

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 7, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Marinelli, who read the Serenity Prayer.

The Pledge of Allegiance was led by Mr. Mazur.

Item 1 – MR. MAZUR moved to take the Rules of the Legislature for 2013 off the table.
MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

**2013
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as

- hereinafter provided;
5. To recess meetings;
 6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
 7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
 8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
 9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
 10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
 11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
 12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
 13. To cancel public hearings for which the underlying local law has been withdrawn;
 14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or

terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday.

Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;

10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;

4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION

- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of five members each (including a Chair, Vice-Chair and three members), except the Finance & Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five members) for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair of the Legislature within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health & Human Services
Minority & Women Business Enterprise
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority

vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall submit the tentative budget, with such amendments or changes therein as the committee may determine, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for

members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

MR. MAZUR moved to approve the Rules of the Legislature for 2013. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 2 – CHAIR GRANT directed that the Designation of Newspapers shall remain on the table.

GRANTED.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MR. MAZUR moved for the approval of the minutes for Meeting Number 2 from 2013. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. MILLS, MR. HARDWICK, MR. RATH, MS. DIXON & MR. LORIGO presented a resolution Congratulating the EC Farm Bureau on Receiving Seven Silver Key Awards & the Distinguished Presidents’ Award.

MR. MAZUR moved for consideration of the above item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above item by including Et Al Sponsorship. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above item as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 8 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 9 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

January 29, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 2D-3 (2013)
COMMISSIONER OF ENVIRONMENT & PLANNING: "Letter to Chair of Government Affairs Committee Requesting to Appear Before the Committee Concerning Buffalo Erie Niagara Land Improvement Corporation"
(6-0)

2. INTRO 2-5 (2013)
DIXON

WHEREAS, Ridge Road in the City of Lackawanna is a major thoroughfare carrying significant traffic to many businesses and tourist attractions in Lackawanna; and

WHEREAS, it is also a roadway that connects New York State Route 5 with Interstate 90;
and

WHEREAS, as such, it is a roadway with significant importance to the local and state economies; and

WHEREAS, New York State Assembly Bill A. 76 and Senate Bill S. 378 would make Ridge Road in the City of Lackawanna, from the western line of the Town of West Seneca to Route 5, a New York State highway; and

WHEREAS, a portion of this road is currently a county highway; and

WHEREAS, the result of passage and implementation of these bills would be to leave the care and maintenance of this important highway to New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports passage and enactment of New York State Assembly Bill A. 76 and New York State Senate Bill. S. 378; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.
(5-0) Chair Grant not present for vote.

3. COMM. 2E-8 (2013)
COUNTY CLERK

WHEREAS, the Erie County Clerk serves as an agent for the New York State Department of Motor Vehicles and in that role operates the Cheektowaga Auto Bureau; and

WHEREAS, all Auto Bureau transactions are conducted on computer servers connected to New York State; and

WHEREAS, servers of this nature are required to be housed in a secure location; and

WHEREAS, it was determined that the computer servers located at the Cheektowaga Auto Bureau needed to be relocated to a secure location and that relocation required repairs/renovations of an emergency nature; and

WHEREAS, the contractor for the landlord performed this work on an emergency basis.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Clerk to enter into a professional services contract with Vince Mistretta for reimbursement of costs associated with these repairs; and be it further

RESOLVED, that the cost of said repairs shall not exceed \$2,200; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the County Comptroller and the County Attorney.
(6-0)

**THOMAS J. MAZUR
CHAIR**

Item 10 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

January 29, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2M-3 (2013)
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda from Meeting Held 1/17/2013”
(6-0)

**LYNN M. MARINELLI
CHAIR**

Item 11 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 29, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2M-6 (2013)
ALBERT DEBENEDETTI: "Letter to Legislator Loughran Concerning Lease Agreement Between the Buffalo Bills & EC"
(5-0)

2. INTRO 26-1 (2012)
DIXON, GRANT, HOGUES, AS AMENDED
MARINELLI, LOUGHRAN & LORIGO

WHEREAS, the Buffalo Skyway was built in 1954 as an overhead roadway above the Buffalo River to permit shipping freight along the Buffalo River while promoting motor traffic to and from the City of Buffalo; and

WHEREAS, at the time of its construction, Buffalo's port received twenty million tons of cargo, necessitating the frequent raising and lowering of drawbridges along the route; and

WHEREAS, currently, the port receives less than two million tons of cargo annually; and

WHEREAS, the Buffalo Skyway has been found to be "functionally obsolete" under federal highway standards, due to it lacking shoulders, a feature which causes it to be shut down completely for some accidents; and

WHEREAS, the Buffalo Skyway is in need of significant repair; and

WHEREAS, the Buffalo Skyway has been listed by the United States Department of Transportation as "fracture critical," which means that failure of certain structural elements could lead to catastrophic failure; and

WHEREAS, the Buffalo Skyway will cost over \$100 million over the next twenty years to maintain; and

WHEREAS, the Buffalo Skyway is still a major connector of Buffalo and the southern half of Erie County, with an estimated 43,000 vehicles using the route daily; and

WHEREAS, there may be more cost effective ways to accommodate commuters who use the Buffalo Skyway; and

WHEREAS, New York State Department of Transportation Commissioner Joan McDonald has directed her staff to conduct a plausibility review to identify critical issues facing the Buffalo Skyway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record supporting the New York State Department of Transportation's study of alternatives to the Buffalo Skyway; and be it further

RESOLVED, that copies of this resolution be forwarded to New York State Department of Transportation Commissioner Joan McDonald, Governor Andrew Cuomo and Congressman Brian Higgins.

(5-0)

3. COMM. 2E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, Benderson Development Company, LLC, property owner at 3385 Union Road, Cheektowaga, New York, wishes to purchase a portion of highway property deemed no longer necessary by the Erie County Lands Advisory Review Committee (ARC); and

WHEREAS, Benderson Development Company, LLC, being the adjacent property owner to the existing highway property will compensate the County of Erie for the agreed upon price of \$19,500.00 for 0.128+ acre at the time of filing in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein for highway property, in the Town of Cheektowaga

PARCEL	OWNER	AREA	VALUE
4	County of Erie	0.128± acre	\$19,500.00

and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(5-0)

4. COMM. 2E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2013 Annual Action Plan having estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$2,555,108
2. Emergency Solutions Program: \$207,863
3. HOME Investment Partnership Program: \$689,558
4. Town of Hamburg Community Development Program: \$376,275

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(5-0)

THOMAS A. LOUGHRAN
CHAIR

Item 12 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 29, 2013	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, all items are hereby tabled.

BETTY JEAN GRANT
CHAIR

Item 13 – MR. McCracken presented the following report, moved to separate item Number 10, and moved to approve the balance of the report. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

January 31, 2013	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20D-2 (2012)
COUNTY ATTORNEY: “Copy of Letter to Regional Director, NYSDEC Region 9 Concerning 1815 Eggert Road, Town of Amherst - Environmental Restoration Investigation”
(4-0)
 - b. COMM. 20M-13 (2012)
RITA YELDA: “Letter to Legislature Concerning Hydraulic Fracturing”
(4-0)
 - c. COMM. 26M-1 (2012)
NYSDEC: “Fact Sheet: Former Doro Dry Cleaners Update: Investigation to Begin at State Superfund Site”
(4-0)
 - d. COMM. 26M-5 (2012)
NYSDEC: “Public Notice: Application from HARBORcenter Development, LLC for Site Known as the Webster Block, Buffalo, NY”
(4-0)

- e. COMM. 26M-6 (2012)
NYSDEC: "Public Notice: Application from 98 Ridge Road, LLC for Site Known as 98 Ridge Road Site, Lackawanna, NY"
(4-0)
- f. COMM. 1E-4 (2013)
COMPTROLLER: "Follow-Up Audit of the EC Water Authority for the Period 1/1/2011 - 8/31/2012"
(4-0)
- g. COMM. 1M-4 (2013)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Response Letter to Clerk of Legislature Concerning INTRO 17-1 (2012)"
(4-0)
- h. COMM. 1M-6 (2013)
NYSDEC: "Fact Sheet: Buffalo China Update - DEC Issues Certificate of Completion"
(4-0)
- i. COMM. 1M-7 (2013)
NYSDEC: "Fact Sheet: HARBORcenter Update - Work Plan Available for Public Comment - Draft Remedial Investigation/Interim Remedial Measures"
(4-0)
- j. COMM. 1M-11 (2013)
EC FISHERIES ADVISORY BOARD: "Copy of 2012 Annual Report"
(4-0)
- k. COMM. 2E-13 (2013)
COUNTY EXECUTIVE: "ECSD No. 8 - Proposed Reed Hill Subdivision Extension - EC Sewer Agency Report"
(4-0)
- l. COMM. 2E-17 (2013)
COUNTY EXECUTIVE: "Botanical Gardens - No. 6 Fuel Oil Tank Removal"
(4-0)
- m. COMM. 2M-2 (2013)
NYSDEC: "Letter Concerning the Dissolve of the Region 9 Forest Practice Board"
(4-0)
- n. COMM. 2M-7 (2013)
NYSDEC: "Fact Sheet: Gastown Update - Proposed Amended Record of Decision for Gastown Manufactured Gas Plant (MGP) Tonawanda Site Released for Comment"
(4-0)

2. COMM. 26E-4 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the ECSD No. 5 Board of Managers for a term expiring 12/31/2013:

Mr. Timothy Lavocat
Town Engineer
Town of Clarence
One Town Place
Clarence, NY 14031

(4-0)

3. COMM. 26E-8 (2012)
COUNTY EXECUTIVE

WHEREAS, the New York State Pollution Prevention Institute, provides grants for community pollution prevention education projects and granted Erie County \$32,000 in two separate grants to complete two projects: the Stormwater Pollution Prevention Public Education Campaign and the Storm Drain Identification and Education Grant; and

