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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

December 4, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Notice of Adoption
Erie County Sewer Districts
2012 Assessment Rolls (2013 Levy)

Dear Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Erie County Sewer Districts, Notice of Adoption, 2012 Assessment Rolls.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark Poloncarz, Esq.
Erie County Executive

MLP/ms
Enclosure

cc: Joseph L. Fiegl, P.E, Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Adoption – Erie County Sewer Districts
2012 Assessment Rolls (2013 Levy)
Date: November 16, 2012

SUMMARY

The Erie County Legislature is requested to affirm and adopt the 2012 Assessment Rolls for the Erie County Sewer Districts.

FISCAL IMPLICATIONS

If the Assessment Rolls are not affirmed and adopted, the Sewer Districts will not have the legal authority to raise sewer district tax levies for 2013.

REASON FOR RECOMMENDATION

Pursuant to Article 5A of the County Law, Sections 270 and 271, the Legislature is required to adopt and affirm the Assessment Rolls.

BACKGROUND INFORMATION

The Sewer District levies are raised from the various lots and parcels of land within the various Erie County Sewer Districts.

In order to legally raise said tax levies, the procedure for raising the tax levy pursuant to Article 5A, County Law requires a Public Hearing be held prior to the Legislature adopting and affirming the Assessment Rolls. The Erie County Legislature has been requested to hold a Public Hearing on the Assessment Rolls on November 2, 2012. Once the Public Hearing has been held and the Legislature has heard any objections to the Assessment Rolls, they are free to consider changes to the Assessment Rolls or adopt and affirm the Assessment Rolls.

CONSEQUENCES OF NEGATIVE ACTION

Failure to adopt and affirm the Assessment Rolls will result in the Sewer Districts not having the financial resources to carry out sewer district operations in the next budget year. In addition, there would be insufficient funds to pay annual principal and interest which will come due on the bonds issued for the Sewer Districts.

STEPS FOLLOWING APPROVAL

1. Sewer District budgets must be adopted in conjunction with the Erie County Budget.

2. The Sewer District tax levies must be approved in conjunction with the Erie County Budget.

3. After approval of the Budget, the Director of Budget and Management must raise the Sewer District tax levies from the various lots and parcels of land within the Erie County Sewer Districts.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Adoption
Erie County Sewer Districts
2012 Assessment Rolls (2013 Levy)

WHEREAS, the 2012 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2012; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 2, 2012 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2012 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Kristen Walder, Assistant County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.