

Erie County Fiscal Stability Authority

Resolution No. 07-90

APPROVING CERTAIN CONTRACT SUBMITTED BY THE ERIE COUNTY DIVISION OF BUDGET, MANAGEMENT AND FINANCE

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 action on said contract as stated via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the purchase and sale agreement between Plymouth Park Tax Services, LLC and Erie County submitted by the Erie County Division of Budget, Management and Finance under the following conditions:

- a) that only the portion of the tax lien sale currently budgeted for in the County’s 2007 general fund operating budget (and related financial plan) remain in the general fund, and any excess be transferred to the capital fund to be used as a pay-as-you-go revenue for 2007 capital projects that are currently designated for bonding;

- b) that the capital borrowing for 2007 be reduced by the amount of the tax lien sale dollars transferred to the capital fund;
- c) that a consistent accounting of the current amount budgeted for the tax lien sale in the 2007 budget and in the 2008 financial plan be completed jointly by the Erie County Comptroller and Division of Budget, Management and Finance and be forwarded to the ECFA prior to final execution of the tax lien sale contract;
- d) that the appropriate legislation be proposed by the County Executive and approved by the County Legislature that would authorize the transfer of excess tax lien sale proceeds from the operating fund to the capital fund; and
- e) that the appropriate legislation be proposed by the County Executive and approved by the County Legislature requesting that the ECFA perform the 2007 capital borrowing on behalf of Erie County; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the County Executive, the County Comptroller and the County Legislature.

Department	Description	Amount
EC Division of Budget, Management and Finance	Purchase and Sale Agreement – XSPAND – County Tax Sale Certificates	\$10,835,095 maximum, plus right of first refusal on liens created in 2007 through 2009

*EC- Erie County

This resolution shall take effect immediately.

Stanley J. Keysa
Secretary

Date: September 28, 2007