WHEREAS, the WNY Stormwater Coalition, which is coordinated by the Erie County Department of Environment and Planning, has public education and involvement among its goals and regulatory requirements; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency, necessitates the following grant funded part-time position for approximately 100 hours of work, in an amount not to exceed \$1,100: Intern – Environment & Planning (JG1); and

WHEREAS, sole source vendors have been identified for the advertising that will take place during the course of the projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter an agreement with the New York State Pollution Prevention Institute for assistance with the Stormwater Pollution Prevention Public Education Campaign in an amount not to exceed \$20,000 in grant resources; and be it further

RESOLVED, that the County Executive is authorized to enter an agreement with the New York State Pollution Prevention Institute for assistance with the Storm Drain Identification and Education Grant in an amount not to exceed \$12,000 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Pollution Prevention Institute for the Stormwater Pollution Prevention Public Education Campaign is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Stormwater Pollution Prevention Public Education Campaign

(Grant Period: 12/6/2012 – 5/31/2013)
SAP Grant Account #162SPPPEC0513

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Pollution Prevention Institute	(\$20,000)
TOTAL REVENUE		(\$20,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services Contracts	<u>\$20,000</u> \$20,000
TOTAL APPROPRIATIONS		\$20,000

and be it further

RESOLVED, that the revenue from the New York State Pollution Prevention Institute for the Storm Drain Identification and Education Grant is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Storm Drain Identification and Education Grant
(Grant Period: 12/6/2012 – 5/31/2013)
SAP Grant Account #162SDIEC0513

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>
409000	State Aid Revenue – New York State Pollution Prevention Institute	(\$12,000)
TOTAL REVENUE		(\$12,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$1,100
510000	Local Travel & Mileage	\$825
505000	Office Supplies	\$8,075
530000	Other	<u>\$2,000</u>

\$12,000

TOTAL APPROPRIATIONS

\$12,000

and be it further

RESOLVED, that the following part time position will be created with a budget not to exceed \$1,000:

Intern – Environment & Planning (JG 1)

B-100 No. 0000007051

Budgeted Salary: \$1,100

and be it further

RESOLVED, that the Erie County Department of Environment and Planning is authorized to contract with sole source suppliers of advertising named within the Stormwater Pollution Prevention Public Education Campaign project, which are Entercom Buffalo (\$10,000) and Normal Advertising (\$10,000); and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(4-0)

4. COMM. 26E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the process for naming an Erie County facility or property is for the Department that supervises and controls the facility or property to request and receive authorization from your honorable body; and

WHEREAS, the County owns a natural habitat park located on Seneca Street where it intersects the Buffalo River, in the City of Buffalo, that is unofficially known as the Seneca Bluffs Natural Habitat Park; and

WHEREAS, the County owns a natural habitat park, located at the foot of Smith Street on the Buffalo River, in the City of Buffalo, that is unofficially known as the Red Jacket River Front Natural Habitat Park; and

WHEREAS, the County owns a natural habitat park located at the Bailey Avenue peninsula formed by the confluence of the Buffalo River and Cazenovia Creek, in the City of Buffalo, that is unofficially known as the Bailey Peninsula Natural Habitat Park; and

WHEREAS, the Department of Environment & Planning wishes to name the park located on Seneca Street where it intersects the Buffalo River, in the City of Buffalo, the Seneca Bluffs Natural Habitat Park; and

WHEREAS, the Department of Environment & Planning wishes to name the park located at the foot of Smith Street on the Buffalo River, in the City of Buffalo, the Red Jacket River Front Natural Habitat Park; and

WHEREAS, the Department of Environment & Planning wishes to name the park located at the Bailey Avenue peninsula formed by the confluence of the Buffalo River and Cazenovia Creek, in the City of Buffalo, the Bailey Peninsula Natural Habitat Park.

NOW, THEREFORE, BE IT

RESOLVED, that the natural habitat park located on Seneca Street where it intersects the Buffalo River, in the City of Buffalo, shall henceforth be known as the Seneca Bluffs Natural Habitat Park; and be it further

RESOLVED, that the natural habitat park located at the foot of Smith Street on the Buffalo River, in the City of Buffalo, shall henceforth be known as the Red Jacket River Front Natural Habitat Park; and be it further

RESOLVED, that the natural habitat park located at the Bailey Avenue peninsula formed by the confluence of the Buffalo River and Cazenovia Creek, in the City of Buffalo, shall henceforth be known as the Bailey Peninsula Natural Habitat Park; and be it further

RESOLVED, that the Department of Parks, Recreation and Forestry may install signage to identify the Seneca Bluffs Natural Habitat Park; the Bailey Peninsula Natural Habitat Park; and the Red Jacket River Front Natural Habitat Park as County-owned properties; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(4-0)

5. COMM. 2E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements with Wendel Duchscherer Architects & Engineers for County wide environmental compliance including work to address deficiencies for which the County was cited by the US Environmental Protection Agency and fined; and

WHEREAS, Wendel Duchscherer Architects & Engineers subsequently engaged the services of the Pump Doctor, as a sub consultant, to test for fuel tank environmental compliance deficiencies; and

WHEREAS, during the course of testing, a number of deficiencies were discovered and were corrected in an expedited manner by the Pump Doctor in order to avoid additional fines; and

WHEREAS, the Department of Public Works now wishes to reimburse the Pump Doctor for the work performed; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of future fuel tank testing; and

WHEREAS, an additional contingency amount will be authorized to fund change orders for this unforeseen corrective work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with the Pump Doctor for past and future fuel tank environmental compliance testing and corrective work in an amount not to exceed \$25,000; and be it further

RESOLVED, that the Comptroller is authorized to make payments for all of the above, for an amount not to exceed \$25,000, from SAP account A.12003-2012-Countywide Code & Environmental Compliance; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(4-0)

6. COMM. 2E-12 (2013)
COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Sewer District No. 8, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Geneva Road Sanitary Sewer Extension, identified as CWSRF Project No. 6666-01; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities

Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both; 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, County Comptroller and to Joseph L. Fiegl, P.E., Department of Environment and Planning; and be it further

RESOLVED, that this Resolution shall take effect immediately.

and

WHEREAS, County of Erie/Erie County Sewer District No. 8, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the East Aurora Treatment Plant

Improvements, identified as CWSRF Project No. 6666-02; herein called the “Project”, is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the “Water Quality Act”), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the “CWSRF Act”), established in the custody of the New York State Environmental Facilities Corporation (the “Corporation”) a water pollution control revolving fund (the “Fund”) to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the “Act”) being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of the resolution to the County Executive, County Comptroller and Joseph L. Fiegl, P.E., Department of Environment and Planning.

(4-0)

7. COMM. 2E-14 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Parsons Engineering of New York Inc. for engineering services related to Sewerage Facilities for Erie County Sewer District No. 3; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that the engineering services have been completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated August 22, 2005, with Parsons Engineering of New York Inc. in the final contract amount of \$174,540.05.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated August 22, 2005 between the County of Erie and Parsons Engineering of New York Inc., allocated in Erie County Sewer District No. 3 Bond Account C.00039, be formally closed in the final amount of \$174,540.05; 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.
(4-0)

8. COMM. 2E-18 (2013)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment/reappointments of the following individuals to the EC Fisheries Advisory Board for a term expiring 12/31/2014:

Reappointments

Gerald S. May, Sr.
5858 Lakecrest Drive
Lakeview, NY 14085

Paul J. Stoos
845 Clinton Street
Buffalo, NY 14206

Appointment

Larry D. Jones
268 Harrison Avenue
Buffalo, NY 14223

(4-0)

9. COMM. 2E-20 (2013)
COUNTY EXECUTIVE

WHEREAS, the Western New York Stormwater Coalition, comprised of municipalities in both Erie and Niagara County, requires a coordinator to assist with regulatory requirements; and

WHEREAS, Ms. Mary Rossi has been the coordinator of the WNYSC since 2004; and

WHEREAS, since assuming these responsibilities Ms. Rossi has been working as a Solid Waste Recycling Coordinator (JG-12), which does not reflect her duties; and

WHEREAS, Ms. Rossi has successfully managed responsibilities well above her current pay grade for many years; and

WHEREAS, in April 2012 Ms. Rossi began managing a 3-year stormwater mapping grant which involves coordinating and supervising several teams of employees, including upper level staff; and

WHEREAS, the WNYSC unanimously voted at its November 14, 2012 meeting to increase its budget commitment to support a promotion for Ms. Rossi; and

WHEREAS, this promotion to a Principal Environmental Compliance Specialist (JG-14) will not impact the county budget as it will be paid for by dues from the WNYSC and grant funding through a current 3 year grant from the New York State Department of Environmental Conservation entitled "Stormwater Mapping Project" (162WNYSCMS4AP1112).

