

June 11, 2013

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-12 (2013)  
**COUNTY EXECUTIVE**

WHEREAS, in 2001, the Buffalo Zoo and City of Buffalo undertook a \$3 million capital project for a new Main Animal Building, financed with \$2 million from the County, and with a State commitment of \$350,000; and

WHEREAS, the project maintained a \$650,000 shortfall and the local state delegation pledged that the State Legislature would contribute \$650,000; and

WHEREAS, due to construction timing purposes, the City and Zoo said they needed funds immediately in 2001; and

WHEREAS, on July 5, 2001, at the request of the Giambra Administration, the Erie County Legislature approved Comm. 14E-64, providing a \$650,000 "bridge loan" to the Buffalo Zoo for the project; and

WHEREAS, the State was to reimburse the County the \$650,000 after adoption of the State's 2001/2002 Budget; and

WHEREAS, an agreement called the "First Amendatory Agreement to the December 27, 2000 Agreement by and Between the County of Erie, City of Buffalo, and Buffalo Zoological Society" was entered into and executed in November 2001; and

WHEREAS, in October 2002, the State provided the City/Zoo a grant totaling \$350,000 for the project; and

WHEREAS, on November 21, 2002, the County Legislature approved Comm. 20E-19 stating that the \$350,000 in State funds was a "partial repayment for the County bridge loan"; and

WHEREAS, the County ultimately spent \$2,650,000 for the project and the State provided \$350,000; and

WHEREAS, due to Comm. 20E-19 (2002), the County has maintained a \$300,000 bridge loan receivable as of year-end 2002, and

WHEREAS, the Department of Law has opined that under state law, because more than six years has passed since the agreement between the County, City and Zoo was in effect breached by the Zoo and City, the County has no legal recourse to pursue recovery of the account receivable; and

WHEREAS, based on the Zoo's fiscal situation and ongoing fundraising efforts for other capital projects, it appears impracticable that the County could recover the \$300,000 from the Zoo or City of Buffalo and it is necessary to address this outstanding issue to help close the County's 2012 audited financial statements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby forgive the Buffalo Zoological Gardens from repayment of the remaining \$300,000 bridge loan balance made under Comm. 14E-62 (2001) and Comm. 20E-19 (2002) pursuant to the "First Amendatory Agreement to the December 27, 2000 Agreement by and Between the County of Erie, City of Buffalo, and Buffalo Zoological Society"; and be it further

RESOLVED, that the Erie County Division of Budget and Management and the Office of County Comptroller are directed to cancel the 2002 year-end \$300,000 account receivable for the Buffalo Zoo, and are hereby authorized to make the necessary entries and adjustments to the County's audited financial statements; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Department of Law, Division of Budget and Management, Office of the Comptroller, and Department of Environment and Planning.  
(6-0)

2. COMM. 11E-19 (2013)  
**COUNTY EXECUTIVE**

WHEREAS, the Sunrise Exchange Club has generously offered to make a \$400 donation to the Erie County Office of Veteran's Affairs to assist in the provision of services to Veteran's; and

WHEREAS, in order to accept the funds, and other donated funds in the future for the Office of Veteran's Affairs, legislative authorization is required.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Office of Veteran's Affairs is authorized to receive \$400 from the Sunrise Exchange Club, and is authorized to receive any future donated funds from other entities, organizations or individuals, for the purpose of providing services to Veteran's; and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in Fund Center 13000:

<u>REVENUE</u>		<u>Increase</u>
417050	Donations	\$400.00

<u>APPROPRIATIONS</u>		<u>Increase</u>
516020	Professional Services, Contracts and Fees	\$400.00

and be it further

RESOLVED, that the Division of Budget and Management, Office of Comptroller and Office of Veteran's Affairs are authorized to make any necessary budgetary adjustments for these and future donated funds; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Division of Budget and Management, Office of Veteran's Affairs, and the County Comptroller.  
(6-0)

**LYNN M. MARINELLI**  
**CHAIR**