”

**Attorney Frank Jones:** “I believe that based on state law and other issues, the SEQR process kind of has to be completed before they can break ground. Now they are doing things. Now they're deep in design. The Bills and the county are collaborating on getting the SEQR process done. I would anticipate based on the schedules I've seen, they could get started at the end of this year, maybe early next year, but it's really just a matter of completing the environmental process that's mandated by your state law.?”

**Chairman Sampson:** “Given that the Buffalo Bills assume responsibility for the demolition of the current stadium. Is there a time frame.?”

**Attorney Frank Jones:** “ I think that's going to be part of the project schedule. They're going to need that site for parking. So as you see the other building going up, you'll start to see some demolition on the other side of the road. It'll probably be one of the last things on their checklist because they're going to need a place to play as long as they as they can. I would anticipate that demolition of the current stadium happening towards the end of the project schedule, at least that's how it worked in Atlanta. They had a similar problem with the Georgia Dome coming down while the Mercedes-Benz was

going up. That demolition happened pretty close to the end of the project.”

**Chairman Sampson:**

“There's no hazard staying empty for a couple of years and unused?”

**Attorney Frank Jones:**

“No, I don't believe so. Mainly just for the economic incentives, the Bills have to take it down and get the parking lot built because they're going to be taking up a substantial amount of their parking with the new building.”

**Chairman Sampson:**

“ What's the range of your sense of timing? Will the new stadium be built first.? How is the \$24 million going to be used?”

**Bob Keating:**

“ So the plan is, if I hear correctly, the plan is that the new stadium is built and occupied. Hopefully by that time, the current season that's going to be ours this spring. So once you use it, you'll see in says there's no issue with that existing but once there's the stadium or the new stadium is in place at that point it will be known that that part of the expenses that becomes assuming for the construction of the new stadium. It's all cost and again, we chose to bond one of the years and allow us to choose to go issue one. Also, I think they contribute part of the annual payment again when it comes to the economy of the county stands and what happens.”

**Chairman Sampson:**

“Okay. Thank you. The other questions. I think we're done. Thank you for your work.”

**Attorney Frank Jones:** “Thank you very much. It's a pleasure meeting all of you virtually. Hopefully I'll get to do it in person one day soon.”

**Director Creighton: T** “Thank you so much. Congratulations.”

**Attorney Frank Jones:** “Thank you. This is only part one. There's much more to come.

**Chairman Sampson:** “Thank you so much. Now we're going to move into our meeting. Before we get to business. You should have minutes from our last meeting. Can I have a motion to approve those minutes?”

Director Creighton moves, Director Speers seconds.

Resolution No. 22-01  
APPROVING MINUTES FROM  
THE DECEMBER 20, 2021 MEETING

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its DECEMBER20th, 2021 meeting and affirms three resolutions numbers 21-13, 21-14, and 21-15that were approved on DECEMBER 20, 2021.

This resolution shall take effect immediately.

**Chairman Sampson:** “Just a few minutes ago, we had a presentation at the Audit committee on the 2021 audit. The Audit committee recommended to this body that the audit that has been submitted can I get a motion to approve?”

Director Creighton moves, Director Speers seconds.

## **Resolution No. 22-02**

### **APPROVING THE 2021 ECFSA ANNUAL FINANCIAL AUDIT**

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 is a public authority of the State of New York and, as such, section 3971(1) of the New York Public Authorities Law (“Public Authorities Law”) requires the ECFSA to select an independent certified accountant to perform its annual financial audit; and

WHEREAS, in adopting Resolution 20-18 on October 7, 2020, the ECFSA, approved the firm of Lumsden McCormick, P.C., certified public accountants and an approved vendor for statewide auditing and accounting services by the New York State Office of General Services, to provide audit services to the ECFSA for fiscal years 2020, 2021 and 2022; and

WHEREAS, Lumsden McCormick, has completed the ECFSA 2021 annual financial audit and has presented it to the ECFSA Board during an open meeting on June 8, 2022; and

WHEREAS, section 2800(3) of the Public Authorities Law further requires the ECFSA to approve a financial audit for fiscal year 2021; and

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves the 2021 Audit, a copy of which is attached to this resolution: and

BE IT FURTHER RESOLVED that the 2021 Audit be submitted to the Erie County Executive, the Presiding Officer of the Erie County Legislature, the Erie County Comptroller, the Governor, the State Comptroller, the Chair and Ranking Minority

Member of the State Senate Finance Committee, and the Chair and Ranking Minority Member of the State Assembly Ways and Means Committee, as required by section 3971(1) of Public Authorities Law.