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: MS4 Assistance Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (Grant Period: 01/01/11-12/31/15),
SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
420499	Other Local Source Revenue	(\$124,000)	(\$194,000)	(\$318,000)

TOTAL REVENUE		(\$124,000)	(\$194,000)	(\$318,000)
<u>APPROPRIATIONS:</u>				
<u>Account</u>	<u>Description</u>	<u>Current</u>	<u>Revision</u>	<u>Revised</u>
		<u>Budget</u>		<u>Budget</u>
500000	Full Time Salaries	\$131,263	\$123,190	\$254,453
502000	Fringe Benefits	\$74,493	\$70,810	\$145,303
916290	ID Env. & Planning Services	<u>(\$81,756)</u>	<u>0</u>	<u>(\$81,756)</u>
TOTAL APPROPRIATIONS		\$124,000	\$194,000	\$318,000

and be it further

RESOLVED, that the following position, for which sufficient funding through WNYSC membership dues and New York State Department of Environmental Conservation grant funding for personal services and fringe benefits exists, will be created in the above grant:

Principal Environmental Compliance Specialist (JG-14) position
B-100 No. 000 000 7112
Budgeted Annual Salary: \$74,380

and be it further

RESOLVED, that the following position be deleted from the above grant budget:

Solid Waste Recycling Specialist (JG-12)
B-100 No. 000 000 7112
Budgeted Annual Salary: \$60,714

and be it further

RESOLVED, that Ms. Rossi will be provisionally promoted to the position of Principal Environmental Compliance Specialist (JG-14); and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(4-0)

10. COMM. 2E-21 (2013)
COUNTY EXECUTIVE

Legislator _____ offered the following resolution and moved its

adoption:

RESOLUTION NO. ____ - 2013

BOND RESOLUTION DATED _____, 2013

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,

ADOPTED _____, 2013 AMENDING THE BOND

RESOLUTION ADOPTED JULY 11, 2002

(Introduced) _____, 2013

(Adopted) _____, 2013

Recitals

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 2 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated June 8, 2012, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County consisting of an engineering study of the Sweetland Road Pumping Station to determine future improvements and future capital repairs to the existing infrastructure, all as more fully described in the report and estimate of cost herein referred; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$677,514, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 2; and

WHEREAS, said County Legislature duly adopted Resolution No. 209 on the 27th day of September, 2012, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 24th day of October, 2012, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing; and

WHEREAS, it is now necessary to amend the Bond Resolution adopted by the County Legislature on July 11, 2002 to reflect the modification of plans for the increase and improvement of facilities for Erie County Sewer District No. 2.

NOW, THEREFORE, BE IT

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

Section (A). Resolution No. 295-2002 of said County duly adopted by the Legislature on July 11, 2002, entitled:

“BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO: 2, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 2 TO SAID COUNTY”

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2013, AMENDING THE BOND RESOLUTION ADOPTED JULY 11, 2002.

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,000,000 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. 2; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 2 TO SAID COUNTY.

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, \$3,000,000 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. 2, all as more fully described in the report and estimate of cost accepted and adopted by the Board of Managers of said District on February 14, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law and as modified by the Board of Managers of said District on June 19, 2012, and filed with the County Legislature pursuant to Section 253-b 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 \$3,000,000. The plan of financing includes the issuance of \$3,000,000 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 to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessment against a benefited area which consists of the entire area of said Sewer District No. 2.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$3,000,000 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 \$3,000,000 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 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 providing for substantially level or declining annual debt service, 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.

Section (B). The amendment of the bond resolution set forth in Section A of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

(4-0)

**TERRENCE D. McCRACKEN
CHAIR**

MR. McCRACKEN moved to approve item Number 10. MR. MAZUR seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 14 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

January 31, 2013	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-1 (2012)
SHERIFF: “Sheriff Fleet Vehicle Replacement”
(5-0)
 - b. COMM. 18E-18 (2012)
SHERIFF: “Letter of Response to Comptroller Concerning Review of the Sheriff’s Office Commissary Fund & Follow-Up of the 2007 Operations Audit - 1/1/2011 - 5/31/2012”
(5-0)
 - c. COMM. 19E-7 (2012)
DIXON: “Follow-Up Letter to County Attorney Regarding Sheriff’s Office Expenditures”
(5-0)

d. COMM. 19D-2 (2012)
CLERK OF PUBLIC SAFETY COMMITTEE: "E-Mail Transmission from Chaplain Frank Thomas Concerning the "We Care Program""
(5-0)

e. COMM. 2E-4 (2013)
LORIGO: "Letter to Chair of Legislature Concerning Special Session Request"
(5-0)

2. COMM. 26E-13 (2012)
COUNTY EXECUTIVE
WHEREAS, the County of Erie received bids for the Erie County Correctional Facility-Video Systems Upgrade on January 19, 2012; and

WHEREAS, your Honorable Body has previously approved an electrical construction contract with Weydman Electrical, Inc. for the Erie County Correctional Facility Video system Upgrade Project on March 29, 2012; and

WHEREAS, included within the bid proposal of Weydman Electrical, Inc. there were several Alternates for additional security and surveillance equipment; and

WHEREAS, the Erie County Sheriff's Department has now requested that we proceed with the Alternate work for an amount not to exceed \$27,100.00; and

WHEREAS, at the time of award there were insufficient funds to include the Alternate work in the contract of Weydman Electrical, Inc. and the Sheriff's Department now has funds to complete the Alternate work which are available from the Sheriff's Telephone Account.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a Contract Amendment to Weydman Electrical, Inc. for accepting Alternate No(s) 1,2,4,5,6 and 7 for an amount not to exceed \$27,100.00; and be it further

RESOLVED, that the project account appropriations and revenues be increased and a revenue line be added in SAP Project Account A.00330, Line 41730, Other Local Match, showing reimbursement from the Sheriff's Telephone Account, care of Tom Diina, in an amount not to exceed \$27,100.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.00330 – 2008 Video Surveillance Upgrades-Correctional Facility, for an amount not to exceed \$27,100.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Sheriff and the Office of the Comptroller.
(5-0)

3. COMM. 1E-16 (2013)
COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives has been awarded a grant from the Governor's Traffic Safety Council (GTSC) related to the implementation of mandatory ignition interlock devices (Leandra's Law); and

WHEREAS, the Department of Probation is responsible for providing supervision and probation services to adults sentenced to probation including those with a condition to install an ignition interlock device; and

WHEREAS, the Erie County STOP-DWI Office is responsible for monitoring those adults sentenced to a conditional discharge with an ignition interlock device requirement; and

WHEREAS, the DCJS, Office of Probation and Correctional Alternatives will reimburse monitors at the rate of \$110.21 for each case in which an ignition interlock device is ordered, up to a maximum reimbursement of \$167,188; and

WHEREAS, the reimbursement will enable the Probation Department and the Erie County STOP DWI Office to recoup costs associated with the implementation of Leandra's Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept reimbursement from the New York State Division of Criminal Justice Services, Office of Probation and Correction Alternatives in the amount of no more than \$167,188; and be it further

RESOLVED, that said reimbursement shall be recorded in the budget of the STOP-DWI Program, Fund 110 cost center 1650060 and the Probation Department, Fund 110 cost center 1261010 in proportion to the amount earned by each department or program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as actual funds are received in order to reimburse related expense in the Probation Department or STOP-DWI program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Probation Department, and the Erie County STOP-DWI Office c/o John Sullivan 45 Elm Street, Room 233.

(5-0)

TIMOTHY R. HOGUES
CHAIR

Item 15 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

January 31, 2013	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19D-3 (2012)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending September 2012”
(4-0)
 - b. COMM. 20E-2 (2012)
COMPTROLLER: “Copy of EC Interim Financial Report for the Third Quarter Ended 9/30/2012”
(4-0)
 - c. COMM. 20E-25 (2012)
COUNTY EXECUTIVE: “Letter to Legislature Concerning Minority Caucus Budget Amendments to the 2013 Tentative EC Budget”
(4-0)
 - d. COMM. 20E-26 (2012)
HOGUES: “Letter to Chairman of ECFSA Concerning the ECFSA's 10/26/2012 Analysis of County Executive's 2013 Budget & Four Year Financial Plan”
(4-0)
 - e. COMM. 23D-1 (2012)
DEPUTY COUNTY EXECUTIVE: “Testimony Submission for Finance & Management Committee Meeting Held 12/3/2012”
(4-0)
 - f. COMM. 23M-4 (2012)
JEAN DICKSON: “E-Mail Transmission Concerning 2013 EC Tentative Budget”
(4-0)
 - g. COMM. 23M-6 (2012)
ECFSA: “Commentary on EC Legislature Proposed Budget Amendments”
(4-0)
 - h. COMM. 26E-1 (2012)
COUNTY EXECUTIVE: “2013 EC Budgetary Control Measures”
(4-0)

- i. COMM. 26E-2 (2012)
COMPTROLLER: "Analysis of the Minority & Majority Caucuses' Proposed Amendments ("Amendments to Comm. 18E-3") to the Proposed 2013 EC Budget"
(4-0)
- j. COMM. 26D-1 (2012)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending October 2012"
(4-0)
- k. COMM. 1E-7 (2013)
COMPTROLLER: "Letter to Director of Budget & Management Concerning EC Cash Position, 12/31/2012 & Beyond"
(4-0)
- l. COMM. 1E-8 (2013)
COMPTROLLER: "Copy of Apportionment & Distribution of the Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC for the Months of September, October & November 2012"
(4-0)
- m. COMM. 1D-3 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Response Letter to Comptroller Concerning EC's Year-End Cash Balance on 12/31/2012"
(4-0)
- n. COMM. 1M-5 (2013)
ECFSA: "Copy of Resolution Approving an Efficiency Grant for Local 815 Corrections Officers Unit Contract Settlement"
(4-0)
- o. COMM. 2E-1 (2013)
COMPTROLLER: "Letter Concerning EC's Cash Position, 12/31/2012 & Beyond"
(4-0)
- p. COMM. 2D-1 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter Concerning EC's Cash Position"
(4-0)
- q. COMM. 2D-2 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Memorandum Concerning EC's Cash Flow Impact of Teamsters & CSEA Correction Officers Contract"
(4-0)
- r. COMM. 2D-4 (2013)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter Concerning EC's Cash Flow & Budget"
(4-0)

- s. COMM. 2D-5 (2013)
COMPTROLLER'S OFFICE: "Quality Assurance Review - Division of Audit & Control"
(4-0)
- t. COMM. 2D-6 (2013)
COMPTROLLER'S OFFICE: "Review of the EC Office of Comptroller Accounting/Fiscal
Division"
(4-0)

2. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212276 through 212298, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2012	Petition No.	212,276.00
	ASSESSOR	Refund	\$1,281.89

S-B-L 68.19-3-11

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,281.89	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,281.89	
	Relevy School	\$1,281.89	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY AN AGED EXEMPTION
REFUND TO BE ISSUED TO: ELAINE T. BRAHAM

