

February 11, 2010

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 25-6 (2009)
MARINELLI, WHYTE, MILLER-WILLIAMS, KOZUB, GRANT, LOUGHRAN, KENNEDY & MAZUR: “Requesting that the Commissioner of Parks, the Commissioner of Personnel and the County Attorney Appear at the next EE Committee Meeting Regarding Status of Transfer of City Parks, Related Equipment and City Personnel”
(6-0)
 - b. COMM. 2M-8 (2010)
EC SOIL & WATER CONSERVATION DISTRICT: “Letter to Chair Miller-Williams Concerning Board Appointments”
(6-0)
 - c. COMM. 2M-11 (2010)
NYS DEC: “Fish and Wildlife Monthly Highlights”
(6-0)
 - d. COMM. 2M-12 (2010)
NYS DEC: “Notice of Certification - Brownfield Cleanup Program”
(6-0)
 - e. COMM. 3E-11 (2010)
COUNTY EXECUTIVE: “ECSD No. 3 Engineer Term Agreement - Greenman-Pederson, Inc.”
(6-0)
 - f. COMM. 3E-15 (2010)
COUNTY EXECUTIVE: “ECSD No. 1 & 4 Engineer Term Agreement - Liro Engineers, Inc.”
(6-0)
 - g. COMM. 3E-16 (2010)
COUNTY EXECUTIVE: “ECSD No. 2 & 6 Engineer Term Agreement - Dinato Associates”
(6-0)

- h. COMM. 3E-17 (2010)
COUNTY EXECUTIVE: “Semi-Annual Attendance Records - Boards of Managers - ECSD”
(6-0)
 - i. COMM. 3D-4 (2010)
ENVIRONMENT & PLANNING COMMISSIONER: “Copy of Completion Memos and Supporting Documentation Relating to the State Environmental Quality Reviews of the 2010 Capital Budget Projects”
(6-0)
 - j. COMM. 3M-11 (2010)
US DEPARTMENT OF ENERGY: “West Valley Demonstration Project - Final Environmental Impact Statement”
(6-0)
 - k. COMM. 3M-23 (2010)
ERIE COUNTY WATER AUTHORITY: “Copy of Erie County Water Authorities Unaudited Comparative Financial Statements for the Years Ended 12/31/09 & 08”
(6-0)
2. COMM. 3E-1 (2010)
COUNTY COMPTROLLER
RESOLUTION NO. ____-2010

BOND RESOLUTION DATED _____, 2010

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 4; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$9,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$9,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) _____, 2010

(Adopted) _____, 2010

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated January 21, 2010, an increase and improvement of facilities for Sewer District No. 4 has been approved at a estimated maximum cost of \$9,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$9,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 4, consisting of the replacement of lateral, interceptor and trunk sewers, infrastructure improvements to various pump stations and the reconstruction of various other sewers in and for the District, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on September 2, 2009, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$9,000,000. The plan of financing includes the issuance of \$9,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 4, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$9,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$9,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to providing for substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of

§§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive. (6-0)

**DANIEL M. KOZUB
CHAIR**