

Erie County Fiscal Stability Authority

Resolution No. 08-106

APPROVING ENGAGEMENT OF LEGAL COUNSEL

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 3954(4) of New York Public Authorities Law grants the ECFSA the power to make and execute contracts or agreements necessary or convenient to carry out its purposes; and

WHEREAS, the ECFSA issued a request for proposals for legal services in June 2006 and, upon receiving responses to the request, a selection committee of ECFSA Directors and staff evaluated proposals received and selected Phillips Lytle LLP to provide legal services to the ECFSA on an as-needed basis for a period of one year;

WHEREAS, the one-year agreement with Phillips Lytle LLP expired on July 26, 2008;

WHEREAS, the ECFSA re-issued a request for proposals for legal services and, upon receiving responses to the request, a selection committee of ECFSA Directors and staff evaluated proposals received and selected Phillips Lytle LLP to provide legal services to the ECFSA on an as-needed basis for a period of one year;

NOW THEREFORE BE IT RESOLVED, that the ECFSA engage the firm Phillips Lytle LLP to provide such legal services on an as-needed basis as requested by the Chairman for a period not to exceed three years from the signing of a letter of agreement. Such services shall be undertaken for such amounts and on such terms as agreed upon by the Chairman, ECFSA Director or the Executive Director; and

BE IT FURTHER RESOLVED that this resolution shall supersede any previous resolutions of the ECFSA with regard to contracting for legal services.

This resolution shall take effect immediately.

Stanley J. Keysa
Secretary

Date: December 15, 2008