FISCAL YEAR	2012	Petition No.	212,277.00
	ASSESSOR	Refund	\$828.24

S-B-L 80.18-2-40

143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$828.24	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$828.24	

ASSESSOR Cancel \$548.00

S-B-L 28.50-1-3./256 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$548.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$548.00
Relevy School \$548.00 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: RYAN H. KOVEL

FISCAL YEAR 2012 Petition No. 212,282.00

ASSESSOR Refund \$454.33

S-B-L 61.00-5-1.2 13415 Main Rd 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$454.33 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$454.33
Relevy School \$454.33 145601 AKRON CENTRAL

failed to apply a basic star
Refund should be issued to: Golden Pond Estates

FISCAL YEAR 2013 Petition No. 212,283.00

ASSESSOR Cancel \$593.36

S-B-L 81.10-4-5 42 Cadman Dr 142289 AMHERST

Acct. No. 112 \$286.02 County
Acct. No. 132 \$307.34 Town/SpecialDist/School
Charge To : 142289 AMHERST \$307.34

failed to apply low income disability exemption
New Tax Bill to be issued to: Kelly K Prusak

FISCAL YEAR 2013 Petition No. 212,284.00

ASSESSOR Cancel \$104.15

S-B-L 70.17-2-23 61 Caesar Blvd 142289 AMHERST

Acct. No. 112 \$57.14 County
Acct. No. 132 \$47.01 Town/SpecialDist/School

Charge To : 142289 AMHERST \$47.01

failed to apply low income senior exemption
New Tax Bill to be issued to: Agnes A Hooven

FISCAL YEAR 2013 Petition No. 212,285.00
ASSESSOR Cancel \$659.13

S-B-L 68.19-3-11 184 N Forest Rd 142289 AMHERST

Acct. No. 112 \$361.61 County
Acct. No. 132 \$297.52 Town/SpecialDist/School
Charge To : 142289 AMHERST \$297.52

failed to apply low income senior exemption
New Tax Bill to be issued to: Elaine T Braham

FISCAL YEAR 2013 Petition No. 212,286.00
ASSESSOR Cancel \$1,863.69

S-B-L 42.02-3-22.1 9180 Transit Rd 142289 AMHERST

Acct. No. 112 \$1,863.69 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$0.00

failed to apply business exemption code 47612
New Tax Bill to be issued to: Samuel Carubba/Carubba & Sons, LLC

FISCAL YEAR 2013 Petition No. 212,287.00
ASSESSOR Cancel \$1,267.83

S-B-L 182.15-13-22 44 Scooter Circle 144889 HAMBURG

Acct. No. 112 \$643.19 County
Acct. No. 132 \$624.64 Town/SpecialDist/School
48608 EC #3 VILL HAM \$301.66
Charge To : 144889 HAMBURG \$322.98

new construction info placed on assessment roll in error, should be
vacant land only
New Tax Bill to be issued to: Country Meadows LLC

FISCAL YEAR 2013 Petition No. 212,288.00

ASSESSOR Cancel \$748.10

S-B-L 101.60-6-18 1140 Walden Ave 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$748.10	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA		\$748.10

Removed duplicate special district code 30200
New Tax Bill to be issued to: Canaan Ministeries Inc.

FISCAL YEAR 2013 Petition No. 212,289.00

ASSESSOR Cancel \$1,267.83

S-B-L 182.15-13-21 42 Scooter Circle144889 HAMBURG

	Acct. No. 112	\$643.19	County
	Acct. No. 132	\$624.64	Town/SpecialDist/School
48608 EC #3 VILL HAM		\$301.66	
<u>Charge To :</u>	144889 HAMBURG		\$322.98

new construction info placed on assessment roll in error, should be
vacant land only New Tax Bill to be issued to: Country Meadows LLC

FISCAL YEAR 2012 Petition No. 212,290.00

Refund \$157.17

S-B-L 42.12-2-83 861 Casey Rd 142289 AMHERST

	Acct. No. 112	\$77.92	County
	Acct. No. 132	\$79.25	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$79.25

failed to apply veteran exemption Refund to be issued to: Lorraine A. Woodman

FISCAL YEAR 2013 Petition No. 212,291.00

ASSESSOR Cancel \$315.37

S-B-L 42.12-2-83 861 Casey Rd 142289 AMHERST

	Acct. No. 112	\$155.32	County
	Acct. No. 132	\$160.05	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$160.05

failed to apply veterans exemption New Tax Bill to be issued to: Lorraine A. Woodman

FISCAL YEAR 2013 Petition No. 212,292.00

 ASSESSOR Cancel \$467.88

S-B-L 55.08-10-3 6 Cedarwood Dr 142289 AMHERST

 Acct. No. 112 \$270.24 County
 Acct. No. 132 \$197.64 Town/SpecialDist/School
Charge To : 142289 AMHERST \$197.64

wrong amount for senior exemption
New Tax Bill to be issued to: Ancilla M. Klamut

FISCAL YEAR 2012 Petition No. 212,293.00

 ASSESSOR Refund \$549.00

S-B-L 56.55-1-1./13F 13F Hickory Hill R 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$549.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$549.00
 Relevy School \$549.00 142203 WILLIAMSVILLE CENT

parcel had a basic star shoulr have had an enhanced star
Refund to be issued to: Roger and Concetta Sierk

FISCAL YEAR 2013 Petition No. 212,294.00

 ASSESSOR Cancel \$411.25

S-B-L 24.13-2-45 417 Colonial Dr 144600 GRAND ISLAND

 Acct. No. 112 \$258.13 County
 Acct. No. 132 \$153.12 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$153.12

failed to apply low income senior exemption
New Tax Bill to be issued to: Jan & Christine Stanczyk

FISCAL YEAR 2013 Petition No. 212,295.00

 ASSESSOR Cancel \$336.43

S-B-L 91.52-1-35 4299 Union Rd 143089 CHEEKTOWAGA

	Acct. No. 112	\$117.50	County
	Acct. No. 132	\$218.93	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$218.93	

failed to apply combat veteran exemption
New Tax Bill to be issued to: Julian J. Polanski

FISCAL YEAR 2013 Petition No. 212,296.00

ASSESSOR Cancel \$154.90

S-B-L 123.36-4-10 20 Willowlawn Pk143089 CHEEKTOWAGA

	Acct. No. 112	\$54.10	County
	Acct. No. 132	\$100.80	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$100.80	

failed to apply combat veteran exemption
New Tax Bill to be issued to: Richard S. Leberman

FISCAL YEAR 2013 Petition No. 212,297.00

ASSESSOR Cancel \$1,625.00

S-B-L 124.00-5-9 415 Cayuga Creek 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,625.00	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,625.00	

consolidate sewer 30200 had incorrect charge
New Tax Bill to be issued to: James P. Klima

FISCAL YEAR 2013 Petition No. 212,298.00

ASSESSOR Cancel \$91.00

S-B-L 165.17-3-33 756 Warren Dr 142289 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$91.00	Town/SpecialDist/School
	24604 AURORA USER EC SEWER	\$91.00	
<u>Charge To :</u>	142289 AURORA	\$0.00	

Incorrect data for special dist 24604 Erie County Sewer
New Tax Bill to be issued to: Susan Kluge

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(4-0)

3. COMM. 2E-9 (2013)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 161, and has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE, BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that the County Attorney or his designee conduct and consummate such foreclosure proceedings known as In Rem Action No. 161 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Office of the County Executive, the Office of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of Real Property Tax Services.

(4-0)

**TIMOTHY R. HOGUES
CHAIR**

Item 16 – MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

January 31, 2013	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17M-5 (2012)
BRUCE KOGAN: "Letter to Legislator Hogues Concerning Gender Expression Non-Discrimination Act"
(4-0)
 - b. COMM. 1E-14 (2013)
COUNTY EXECUTIVE: "Appointments to the EC Senior Services Advisory Board for a Term Ending 12/31/2014"
(4-0)
 - c. COMM. 1E-15 (2013)
COUNTY EXECUTIVE: "Reappointments to the Board of Health for a Term Expiring on 12/31/2018"
(4-0)
 - d. COMM. 1M-2 (2013)
PRESIDENT, EC BOARD OF HEALTH: "Copy of Meeting Notice for 1/22/2013 & Minutes of Meeting Held 10/16/2012"
(4-0)

2. COMM. 26E-7 (2012)
COUNTY EXECUTIVE
WHEREAS, the New York State Office for Aging has notified the Department of Senior Services that the Department has been awarded \$64,000 for the Systems Integration grant for the period January 1, 2013 through September 30, 2014; and

WHEREAS, System Integration grant funds will be used to enhance the Department's NY Connects point of entry program for seniors and their caregivers by fortifying linkages to the range of publicly and privately financed long term care services and supports; enhancing and expanding information and assistance; increasing access to public benefits, as appropriate, as well as evidence-based health promotion/prevention programs, and by establishing a dementia capable system through formal inter-connection with the Alzheimer's Association network of services; and

WHEREAS, a local match is not required for this grant, as it is 100% State funded; and

WHEREAS, the System Integration grant budget needs to be established.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the Systems Integration grant funds from the New York State Office for Aging; and be it further

RESOLVED, that the budget for the Systems Integration grant, (163SysInt1314), be established as follows:

INITIAL BUDGET

REVENUES

Account	Description	
409000	State Aid	\$64,000

APPROPRIATIONS

510100	Out of Area Travel	\$ 2,350
510200	Dues & Fees	2,000
516020	Professional Svcs & Fees	21,800
530000	Other Expenses	14,162
916390	ID Senior Svcs Grant Svcs	23,688

TOTAL \$64,000
APPROPRIATIONS

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.

