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County of Erie

MARK C. POLONCARZ
COMPTROLLER

FM

February 16, 2011

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

Re: Proposed Bond Resolution to Amend a 2010 Bond Resolution

Dear Honorable Members:

Please find attached a resolution to amend a certain bond resolution approved in 2010. Specifically, the resolution amends Resolution No. 25-2010 passed by your honorable body on February 4, 2010 in order to more accurately describe the project and cost associated with the purchase of equipment for the Jail Management Division's food service area.

If you have any questions regarding the specifics of the project or the reason for the amendment, please contact Budget Director Gregory Gach or Department of Public Works Commissioner Gerard J. Sentz.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Comptroller

MCP/nr

Encl.

cc: Erie County Executive Christopher Collins
Gregory Gach, Dir. Division of Budget and Management
Gerard J. Sentz, Commissioner, Dept. of Public Works

6E-4

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

_____, 2011

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____, 2011, at _____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. __-2011

BOND RESOLUTION DATED _____, 2011

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED FEBRUARY 4, 2010, TO INCREASE THE COST OF FOOD PREPARATION EQUIPMENT.

(Introduced) _____, 2011

(Adopted) _____, 2011

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2010 Capital Budget of the County, pursuant to the bond resolution adopted February 4, 2010 by said Legislature, and hereinafter referred to; and

WHEREAS, due to increased costs, it is now necessary to increase the cost of the acquisition of food preparation equipment;

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). The caption of resolution No. 25-2010 of said County duly adopted by the Legislature on February 4,

2010, entitled:

BOND RESOLUTION DATED FEBRUARY 4, 2010.

“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$74,629,139, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$41,000,000 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.”

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2011, AMENDING THE BOND RESOLUTION ADOPTED FEBRUARY 4, 2010.

“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$74,734,139, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$41,105,000 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.”

Section (B). Row 24 of the schedule attached to Resolution 25-2010 of said County duly adopted by the Legislature on February 4, 2010 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
24	2010 JAIL MANAGEMENT DIVISION FOOD SERVICE AND EQUIPMENT	S	405,000	405,000	\$0	5 yrs., par. 32	This project will replace the food preparation equipment at the Holding Center and Correctional Facility. Most of the equipment is twenty to thirty years old. The space is insufficient and the equipment is undependable when faced with the demand to produce approximately 4,200 meals daily.	P. B-107, 114, 118 & 119

Section (C). The amendments of the bond resolution set forth in Sections A and B 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.

Section (D). This Amending Resolution shall take effect immediately upon approval by the County Executive.

* * *

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.

Dated: Buffalo, New York,
_____, 2011

The foregoing Bond Resolution is hereby approved

County Executive

I, Robert M. Graber, HEREBY CERTIFY, that Christopher Collins, County Executive of Erie County, approved a Bond Resolution of which the foregoing is a certified copy and returned the same for filing in the office of the Erie County Legislature.

_____, 2011.

Robert M. Graber
Clerk of the Erie County Legislature

APPROVED AS TO CONTENT:

By _____
Erie County Comptroller

APPROVED AS TO FORM:

By _____
Erie County Attorney

Legislator _____ offered the following resolution and moved its adoption:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS

FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing amending bond resolution in full, in the official newspapers of the County for such publication, and also in the “_____” and the “_____,” together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

* * *

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.

* * *

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on _____, 2011, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of _____, 2011.

Robert M. Graber
Clerk of the Erie County Legislature

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED
WITH COPY OF RESOLUTION AFTER ADOPTION)

NOTICE

The amending resolution, a copy of which is published herewith, has been adopted by the County Legislature on the ___ day of _____, 2011, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Robert M. Graber
Clerk of the County Legislature