

## **Erie County Fiscal Stability Authority**

Resolution No. 07-115

### **COMMENTING ON AND APPROVING ISSUANCE OF BOND ANTICIPATION NOTES THROUGH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION ON BEHALF OF ERIE COUNTY AND RELATED CONTRACT**

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, in adopting Resolution 07-108 on November 2, 2007, the ECFSA renewed and continued a control period and the contract approval process authorized by Resolution 07-10; 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 below; 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; and

WHEREAS, Section 3959(2)(i) of New York Public Authorities Law requires that, during a control period, the ECFSA review the terms of each proposed issuance of bonds or notes, comment on the prudence of each issuance and indicate approval or disapproval of the proposed borrowing within thirty days after notification; and

WHEREAS, Section 3959(2)(i) of New York Public Authorities Law also requires that, during a control period, no such borrowing shall be made by the County unless first reviewed, commented upon and approved by the authority; and

WHEREAS, the Department of Environment and Planning has requested approval for the issuance of Bond Anticipation Notes (“BANs”) through the New York State Environmental Facilities Corporation (“NYS EFC”) on behalf of the County to finance various sewer-related capital projects; and

WHEREAS, the issuance of BANs through the NYS EFC on behalf of the County will result in a 100 percent interest subsidy to the County, allowing the County to achieve savings for County taxpayers that the County of the ECFSA could not achieve on their own;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the issuance of BANs through the NYS EFC on behalf of the County and the related contract submitted by the Erie County Department of Environment and Planning as listed below.

<b>Department</b>	<b>Description</b>	<b>Amount</b>
EC Environment & Planning	Bonding Resolution – Sewer District No. 2 – Improve the facility	\$4,272,781– Capital Funds

\*EC- Erie County

This resolution shall take effect immediately.

---

Stanley J. Keysa  
Secretary

Date: November 30, 2007