(4-0)

3. COMM. 26E-12 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Division of Emergency Medical Services does not receive New York State Department of Health emergency medical services (EMS) training reimbursement for EMS first responders whose agency is not eligible for funding under NYS DOH EMS Policy Statement # 09-06; and

WHEREAS, the Department of Health Emergency Medical Services Division does not have the resources in the 2013 Budget to provide training to ineligible first responder agencies without reimbursement; and

WHEREAS, training can be provided to the ineligible first responder agencies who still request training through the establishment of a training fee; and

WHEREAS, authorization is required in order to establish a training fee for those first responders who are willing to pay said fee for EMS training.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the Erie County Department of Health's Division of Emergency Medical Services to collect a fee for training provided to individual first responders from agencies who do not meet the New York State Department of Health requirement for reimbursement; and be it further

RESOLVED, that the amount of the fee shall be the same as calculated by the State for the reimbursement of eligible first responders, said fee will be adjusted in accordance with established State reimbursement rates; and be it further

RESOLVED, that the amount of the fee imposed for 2013 shall be established as follows:

Erie County Department of Health
Emergency Medical Services Division
NYS DOH EMS Reimbursement Rates for 2013

EMS Course Type	Course Fee
Emergency Medical Technician - Basic Original class	\$775
Emergency Medical Technician - Basic Recertification class	\$425
Certified First Responder Original class	\$260
Certified First Responder Recertification class	\$145

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized, upon receipt of said fees, to make required budgetary adjustments in order to increase expense in the amount of reimbursement received as needed, to properly fund the training expense for the ineligible responders; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Health Emergency Medical Services Division, the County Comptroller, the Department of Law and to Dr. Gale Burstein, Commissioner, in the Erie County Department of Health.

(4-0)

4. COMM. 1E-10 (2013)
COUNTY EXECUTIVE

WHEREAS, the Health Foundation for Western & Central New York has notified the Department of Senior Services that the Department has been awarded \$50,000 for the Ready or Not grant for the period November 19, 2012 through June 1, 2014; and

WHEREAS, Ready or Not grant funds will be used by the Department of Senior Services to systematically assess available services and explore possible partnerships within the community in order to contribute to the improvement of health care for Erie County's older adult population; and

WHEREAS, a local match is not required for this grant, as it is 100% funded by the Health Foundation for Western & Central New York; and

WHEREAS, the Ready or Not grant budget needs to be established.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with the Health Foundation for Western & Central New York to accept the Ready or Not grant funds; and be it further

RESOLVED, that the budget for the Ready or Not grant, (163RON1214), be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
417060	Other Income	\$50,000
APPROPRIATIONS		
510100	Out of Area Travel	\$ 4,500
516020	Professional Svcs & Fees	35,418
916390	ID Senior Svcs Grant Svcs	<u>10,082</u>
	TOTAL	\$50,000
	APPROPRIATIONS	

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with the Health Foundation for Western & Central New York approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.

(4-0)

5. COMM. 1E-11 (2013)
COUNTY EXECUTIVE

WHEREAS, the Health Foundation for Western & Central New York has notified the Department of Senior Services that the Department has been awarded \$25,000 for a Falls Prevention grant for the period December 1, 2012 through June 30, 2014; and

WHEREAS, Falls Prevention grant funds will be used by the Department of Senior Services to improve the ability to collect timely information on falls prevention activities occurring in the community, and make modifications to client tracking software to help better identify clients that are considered at elevated risk for falls; and

WHEREAS, a local match is not required for this grant, as it is 100% funded by the Health Foundation for Western & Central New York; and

WHEREAS, the Falls Prevention grant budget needs to be established.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with the Health Foundation for Western & Central New York to accept the Falls Prevention grant funds; and be it further

RESOLVED, that the budget for the Falls Prevention grant, (163FALLS1214), be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
417060	Other Income	\$25,000
APPROPRIATIONS		
516020	Professional Svcs & Fees	11,400
916390	ID Senior Srvs Grant Svcs	<u>13,600</u>
	TOTAL	\$25,000
	APPROPRIATIONS	

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budgets as required to comply with the Health Foundation for Western & Central New York approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.

(4-0)

6. COMM. 1E-13 (2013)
COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department has an approved Juvenile Accountability Block Grant (JABG) for \$31,616 in the adopted 2013 Budget – Book B Special Funds (page 21); and

WHEREAS, the Probation Department will be partnering with the City of Buffalo, Division of Youth to facilitate Council of Boys and Young Men training sessions; and

WHEREAS, the City of Buffalo, Division for Youth, is currently the only agency locally with a trained facilitator for the Council of Boys and Young Men program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with the City of Buffalo, Division of Youth, Room 2301, City Hall, Buffalo, NY 14202; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contracts with the City of Buffalo, Division for Youth as they are sole source providers of the training outlined in the grant work plan, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the funds necessary to cover the costs of this contract have been appropriated in the 2013 Erie County Budget – Book B Special Funds (page 21); and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza.
(4-0)

7. COMM. 2E-15 (2013)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services requests authorization to contract with Catholic Charities for the Closing the Gap initiative in the amount of \$160,000; and

WHEREAS, this initiative will be fully supported with no additional local tax levy dollars as the Department will receive an \$80,000 cash donation from the United Way of Buffalo and Erie County, and the remaining \$80,000 of local share will be derived from a 2013 adopted budget line with ECMC which will not be utilized; and

WHEREAS, State reimbursement for this local share will be sought from the State through approval of this initiative as a Community Optional Preventive Services program; and

WHEREAS, the Closing the Gap initiative places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention; and

WHEREAS, staff assigned focus on the unique needs of individual students and bridge the gap between students, teachers, administrators, support staff and community service providers; and

WHEREAS, this proposed resolution authorizes the Department to amend the 2013 Adopted Budget and to execute a contract with Catholic Charities as the lead agency for this program funding; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Commissioner of Social Services are authorized to execute necessary contracts and agreements for this program; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2013 Adopted Budget

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE/ (DECREASE)
516400	Title XX Preventive and Protective Services (Catholic Charities – Closing the Gap Program)	\$160,000
516052	Contractual – ECMC Vocational Rehabilitation	<u>(80,000)</u>
	Total Expenditure	<u>\$80,000</u>
418430	Donated Funds	<u>\$80,000</u>
	Total Revenue	<u>\$80,000</u>

and be it further

RESOLVED, since this program is needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(4-0)

THOMAS J. MAZUR
CHAIR

CHAIR GRANT directed that item Number 3 be returned to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

GRANTED.

LEGISLATOR RESOLUTIONS

Item 17 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Reappointment to the EC Community
Corrections Advisory Board
(INTRO 3-1)

A RESOLUTION TO BE SUBMITTED

BY LEGISLATOR HOGUES

WHEREAS, the Erie County Community Corrections Advisory Board was established by the Erie County Legislature for the purpose of discussing correctional facilities' programs and services in order to offer suggestions and advice for the improvement of such programs at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, of the membership of the Advisory Board, one of its fifteen members shall be appointed by the Legislature upon the recommendation of the Administrative Judge for the Eighth Judicial District, and Nan L. Haynes, Esq. has been serving in this capacity since the establishment of the Advisory Board; and

WHEREAS, Ms. Hayes' term will expire on February 15, 2013, and she has expressed an interest in continuing as a member of the Advisory Board, is currently serving as the board's Vice Chair, and has been recommended for reappointment by the Hon. Paula L. Feroletto, District Administrative Judge, Eighth Judicial District.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby reappoints the following individual as recommended by the Administrative Judge for the Eighth Judicial District to the Erie County Community Corrections Advisory Board to complete a term that will expire on February 15, 2016:

Ms. Nan L. Haynes, Esq.
15 Arlington Place
Buffalo, New York 14201

Item 18 – CHAIR GRANT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-2 from LORIGO & DIXON. Opposing Implementation of Certain New Fees in the Governor's Proposed 2013 NYS Budget.

Item 19 – CHAIR GRANT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 3-3 from DIXON. Opposing the NYS DREAM Act as Proposed in the NYS Legislature.

Item 20 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Supporting Assembly Bill No. A.00824
Relating to Contact Information for
Foreclosures
(INTRO 3-4)

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS McCRACKEN, GRANT, MAZUR, MILLS,
HOGUES, MARINELLI, HARDWICK, RATH, DIXON & LORIGO**

WHEREAS, due to the financial situation of many taxpayers in New York State, a mortgage foreclosure crisis has emerged, causing many citizens to lose their homes; and

WHEREAS, banks foreclose on such properties, leaving them vacant many times; and

WHEREAS, although current State law requires the owner of a property to maintain it, municipalities lack the knowledge to know who to notify when a bank forecloses on such property; and

WHEREAS, New York State Assembly Bill A. 824 and New York State Senate Bill S. 3534 would require mortgage foreclosure plaintiffs to provide contact information through a written notice to the municipality of the entity that is responsible for maintaining the property and to post such information on the vacant dwelling itself; and

WHEREAS, the contact information required by this proposed legislation would greatly assist Erie County and all of its municipalities in ensuring that vacant properties are well maintained, thus keeping up the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports Assembly Bill No. 824 and Senate Bill No. 3534; and be it further

RESOLVED, that this honorable body hereby memorializes the State Senate and State Assembly, including Senator Timothy Kennedy, Assemblyman Dennis H. Gabryszak, and Governor Andrew M. Cuomo to adopt said bill; and be it further

RESOLVED, that the Clerk be and hereby is authorized and directed to forward certified copies of this resolution to Senator Timothy Kennedy, Assemblyman Dennis H. Gabryszak, Assemblyman Michael P. Kearns and Governor Andrew M. Cuomo.

MR. MAZUR moved to amend the resolution. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Add Legislator Loughran as Co-Sponsor.

Attach Senate Bill to Resolution.