**Chairman Sampson:** “Now we move on to our routine area of business of yearly Authority resolutions.”

**Executive Director Vetter:** “Yes. Mr. Chairman, just very quickly, I know this is the most exciting part of the meeting, but I go through it quickly in any way. There are six resolutions that under public authority, regulations, have to be re-approved each year. None of them have changed their designation of internal control officer investment guidelines, lobbying guidelines, payment guidelines, property disposal and procurement guidelines. Each one has to be approved individually by this body. So the first is designate an internal control officer. I think this is 12th year and that's our financial analyst. And this is reapproving him as internal control officer.”

**Chairman Sampson:** “There's resolution a to be approved. Do I have a motion?”

Director Creighton moves, Director Speers seconds.

Resolution No. 22-03

#### DESIGNATING AN INTERNAL CONTROL OFFICER

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 has established and maintained guidelines for a system of internal controls to comply with Public Authorities Law and internal control standards;

WHEREAS, section 2931 of the New York Public Authorities Law (“Public Authorities Law”), requires the governing board of the ECFSA to designate an internal control officer, who shall report to the head of the Authority, to implement, maintain, communicate and review the internal control responsibilities established and maintained for the Authority; and

WHEREAS, through adoption of employee guidelines in Resolution 08-33 on March 7, 2008 the ECFSA Board had previously designated the Financial Advisor as the Authority’s Internal Control Officer; and

WHEREAS, the ECFSA Board finds it necessary to designate in name at this time the Authority’s Internal Control Officer; and

WHEREAS, section 2932 of Public Authorities Law, requires the governing board of the ECFSA or its designee to determine, and periodically review the determination of, whether an internal audit function within the Authority is required; and

NOW, THEREFORE, BE IT RESOLVED that the Financial Analyst is hereby designated the Internal Control Officer responsible for implementation and review of the Authority’s internal control responsibilities until such time as his resignation, removal or death; and

BE IT FURTHER RESOLVED that the Authority’s designated Internal Control Officer is designated to determine, and periodically review the determination of, whether an internal audit function within the Authority is required and to report to this Board should the need arise.

This resolution shall take effect immediately.

**Executive Director Vetter:** “So second are the investment guidelines. Pretty much they say that we can only invest in no risk securities, things like treasuries or funds that are backed by treasuries. And that's what we do if the public comes at a problem with that, they would have said some previous meeting. So this is just reupping the investment guidelines.”:

**Chairman Sampson:**

“Could I have a motion approval?”

Director Creighton moves, Director Speers seconds.

## **Erie County Fiscal Stability Authority**

### **Resolution No. 22-04**

#### **APPROVING INVESTMENT GUIDELINES**

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 is a public authority of the State of New York and, as such, is governed by certain state laws that require the adoption of investment guidelines; and

WHEREAS, in order to comply with state law, it was necessary for the ECFSA to adopt investment guidelines, as required by sections 2925 and 3954 of the New York Public Authorities Law; and

WHEREAS, the ECFSA adopted such investment guidelines in Resolution 07-16 on March 2, 2007; and

WHEREAS, in order further to comply with state law, it is necessary for the ECFSA to review and approve its investment guidelines at least annually; and

WHEREAS, the Board of Directors of the ECFSA has reviewed the investment guidelines currently in effect; and

WHEREAS, upon review of those guidelines and the report on compliance, the ECFSA finds that the investment guidelines be maintained in their current form; and

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves for use the investment guidelines attached to this resolution.

This resolution shall take effect immediately.

**Executive Director Vetter:** “Mr. Chairman next resolution is the lobbying guidelines. In essence, pretty much saying that if any member of this board or staff does on behalf of the organization, that has to be reported.”

**Chairman Sampson:** “Could I have a motion to approve resolution?”

Director Creighton moves, Director Speers seconds.

### **Resolution No. 22-05**

#### **APPROVING LOBBYING CONTACT POLICY**

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 is subject to New York State Public Authorities Law; and

WHEREAS, therefore in accordance with Section 2987 of the New York State Public Authorities Law the ECFSA is required to establish a Lobbying Contact Policy; and

WHEREAS, the Lobbying Contact Policy requires the ECFSA to maintain a record of all contacts by lobbyists; and

WHEREAS, through the adoption of this policy, each director and employee of the ECFSA is hereby directed to provide accurate records of a contact by any lobbyist to include the following data: date and time of contact, identity of the lobbyist and general summary of the nature of the contact; and

WHEREAS, the Executive Director shall hereby be designated the officer who shall maintain such records for not less than seven years in a filing system designed to

organize records in such a manner so as to make such records useful to determine whether the decisions of the authority was influenced by lobbying contacts; and

THEREFORE, BE IT RESOLVED that the Board of Directors of the Authority has reviewed and hereby approves for use the Lobbying Contact Policy attached to this resolution.

This resolution shall take effect immediately.

**Executive Director Vetter:** “Next one regarding prompt payment guidelines that we will pay our bills. Specify a period of time generally 30 days. So we don't we have to pay our vendors interest. We always pay bills on time.”

