ECLEG JUN05'12 AM 9:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 5, 2012

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Arctic Edge Exhibit at the Buffalo Zoo

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum authorizing the County Executive to enter into a contract not to exceed $3,000,000 with the Zoological Society of Buffalo and other involved agencies, including the City of Buffalo and New York State. In addition, authorization is also given to accept a Cultural and Recreational Easement from the City of Buffalo for the land on which the Arctic Edge Exhibit will be constructed for the purpose of protecting the cultural viability of the Zoo.

This process mirrors that of prior-year County bonded proceeds provided to the Buffalo Zoo and is required because the Zoo is not a County-owned facility.

Should your Honorable Body require further information, I encourage you to contact Commissioner Maria R. Whyte at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: Maria R. Whyte, Commissioner, Department of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment and Planning
Re: Arctic Edge Exhibit at the Buffalo Zoo
Date: June 5, 2012

SUMMARY

It is recommended the Erie County Legislature approve the attached resolution authorizing the County Executive to enter into a contract not to exceed $3,000,000 with the Zoological Society of Buffalo and other involved agencies, including the City of Buffalo and New York State. Funds will be used for improvements to the Zoo's Arctic Edge Exhibit.

In addition, the resolution authorizes the County of Erie to accept a Cultural and Recreational Easement from the City of Buffalo for the land on which the Artic Edge Exhibit will be constructed for the purpose of protecting the cultural viability of the Zoo.

This process mirrors that of prior-year County bonded proceeds provided to the Buffalo Zoo and is required because the Zoo is not a County-owned facility.

FISCAL IMPLICATIONS

The attached resolution authorizes the County Executive to enter into a contract not to exceed $3,000,000 in funds as previously approved by the County Legislature in a bond resolution on December 8, 2011 (Comm. 27E-1). These funds will be secured from bond proceeds in the forthcoming 2012 County bond sale. No other additional county funds will be used.

REASONS FOR RECOMMENDATION

Funding is needed by the Zoological Society for the *Bear Necessities Campaign*. Without this funding, construction of the Arctic Edge Exhibit cannot begin and the Zoo will lose its polar bears.

BACKGROUND INFORMATION

The Buffalo Zoo's polar bear exhibit does not meet the standard set by the Association of Zoos and Aquariums. As a result, the Zoological Society was informed that it will lose its polar bears unless the situation is remedied. The Zoological Society has plans to construct a state-of-the-art polar bear habitat which will allow the Zoo to keep the polar bears.

The Zoological Society needs to raise $14 million in its *Bear Necessities Campaign* to pay for the aforementioned improvements and requested Erie County appropriate $6 million to the campaign. Although the County has limited resources, the Erie County Legislature, at a meeting held on December 8, 2011, approved a Bond Resolution authorizing the issuance of a $3 million bond. The *Bear Necessities Campaign* has successfully raised millions of dollars from many different private and public sector donors including the John R. Oishei Foundation, the NYS Environmental Protection Fund, and the City of Buffalo.

CONSEQUENCES OF NEGATIVE ACTION

The Zoological Society will not receive this funding. Construction of the Arctic Edge Exhibit will be delayed until funds are raised from other sources.

STEPS FOLLOWING APPROVAL

The County will enter into an agreement with the Zoological Society of Buffalo and accept a Cultural and Recreational Easement from the City of Buffalo for the land on which the Arctic Edge Exhibit will be constructed

A RESOLUTION TO BE SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Arctic Edge Exhibit at the Buffalo Zoo

WHEREAS, the County of Erie desires to improve the exhibits at the Buffalo Zoo as it is an important public recreational facility and tourist destination in the County; and

WHEREAS, the Buffalo Zoological Society reported that it is at risk of losing its Polar Bear Exhibit if it does not build a new habitat for the bears; and

WHEREAS, construction of the Arctic Edge Exhibit is necessary to retain the Polar Bears; and

WHEREAS, through its *Bear Necessities Campaign*, the Buffalo Zoo has worked to raise money for the Arctic Edge Exhibit; and

WHEREAS, total costs for the Arctic Edge Exhibit are estimated at $14 million; and

WHEREAS, the *Bear Necessities Campaign* has successfully raised millions of dollars from many different private and public sector donors including the John R. Oishei Foundation, the NYS Environmental Protection Fund, the City of Buffalo, and Erie County; and

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) review and requirements were completed in July 2006 and a negative declaration has been issued; and

WHEREAS, on December 8, 2011 the Erie County Legislature approved a Bond Resolution authorizing the issuance of $3,000,000 Bonds of the County to pay part of the cost of the above mentioned recreational improvements to the Zoo (Resolution No. 212-2011, Comm. 27E-1), and

WHEREAS, in order to provide the bond proceeds, the County is required to enter into a contract with the Zoo because the Zoo is not a County-owned facility

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to enter into a contract not to exceed $3,000,000 with the Buffalo Zoological Society and other involved agencies, including the City of Buffalo and New York State for the purpose of funding costs for the Arctic Edge Exhibit, with the funds available from the forthcoming 2012 County bond sale; and be it further

RESOLVED, that the County of Erie is authorized to accept a Cultural and Recreational Easement from the City of Buffalo for the land on which the Arctic Edge Exhibit will be constructed for the purpose of protecting the cultural viability of the Zoo; and be if further

RESOLVED, that the source of the funds will be $3,000,000 available from the forthcoming 2012 sale of bonds to be utilized for the Zoo's Arctic Edge Exhibit; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the County Executive, the Budget Director, the Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Public Works, the County Attorney, and the Buffalo Zoological Society.