Delete the Fourth Whereas Clause and Replace with the Following:

WHEREAS, New York State Assembly Bill A. 824 and New York State Senate Bill S. 3534 would require mortgage foreclosure plaintiffs to provide contact information through a written notice to the municipality of the entity that is responsible for maintaining the property and to post such information on the vacant dwelling itself; and

Delete the First Resolve Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature hereby supports Assembly Bill No. 824 and Senate Bill No. 3534; and be it further

MR. MAZUR moved to approve the resolution as amended. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Requesting that the NYSDOT
Remediate the Slow Flow of Highway
Funds Earmarked for WNY in the 2012-
2013 NYS Budget
(INTRO 3-5)

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MARINELLI, GRANT, MAZUR, MILLS,
HOGUES, HARDWICK, RATH, McCRACKEN, DIXON & LORIGO**

WHEREAS, on January 31, 2013, the New York State Assembly and Senate held a joint legislative budget hearing with New York State Transportation Commissioner Joan McDonald regarding the 2013-14 Tentative Executive Budget; and

WHEREAS, during this hearing, Commissioner McDonald acknowledged that of the \$166 million in highway funds earmarked for Western New York in the current (2012-13) State Budget, a full \$72 million has not yet been invested in our region's infrastructure; and

WHEREAS, beyond the negative impact on the deteriorating condition of our roads and bridges, our region was not boosted by the positive economic impact of the wages that should have accrued to construction workers, as well as revenue to the construction industry and related businesses; and

WHEREAS, this inordinate delay – on top of a very lean highway infrastructure budget to begin with – is cause of great concern to the individuals, businesses and agencies that are putting forth great effort to grow the Western New York economy and put our residents to work.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body request that the highway funds designated in the 2012-13 New York State Budget for Western New York be invested in infrastructure projects without delay; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the members of the WNY Delegation of the State Legislature, Governor Andrew Cuomo; Assembly Speaker Sheldon Silver; Senate Majority Leader Dean Skelos; County Executive Mark Poloncarz; Commissioner of the New York State Department of Transportation, Joan McDonald; Commissioner of the Erie County Department of Public Works, John Loffredo; and all others deemed necessary and proper.

MR. MAZUR moved to amend the resolution by adding MR. LOUGHRAN as Co-Sponsor. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 22 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-20 from the COUNTY EXECUTIVE Re: Designation of 2012 Funds for Risk Retention Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-13 from the BUFFALO COMMON COUNCIL Re: Buffalo Common Council Resolutions Concerning Death of Amanda Lynn Wienckowski

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 24 – (COMM. 3E-1) Pro-Active Cost Savings Measures in the Office of EC Comptroller

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 25 – (COMM. 3E-2) New Multimedia & Videoconference Capabilities in the Rath Building

Item 26 – (COMM. 3E-3) Videoconference Equipment Procurement

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATORS MARINELLI & HARDWICK

Item 27 – (COMM. 3E-4) Letter to Greater Buffalo-Niagara Regional Transportation Council Concerning Kenmore Ave.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 28 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

RE: 2013 Refunding Bond Resolution
(COMM. 3E-5)

RESOLUTION NO. 28-2013

REFUNDING BOND RESOLUTION DATED FEBRUARY 7, 2013

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK DATED FEBRUARY 7, 2013 AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS, STATING THE PLAN OF REFUNDING, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$40,000,000 REFUNDING BONDS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

(Introduced) February 7, 2013

(Adopted) February 7, 2013

WHEREAS, the County of Erie, New York (the "County") has heretofore duly issued (a) \$2,405,000 aggregate principal amount of Sewer District Serial Bonds – Series 2003B, such bonds being dated June 15, 2003 and maturing in annual installments in each of the years 2005 to 2023, both inclusive (the "2003B Bonds"); (b) \$18,415,000 aggregate principal amount of Public Improvement Serial Bonds - Series 2004A, such bonds being dated January 15, 2004 and maturing in annual installments in each of the years 2006 to 2015, both inclusive (the "2004A Bonds"); (c) \$1,830,000 aggregate principal amount of Sewer District Serial Bonds - Series 2004C, such bonds being dated August 19, 2004 and maturing in annual installments in each of the years 2006 to 2024, both inclusive (the "2004C Bonds"); and (d) \$62,570,000 aggregate principal amount of Public Improvement Serial Bonds - Series 2005A, such bonds being dated December 28, 2005 and maturing in annual installments in each of the years 2007 to 2020, both inclusive (the "2005A Bonds", and, collectively with the 2003B Bonds, the 2004A Bonds and the 2004C Bonds, the "Refunded Bonds"), as more fully described therein; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value savings in debt service for the County;

NOW THEREFORE 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. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of each series of the outstanding and unredeemed 2003B Bonds, 2004A Bonds, 2004C Bonds and 2005 A Bonds.

b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.

c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.

d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semiannually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

e. "Redemption Date" means the earliest date after the date of issuance of the Refunding Bonds that each of the 2003B Bonds, 2004A Bonds, 2004C Bonds and 2005 A Bonds may be called for redemption.

f. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$40,000,000 bonds of the County, authorized pursuant to Section 2 hereof.

g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on each Bond To Be Refunded to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, execution and performance of the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder.

Section 2. The Legislature of the County (herein called "Legislature"), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$40,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$40,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$40,000,000 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Roosevelt & Cross, Inc. is hereby accepted and approved. The Legislature acknowledges that the final refunding financial plan may vary from that set forth in Exhibit A depending upon market conditions at the time of the sale of the Refunding Bonds. Pursuant to Section 3 hereof, the Comptroller, the chief fiscal officer of the County, is authorized to approve the final details of the refunding financial plan not contained herein.

The refunding financial plan includes the deposit of all the proceeds of the Refunding Bonds (net of underwriter's discount) with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such

proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balance of each series of bonds originally issued pursuant to various bond resolutions of the County, adopted on their respective dates authorizing various capital improvements for the County. In accordance with the refunding financial plan, the Refunding Bonds have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve the final details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness (“PPU”) of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the following table:

<u>Series 2003B Bonds</u>	<u>Par Amount of Bonds</u>	<u>PPU</u>
Various Sewer District Improvements	\$2,405,000	40

<u>Series 2004A Bonds</u>	<u>Par Amount of Bonds</u>	<u>PPU</u>
Various County Buildings — Roof Replacement and Waterproofing	\$ 1,500,000	15
County Stadium Renovations	2,400,000	15
Convention Center Renovations/Improvements	1,500,000	15
County Parks Equipment Acquisition	315,000	5
County Parks Equipment Acquisition	1,685,000	15
Various Roads Reconstruction	2,345,000	15
Safety Enhancements — Various Roads	1,000,000	15
Capital Overlay Program (Road Rehabilitation)	7,004,000	10
Central Library — Books and Media Equipment	1,300,000	5
Office Renovations — District Attorney	271,000	5

<u>Series 2004C Bonds</u>	<u>Par Amount of Bonds</u>	<u>PPU</u>
Various Sewer District Improvements	\$1,830,000	40

<u>Series 2005A Bonds</u>	<u>Par Amount of Bonds</u>	<u>PPU</u>
Courthouse Renovations	\$16,491,437	20
Urban Brownfields Development	704,523	15
Como Park Blvd. (Design)	21,300	5
Lapp Rd. Bridge (Design)	5,950	5
Maple Rd. (Design)	75,450	5
North French Rd. (Design)	21,900	5
East Church St. Bridge (Construction)	81,850	20
Motors/Power Generators Replacement	90,000	5
Various County Buildings – Code Compliance Initiatives (2002)	235,000	15
Asbestos Abatement/Environmental Remediation – Various County Bldgs	1,000,000	15
Asbestos Abatement/Environmental Remediation – Rath Building	1,270,000	15
Central Police Services Training Facility – Construction and Equipment	9,289,000	30
Rath Building-Energy Conservation Measures	150,000	5

Wehrle/Harris Hill (Intersection Design)	8,750	5
Youngs Rd./Aero Dr. (Intersection Design)	6,100	5
Freeman Rd. Bridge (Design)	18,750	5
Bullis Rd. Bridge (Reconstruction)	31,485	20
Hall Rd. Bridge (Reconstruction)	33,950	20
Unanticipated Road & Bridge Work – Design	27,400	5
Various County Buildings – Code Compliance Initiatives (2003)	1,000,000	10
Electrical Systems Improvements – Phase I (Countywide)	300,000	30
Mechanical Systems Improvements – Phase I (Countywide)	300,000	10
Energy Conservation Measures (Countywide)	100,000	5
Correctional Facility Lock Replacement	100,000	5
Holding Center Plumbing/Electrical Installation	150,000	10
Emery Park Water Line – Phase III	335,000	40
Bridge Design and Construction (2003)	402,663	20
Culvert Design – Various Locations	350,000	5
Capital Overlay Program (Road Rehabilitation)	2,031,000	10
Preservation of Bridges, Dams & Culverts	1,500,000	20
Central Library Interior Renovations – Phase I	420,000	15
Wireless Infrastructure Improvements	225,000	10
Office Renovations – District Attorney	165,000	15
Botanical Gardens Energy Improvements	3,150,000	10
Various County Buildings – Roof Replacement and Waterproofing	770,000	15
County Stadium Rehabilitation (2004)	540,000	15
Various County Parks – Equipment Acquisition	60,000	5
Various County Parks – Acquisition of Machinery & Apparatus	440,000	15
Greiner Rd. @ Shimerville – Signal Design	34,000	5
Colvin Blvd, Brighton Rd. – Signal Design	20,000	5
Elmwood Ave. Corridor – Signal Design	14,000	5
County Stadium Rehabilitation (2005)	2,645,000	15
Various County Buildings – Sidewalk Restoration	160,000	15
Various County Buildings – Exterior Building Rehabilitation	425,000	15
Rath Building Cooling Tower Replacement	365,000	10
Lake Shore Trail Construction	247,000	5
All High Stadium Reconstruction	1,000,000	15
Erie Canal Harbor Development	14,000,000	15
Erie Community College – Renovations of Various Facilities	207,000	15
Erie Community College – Vehicles & Heavy Equipment	144,000	15
Erie Community College – Lab, Technical and Miscellaneous Equipment	1,182,540	5
Erie Community College – Office Furniture & Equipment	325,000	5
Social Services - Lab & Technical Equipment	1,809,952	5
Dunn Tire Park Rehabilitation	550,000	5

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$ 2,309,570.62. The Legislature acknowledges that the actual Present Value Savings may vary from that set forth in the refunding financial plan depending upon market conditions at the time of the sale of the Refunding Bonds.

