



EOLEG MAY21 '13 at 3:07

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 20, 2013

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

IMMEDIATE CONSIDERATION REQUESTED

**Re: Declaration of Need for Erie County Fiscal Stability Authority Borrowing for
2013 Erie County Revenue Anticipation Note**

Dear Honorable Members:

Please find enclosed for your approval a Declaration of Need authorizing the Erie County Fiscal Stability Authority ("ECFSA") to sell a Revenue Anticipation Note on behalf of Erie County for our 2013 fiscal year cash flow needs.

Under separate cover, County Comptroller Stefan Mychajliw is transmitting to your Honorable Body the 2013 Revenue Anticipation Note ("RAN"). The enclosed Declaration of Need is linked to the 2013 Revenue Anticipation Note resolution. Following your approval of the Declaration of Need and 2013 Revenue Anticipation Note resolution, ECFSA will meet to authorize the sale of the 2013 RAN and then will work with the administration and Comptroller's Office to effectuate the sale of the RAN in June 2013. Because ECFSA is holding a board meeting on May 31, 2013 concerning this matter, we are requesting immediate consideration at your May 23rd legislative session.

If you have any questions concerning this request, please contact Budget Director Robert W. Keating. Thank you in advance for your consideration.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

By: Richard M. Tobe
Deputy County Executive

MCP/tcc
Enclosure

cc: Erie County Fiscal Stability Authority
Erie County Comptroller Stefan Mychajliw
Erie County Attorney Michael Siragusa
Connie Cahill, Esq., Hiscock & Barclay

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 is \$130,000,000 to finance the cash flow needs of the County.

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 meet the requirements of Section 4.01(f) of the Agreement, as applicable.

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 herein. In no event shall the amount of such financing in any fiscal year exceed the aggregate amount of the Declarations of Need for such year, as they 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 21st day of May, 2013.

Mark C. Poloncarz
County Executive
County of Erie



By: Richard M. Tobe
Deputy County Executive
County of Erie

I hereby certify that the form and substance of this Declaration of Need have been duly approved by the Erie County Legislature.

Robert Graber
Clerk of the Erie County Legislature