

Erie County Fiscal Stability Authority

Resolution No. 10-07

ACCEPTING THE COUNTY'S FISCAL YEAR 2010 BUDGET AND 2010-2013 FINANCIAL PLAN

WHEREAS, Chapter 182 of the New York Laws of 2005 (the "ECFSA Act"), as amended, 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, on October 2, 2009, Erie County (the "County") submitted to the ECFSA its proposed financial plan for fiscal years 2010-2013 (the "2010-2013 Plan"); and

WHEREAS, upon reviewing the 2010-2013 Plan, the ECFSA adopted Resolution 09-60 on October 16, 2009; and

WHEREAS, pursuant to Resolution 09-60, the ECFSA provisionally found that the 2010-2013 Plan was complete and otherwise satisfied the requirements of the ECFSA Act, but also requested additional information in writing to substantiate the reasonableness of fifteen (15) assumptions underlying the Plan; and

WHEREAS, pursuant to Public Authorities Law Section 3957(2)(c), the County Executive shall, upon the approval by the County of a budget in accordance with the provisions of the County Charter, submit such approved budget and financial plan to the ECFSA accompanied by expenditure, revenue and cash flow projections on a quarterly basis and certify to the authority ECFSA that such budget is consistent with the financial plan; and

WHEREAS, the County submitted to the ECFSA on January 29, 2010, the County's approved budget for fiscal year 2010 and a revised financial plan for fiscal years 2010-2013 ("Revised 2010-2013 Plan"), which modified the original 2010-2013 Plan; and

WHEREAS, pursuant to Public Authorities Law section 3957(2)(b), "[n]ot . . . more than fifteen days after submission of a financial plan modification, the [ECFSA] shall determine whether the . . . financial plan modification is complete and complies with the provisions of [section 3957] and the other requirements of [the ECFSA Act] . . .;" and

WHEREAS, the members of the ECFSA Board of Directors have reviewed the Revised 2010-2013 Plan, and determined that it contains actions sufficient to ensure with respect to the major operating funds for each fiscal year of the plan – including budget year 2010 and out-years 2011

through 2013 – that annual aggregate operating expenses for such fiscal year shall not exceed annual aggregate operating revenues for each fiscal year; and

NOW, THEREFORE, BE IT RESOLVED the ECFSA accepts the 2010-2013 Plan and remains in advisory status, as described by Public Authorities Law section 3958; and

BE IT FURTHER RESOLVED that the ECFSA will continue to monitor the County's progress in implementing the initiatives and achieving the objectives that serve as a basis for the assumptions in the Revised 2010-2013 Plan and may, at any time the ECFSA deems necessary and appropriate, require the County to modify the Revised 2010-2013 Plan, in such detail as the ECFSA may require, pursuant to Public Authorities Law section 3957(2)(f); and

BE IT FURTHER RESOLVED that the ECFSA shall impose a control period upon the County whenever the ECFSA determines that any one of the five circumstances listed in Public Authorities Law section 3959(1)(a) through 3959(1)(e) shall have arisen; and

BE IT FURTHER RESOLVED that the ECFSA shall evaluate these five circumstances and that the ECFSA shall cooperatively work with the county to monitor the county's finances.

This resolution shall take effect immediately.

Stanley J. Keysa
Secretary

Date: February 12, 2010

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