

Erie County Fiscal Stability Authority

Resolution No. 07-10

AMENDING THE PROCESS FOR APPROVING CONTRACTS, SETTLEMENTS, OR OTHER OBLIGATIONS BINDING OR PURPORTING TO BIND THE COUNTY OF ERIE

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, 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, 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, during a control period, the ECFSA also “may review and approve or disapprove the terms of any proposed settlement of claims against the county or any covered organization in excess of fifty thousand dollars,” pursuant to Public Authorities Law section 3959(2)(k); and

WHEREAS, during a control period, the ECFSA also “shall review and approve or disapprove any collective bargaining agreement to be entered into by the county or any covered organization, or purporting to bind, the county or any covered organization,” pursuant to Public Authorities Law section 3959(2)(e); 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, certain County elected and appointed officials have requested amendment of this contract approval process to require the ECFSA to entertain and act upon requests to approve a contract, settlement, or other obligation binding or purporting to bind the County at a duly noticed public meeting of the ECFSA Board of Directors (the “Board”);

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby authorizes the following process for the approval of contracts, settlements of claims (“settlements”), or other obligations binding or purporting to bind the County or its covered organizations:

1. 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.
2. Requests to review contracts, settlements, or other obligations must be submitted to the ECFSA in writing, and must consist of a copy of the proposed terms of the contract, settlement, or other obligation; a completed standard contract approval request form, as the ECFSA Staff (“Staff”) may develop; and any other required authorizations or additional information.
3. The County Executive or a “Responsible Official,” as defined herein, must sign any request by the County for ECFSA review of a contract, settlement, or other obligation.
 - (a) The President of Erie Community College (“ECC”) is a Responsible Official with regard to any contract, settlement, or other obligation binding or purporting to bind ECC.
 - (b) The Executive Director of the Buffalo and Erie County Public Library (“B&ECPL”) is a Responsible Official with regard to any contract, settlement, or other obligation arising from or relating to the operation of the B&ECPL.
 - (c) Acting jointly, both Commissioners of the County Board of Elections (“Board of Elections”) are Responsible Officials with regard to any contract, settlement, or other obligation arising from or relating to the operation of the Board of Elections.
 - (d) The County Sheriff is a Responsible Official with regard to any contract, settlement, or other obligation arising from or relating to the operation of the County Sheriff’s Department.
 - (e) The County Clerk is a Responsible Official with regard to any contract, settlement, or other obligation arising from or relating to the operation of the Office of the County Clerk.
 - (f) The County Comptroller is a Responsible Official with regard to any contract, settlement, or other obligation arising from or relating to the operation of the Office of the County Comptroller.
 - (g) The County District Attorney (“District Attorney”) is a Responsible Official with regard to any contract, settlement, or other obligation arising from or relating to the operation of the Office of the District Attorney.
 - (h) The Chairperson of the County Legislature (the “Legislature”) is 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.

4. Within ten (10) days after submission of a completed request for approval of a contract, settlement, or other obligation in compliance with paragraphs (2) and (3) above, the ECFSA Executive Director, after consultation with the Staff, shall recommend its approval or rejection via written correspondence to each ECFSA Director.

5. Upon the ECFSA Executive Director's recommendation concerning a requested contract, settlement, or other obligation, the Board shall consider whether to approve such contract, settlement, or other obligation at its next duly noticed meeting. A contract, settlement, or other obligation shall be deemed approved upon the affirmative vote of (4) ECFSA Directors at a duly noticed Board meeting.

6. Notwithstanding any contrary provision of this resolution, the ECFSA shall consider whether to approve a collective bargaining agreement binding or purporting to bind the County or its covered organizations, pursuant to the procedure established by Public Authorities Law section 3959(2)(e).

BE IT FURTHER RESOLVED that the above process for the approval of contracts, settlements, and other obligations binding or purporting to bind the County or its covered organizations replaces and supersedes the process adopted by Resolution 06-51 on November 3, 2006; and

BE IT FURTHER RESOLVED that the Executive Director shall send a copy of this resolution to the County Executive, the Executive Director of the B&ECPL, the Commissioners of the County Board of Elections, the County Sheriff, the County Clerk, the County Comptroller, the District Attorney, and the Chairperson of the Legislature.

This resolution shall take effect immediately.

Stanley J. Keysa
Secretary

Date: March 2, 2007