**Chairman Sampson:** “Can I have a motion to approve?”

Director Creighton moves, Director Speers seconds.

#### **Resolution No. 22-06**

### **APPROVAL OF PROMPT PAYMENT POLICY**

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 is a public authority of the State of New York and, as such, is governed by certain state laws that require the adoption of a prompt payment policy; and

WHEREAS, in order to comply with state law, it is necessary for the ECFSA to adopt a prompt payment policy, as required by section 2880 of the New York Public Authorities Law (“Public Authorities Law”);

WHEREAS, upon review of its current prompt payment policy finds that amendments are not needed at this time,

NOW, THEREFORE, BE IT RESOLVED, that the ECFSA hereby adopts the Prompt Payment

This resolution shall take effect immediately.

**Executive Director Vetter:** “The next is property disposal Which means says we just can't get rid of things. It has to be approved by the state. I think the biggest purchase we had in the last couple of years, I think we spent about \$400 from monitors in the office and the state just said they didn't want them, just recycle them someplace else.”

**Chairman Sampson:** “ Motion for approval, please.”

Director Creighton moves, Director Speers seconds.

#### **Resolution No. 22-07**

#### **APPROVING PROPERTY DISPOSAL GUIDELINES**

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 2896 of the Public Authorities Law requires public authorities to adopt comprehensive guidelines which detail the authority’s operative policy on the disposal of personal property valued in excess of fifteen thousand dollars; real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party; and

WHEREAS, the ECFSA has developed and implemented property disposal guidelines to comply with this requirement; and

NOW THEREFORE BE IT RESOLVED that the Erie County Fiscal Stability Authority does hereby affirm the attached property disposal guidelines as required by Section 2896 of the Public Authorities Law; and

BE IT FURTHER RESOLVED, that the Office Manager be designated as the “contracting officer” who shall be responsible for the disposition of property is hereby affirmed. This Resolution shall take effect immediately.

This resolution shall take effect immediately.

**Executive Director Vetter:** “ Mr. Chairman, last one is procurement which pretty much says we'll bid our services, that we'll follow the state guidelines. We've written our guidelines to that effect. Will RFP, will we need to RFP for big items, for smaller items? We'll try and get two or three bids for whatever we can get with our purchasing. I think the only thing that is an exception to general state guidelines is when we have veterans organizations or MWBE needs that are sanctioned by the state. Those kind of guidelines are not required and there's an executive order in place to make those purchases.”

**Chairman Sampson:** “Can I have a motion for approval, please.”

Director Creighton moves, Director Speers seconds.

### **Resolution No. 22-08**

#### **APPROVING PROCUREMENT GUIDELINES FOR CERTAIN CONTRACTS**

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 requires 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, in order to comply with state law, it was necessary for the ECFSA to adopt Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts (the “Procurement Guidelines”), as required by sections 2879 and 3960 of the New York Public Authorities Law; and

WHEREAS, the ECFSA adopted its Procurement Guidelines in Resolution 05-10 on August 18, 2005; and

WHEREAS, in order further to comply with state law, it is necessary for the ECFSA to review and approve the Procurement Guidelines at least annually; and

WHEREAS, the Board of Directors of the Authority has reviewed the Procurement Guidelines currently in effect and has determined that such Procurement Guidelines do not need to be amended at this time; and

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves for use the Procurement Guidelines attached to this resolution.

This resolution shall take effect immediately.

**Chairman Sampson:** “Thank you so much. It’s been a pleasure to be with you and to gather in person once again. What is our timeline for the meeting?”

**Executive Director Vetter:** “Mr. Chairman, I would anticipate either two or three meeting, one meeting soon after we get the county’s budget, 2023 budget. It’s due out October 15th but in the previous years, the county has come out with that earlier. We haven’t set a date because we only

have 20 days to review and opine on that budget. If they come up with it early, we schedule a date, we have a problem, but also. Also by the end of the year we have to review the SUNY Erie the budget and financial plan, and we have to go through our own budget and financial plan for 2023.”

**Chairman Sampson:**

“So we'll be engaging SUNY Erie here in the fall once the data is available?”

**Executive Director Vetter:**

“We specifically ask the college not to submit their budget even though they had a draft at this point to us, because that would put us on the clock to review and opine on their budget within 20 days. So we've been waiting, as we have in the past, for the college to get their enrollment numbers so that we can see how real their figures are in the budget.”

**Chairman Sampson:**

“So we will be hearing from them.

**Executive Director Vetter:**

“Yes, Mr. Chairman.”

**Chairman Sampson:**

“If there's no business, I'm going to adjourn. Can I get a motion?”

Director Creighton moves, Director Speers seconds.

Respectfully submitted,

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James Sampson, Chairman

June 8, 2022