Section 6. (a) The Refunding Bonds shall be sold at private sale to the Erie County Fiscal Stability Authority and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; and (b) the Comptroller is hereby

further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the final refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, and 90.10 of the Law, the powers and duties of the Legislature relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, and to executing any arbitrage certification relative thereto, as well as to executing the Escrow Contract, are hereby delegated to the Comptroller, the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds, the County shall contract with a bank or trust company located and authorized to do business in this State, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds but net of any underwriter's discount, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium and net of any underwriter's discount, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the

County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all of the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof and the accrued interest to the Redemption Date. The Escrow Holder is hereby authorized and directed to cause notices of such call for redemption to be given in the name of the County by mailing such notice to the registered holder at least thirty and not more than sixty days prior to the Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. This resolution shall take effect immediately upon approval of the County Executive.

FROM THE COUNTY EXECUTIVE

Item 29 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Declaration of Need for ECFS

Refunding of Bonds
(COMM. 3E-6)

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2013 Refunding Bond Resolution:

DECLARATION OF NEED

I, Mark C. Poloncarz, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009 (the "Agreement"), as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County, HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The Financeable Costs hereby requested to be refinanced are set forth in Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing refinancing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be refinanced by the County by the issuance of bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (i) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purpose.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the refinancing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to refinance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such refinancing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

IN WITNESS WHEREOF, I have set my hand this ____ day of February, 2013.

Mark C. Poloncarz
County Executive
County of Erie

COUNTY DECLARATION OF NEED

APPENDIX I

<u>Series 2003B Bonds</u>	<u>Original Par Amount of Bonds to be Refinanced</u>
Various Sewer District Improvements	\$2,405,000
<u>Series 2004A Bonds</u>	
Various County Buildings — Roof Replacement and Waterproofing	\$ 1,500,000
County Stadium Renovations	2,400,000
Convention Center Renovations/Improvements	1,500,000
County Parks Equipment Acquisition	2,000,000
Various Roads Reconstruction	2,345,000
Safety Enhancements — Various Roads	1,000,000
Capital Overlay Program (Road Rehabilitation)	7,004,000
Central Library — Books and Media Equipment	1,300,000
Office Renovations — District Attorney	271,000
Total	
<u>Series 2004C Bonds</u>	
Various Sewer District Improvements	\$1,830,000
<u>Series 2005A Bonds</u>	
Courthouse Renovations	\$16,491,437
Urban Brownfields Development	704,523
Como Park Blvd. (Design)	21,300
Lapp Rd. Bridge (Design)	5,950
Maple Rd. (Design)	75,450
North French Rd. (Design)	21,900
East Church St. Bridge (Construction)	81,850
Motors/Power Generators Replacement	90,000
Various County Buildings – Code Compliance Initiatives (2002)	235,000
Asbestos Abatement/Environmental Remediation – Various County Bldgs	1,000,000
Asbestos Abatement/Environmental Remediation – Rath Building	1,270,000

Central Police Services Training Facility – Construction and Equipment	9,289,000
Rath Building-Energy Conservation Measures	150,000
Wehrle/Harris Hill (Intersection Design)	8,750
Youngs Rd./Aero Dr. (Intersection Design)	6,100
Freeman Rd. Bridge (Design)	18,750
Bullis Rd. Bridge (Reconstruction)	31,485
Hall Rd. Bridge (Reconstruction)	33,950
Unanticipated Road & Bridge Work – Design	27,400
Various County Buildings – Code Compliance Initiatives (2003)	1,000,000
Electrical Systems Improvements – Phase I (Countywide)	300,000
Mechanical Systems Improvements – Phase I (Countywide)	300,000
Energy Conservation Measures (Countywide)	100,000
Correctional Facility Lock Replacement	100,000
Holding Center Plumbing/Electrical Installation	150,000
Emery Park Water Line – Phase III	335,000
Bridge Design and Construction (2003)	402,663
Culvert Design – Various Locations	350,000
Capital Overlay Program (Road Rehabilitation)	2,031,000
Preservation of Bridges, Dams & Culverts	1,500,000
Central Library Interior Renovations – Phase I	\$ 420,000
Wireless Infrastructure Improvements	225,000
Office Renovations – District Attorney	165,000
Botanical Gardens Energy Improvements	3,150,000
Various County Buildings – Roof Replacement and Waterproofing	770,000
County Stadium Rehabilitation (2004)	540,000
Various County Parks – Equipment Acquisition	60,000
Various County Parks – Acquisition of Machinery & Apparatus	440,000
Greiner Rd. @ Shimerville – Signal Design	34,000
Colvin Blvd, Brighton Rd. – Signal Design	20,000
Elmwood Ave. Corridor – Signal Design	14,000
County Stadium Rehabilitation (2005)	2,645,000
Various County Buildings – Sidewalk Restoration	160,000
Various County Buildings – Exterior Building Rehabilitation	425,000
Rath Building Cooling Tower Replacement	365,000
Lake Shore Trail Construction	247,000
All High Stadium Reconstruction	1,000,000
Erie Canal Harbor Development	14,000,000
Erie Community College – Renovations of Various Facilities	207,000
Erie Community College – Vehicles & Heavy Equipment	144,000
Erie Community College – Lab, Technical and Miscellaneous Equipment	1,182,540
Erie Community College – Office Furniture & Equipment	325,000
Social Services - Lab & Technical Equipment	1,809,952
Dunn Tire Park Rehabilitation	550,000

Maximum amount of refunding bonds to be issued to re-finance the above
Financeable Costs \$40,000,000

FROM THE COMPTROLLER

Item 30 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: 2013 Consolidated Bond Resolution
(COMM. 3E-7)

RESOLUTION NO. 30-2013

BOND RESOLUTION DATED FEBRUARY 7, 2013

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2013 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$50,682,882, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$11,737,653 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND AUTHORIZING THE ISSUANCE OF \$38,945,229 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) February 7, 2013

(Adopted) February 7, 2013

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. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2013 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2013 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2013 Capital Budget for the County. The plan of financing includes the expenditure of \$11,737,653 in State and Federal aid expected to be received and the issuance of \$38,945,229 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds. Costs of issuance of the bonds and notes authorized hereunder shall be paid from the premium derived from the sale of the respective bonds and notes.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$38,945,229 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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 respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts 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 the issuance of bonds having 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 providing for substantially level or declining annual debt service, 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 §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. 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 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.

***See attachment for 2013 Consolidated Bond Chart of Components

FROM THE COUNTY EXECUTIVE

Item 31 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CHAIR GRANT directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

RE: Declaration of Need for ECFSA
Borrowing for 2013 EC New Money
Capital Bonds
(COMM. 3E-8)

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2013 Consolidated Bond Resolution:

DECLARATION OF NEED

I, Mark C. Poloncarz, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009 (the "Agreement"), as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County, HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amount of the Financeable Costs hereby requested to be undertaken are set forth in Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality review Act and (i) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purpose.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

IN WITNESS WHEREOF, I have set my hand this ____ day of February, 2013.

Mark C. Poloncarz
County Executive
County of Erie

COUNTY DECLARATION OF NEED

APPENDIX I

	<u>Project</u>	<u>Amount</u>
1	2013 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	\$2,990,000
2	2013 BUFFALO & ERIE COUNTY BOTANICAL MASTER GARDENS MASTER PLAN IMPLEMENTATION (BUFFALO)	\$1,000,000
3	2013 BUFFALO NIAGARA CONVENTION CENTER REHABILITATION (BUFFALO)	\$500,000
4	2013 COUNTYWIDE CODE AND ENVIRONMENTAL COMPLIANCE (COUNTYWIDE)	\$750,000
5	2013 COUNTYWIDE ROOF REPLACEMENT & EXTERIOR WATERPROOFING (COUNTYWIDE)	\$500,000
6	2013 COUNTYWIDE MECHANICAL ELECTRICAL & PLUMBING IMPROVEMENT (COUNTYWIDE)	\$750,000
7	2013 EPA ENVIRONMENTAL REGULATION COMPLIANCE (COUNTYWIDE)	\$750,000
8	2013 ROAD DESIGN FEDERAL AID PROJECTS (COUNTYWIDE)	\$310,400
9	2013 BRIDGE AND ROAD RECONSTRUCTION PROJECTS FEDERAL AID (COUNTYWIDE)	\$660,000
10	2013 FEMA ROAD DESIGN (CONCORD)	\$322,000
11	2013 FEMA ROAD CONSTRUCTION (CONCORD)	\$932,333
12	2013 PRESERVATION OF ROADS-CONSTRUCTION (COUNTYWIDE)	\$9,350,000

	<u>Project</u>	<u>Amount</u>
13	2013 PRESERVATION OF ROADS (COUNTYWIDE)	\$125,000
14	2013 PRESERVATION OF BRIDGES AND CULVERTS CONSTRUCTION (COUNTYWIDE)	\$2,250,000
15	2013 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	\$150,000
16	2013 DAM SAFETY AND PRESERVATION RECONSTRUCTION (COUNTYWIDE)	\$100,000
17	2013 DAM SAFETY AND PRESERVATION DESIGN (COUNTYWIDE)	\$100,000
18	2013 HIGHWAY VEHICLE AND EQUIPMENT REPLACEMENT PROGRAM (COUNTYWIDE)	\$800,000
19	2013 UPGRADE TO GASBOY SYSTEM (COUNTYWIDE)	\$150,000
20	2013 REPLACEMENT OF FLEET POOL VEHICLES	\$250,000
21	2013 HIGHWAY BUILDING FACILITY IMPROVEMENTS (COUNTYWIDE)	\$400,000
22	2013 COUNTYWIDE PARKS IMPROVEMENTS (COUNTYWIDE)	\$1,500,000
23	2013 EMERY PARK CULVERT REPLACEMENT AURORA	\$600,000
24	2013 SHELTER, BUILDING AND COMFORT STATION REPLACEMENT COUNTYWIDE	\$350,000
25	2013 ROADS, PATHWAYS AND PARKING LOT REPAIR (COUNTYWIDE)	\$500,000
26	2013 BETHLEHEM STEEL REDEVELOPMENT PROJECT (LACKAWANNA)	\$1,900,000
27	2013 EVANS SHORELINE TRAIL BEACHES (EVANS)	\$1,124,596
28	2013 DARWIN MARTIN HOUSE INTERIOR RESTORATION (BUFFALO)	\$500,000
29	2013 ECMCC BUILDINGS 17AA-DD IMPROVEMENTS (BUFFALO)	\$1,000,000
30	2013 RENOVATIONS TO HEALTH CLINIC AT 1500 BROADWAY (BUFFALO)	\$2,600,000

	<u>Project</u>	<u>Amount</u>
31	2013 FORENSIC TOXICOLOGY INSTRUMENTATION MEDICAL EXAMINER (COUNTYWIDE)	\$350,000
32	2013 RENOVATION OF AUTOPSY SUITES & EQUIPMENT MEDICAL EXAMINER (COUNTYWIDE)	\$175,000
33	2013 LABORATORY EQUIPMENT REPLACEMENT (COUNTYWIDE)	\$85,000
34	2013 ECC SOUTH AUTO BUREAU IMPROVEMENTS (ORCHARD PARK)	\$95,900
35	2013 REPLACEMENT VANS (COUNTYWIDE)	\$100,000
36	2013 VARIOUS IMPROVEMENTS TO THE HOLDING CENTER (BUFFALO)	\$975,000
37	2013 DISS RECONSTRUCTION OF DATA CENTER (BUFFALO)	\$450,000
38	2013 ECC EQUIPMENT (COUNTYWIDE)	\$1,800,000
39	2013 ECC ROOFS (AMHERST)	\$1,000,000
40	2013 ECC WINDOW & DOOR REPLACEMENT (COLLEGEWIDE)	\$500,000
41	2013 ECC CODE COMPLIANCE (COLLEGEWIDE)	\$200,000

FROM LEGISLATOR DIXON

Item 32 – (COMM. 3E-9) Request for a Purchase Procedure Review

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR GRANT

Item 33 – (COMM. 3E-10) Letter to Legislator McCracken Concerning Interviews for Position of Commissioner of the ECWA

Item 34 – (COMM. 3E-11) Letter to Clerk of Legislature Concerning Energy & Environment Committee, Interviews for Position of Commissioner of the ECWA

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

RE: Buffalo & EC Main Central Library –
2012 Second Floor West Asbestos
Abatement
(COMM. 3E-12)

WHEREAS, the Library Board of Trustees has authorized the Library Director, in cooperation with the Erie County Department of Public Works to proceed with the redesign of the second floor west area work; and

WHEREAS, the County of Erie received bids for the Buffalo and Erie County Main Central Library – 2012 - Second Floor West Asbestos Abatement on November 5, 2012; and

WHEREAS, the lowest responsible bidder is Mark Cerrone, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with its Consultant, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder, Mark Cerrone, Inc. for the Buffalo & Erie County Main Central Library – 2012 - Second Floor West Asbestos Abatement project for an amount not to exceed \$767,448.00; and be further

RESOLVED, that the sum of \$76,745.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP project accounts as follows:

F.00007 – 2003- Central Library Asbestos Abatement,	\$67,000.00
F.11001 – 2011- Central Library Space Renovations,	\$149,000.00
NYS Grant No. 420 NYS CONST CTR 1215	<u>\$628,193.00</u>
Total Payment Not To Exceed:	\$844,193.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Buffalo & Erie County Central Library, Ken Stone, and the Office of the Comptroller.

Item 36 – (COMM. 3E-13) ECC Campus Security & Safety Project - North & City Campuses

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 37 – (COMM. 3E-14) Authorization to Enter Into an Agreement Between EC Department of Health, Emergency Medical Services Division & Twin City Ambulance

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 38 – (COMM. 3E-15) NYSDEC Grant: Urban & Community Forestry Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

RE: Ralph Wilson Stadium Complex Site
Survey - Change Order
(COMM. 3E-16)

WHEREAS, the Legislature has approved the Buffalo Bills/Erie County Stadium Lease Memorandum of Understanding; and

WHEREAS, in order to prepare the final Lease documents it is necessary to prepare an up-to-date Ralph Wilson Stadium Complex site survey; and

WHEREAS, this survey must be completed by mid-February in order to complete the lease documents and make same available for the NFL's consideration at their March meeting; and

WHEREAS, presently Nussbaumer and Clarke, Inc. has a contract with the County for surveying the location of underground utilities at the stadium; and

WHEREAS, Nussbaumer and Clarke, Inc. is already on the site and are familiar with the stadium; and

WHEREAS, in order to meet timetables associated with the NFL owners' review and approval of the Lease between the Bills and the County, it is necessary to act expeditiously.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a change order to Nussbaumer and Clarke, Inc. for an amount not to exceed \$45,000.00 to perform a Stadium Complex site survey; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project Account A.12001 – 2012 Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$45,000.00; and be it further

RESOLVED, that four (4) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

Item 40 – (COMM. 3E-17) NYSDEC Waste Reduction & Recycling Coordination 2013-2015 Grant

Item 41 – (COMM. 3E-18) ECSD No. 3 - Engineer Term Agreement

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (COMM. 3E-19) Authority to Reimburse Agencies for EmPower NY Application Processing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 43 – (COMM. 3D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 44 – (COMM. 3D-2) Letter to Legislator Marinelli Regarding Events that Take Place at Ralph Wilson, Jr. Stadium Complex

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PROBATION SUPERVISOR, **EC DEPARTMENT OF PROBATION**

Item 45 – (COMM. 3D-3) Letter to Director of Probation Concerning Appointment to the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 46 – (COMM. 3D-4) Budget Status through November 2012

Received and referred to FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIVISION OF BUDGET & MANAGEMENT

Item 47 – (COMM. 3D-5) Initial Review of Governor Andrew Cuomo's 2013-2014 Executive Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF MINORITY/WOMEN BUSINESS ENTERPRISE

Item 48 – (COMM. 3D-6) Letter Concerning Article for Review of Legislature MBE/WBE Committee

Received and referred to the MINORITY/WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 49 – (COMM. 3D-7) Letter Concerning Comptroller's Office Reorganization Request

Received and referred to GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 50 – (COMM. 3D-8) Letter Concerning Purchase of Videoconference Equipment

Received and referred to GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF EC PROBATION DEPARTMENT

Item 51 – (COMM. 3D-9) Letter to Chair of EC Community Corrections Advisory Board Concerning Appointment to the Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 52 – (COMM. 3D-10) Letter Concerning Comptroller's Cash Flow Projection at February 1, 2013

Received and referred to FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC ADVOCACY
& COMMISSIONER OF DPW

Item 53 – (COMM. 3D-11) Letter Concerning Outside Vendor/United Way Fundraiser

Received and Filed.

FROM THE COMMISSIONER OF MENTAL HEALTH

Item 54 – (COMM. 3D-12) Letter Concerning Appointment to the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 55 – (COMM. 3M-1) Copy of 17A Report & Capital Expenditure Reports for Fiscal Year Ending 3/31/2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 56 – (COMM. 3M-2) Letter Concerning Fact-Finding Report Between EC & Civil Service Employees Association, Inc., Local 815

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDOT

Item 57 – (COMM. 3M-3) Copy of Resolution Titled "Discontinuance of Maintenance of Burgess Blvd.", Town of Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 58 – (COMM. 3M-4) Minutes from Meeting Held 12/17/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PRESIDENT, TEAMSTERS LOCAL UNION NO. 264

Item 59 – (COMM. 3M-5) Letter Concerning Appointment to the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHRISTOPHER J. O'BRIEN

Item 60 – (COMM. 3M-6) Letter to Chair of Legislature Concerning Appointment to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PRESIDENT, CSEA LOCAL 815

Item 61 – (COMM. 3M-7) Letter Concerning Public Hearing Held 1/31/2013

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY DIRECTOR, ECWA

Item 62 – (COMM. 3M-8) Copy of ECWA Financial Report for the Years Ended 12/31/2012 & 2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LESLIE BRILL

Item 63 – (COMM. 3M-9) Letter to Legislator Mazur Concerning the Death of Amanda Wienckowski

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM GERALDINE COLES

Item 64 – (COMM. 3M-10) E-Mail Transmission to Chair of the Legislature Concerning Termination at the EC Sheriff's Department

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM HAROLD (BILL) RICE, JR.

Item 65 – (COMM. 3M-11) Letter to Chair of Legislature Concerning Appointment to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM PETER C. GROLLITSCH

Item 66 – (COMM. 3M-12) Letter to Chair of Legislature Concerning Appointment to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 67 – CHAIR GRANT announced that the schedule of upcoming legislative committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 68 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Buffalo Police Officer Patricia “Patty” Parete.

Item 69 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Kathleen Elizabeth (Britt) Hallock, John R. Russ, and Louis “Lou Blue” Nuchereno.

Item 70 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Mary Baldelli and Andrew Kovel.

Item 71 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Joan Hycner.

Item 72 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Joseph Warthling and Nancy Brueggen.

Item 73 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of the 6-year-old student at St. Amelia School who died from complications of influenza, and also in memory of Ava Marie Savino.

Item 74 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Kathy Hallock.

ADJOURNMENT

Item 75 - At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, February 21, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, February 21, 2013 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE