

June 3, 2009

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-2 (2009)
COMPTROLLER: "Potential Federal Financial Assistance to Erie County"
(6-0)
 - b. INTRO 8-2 (2009)
REYNOLDS: "Requesting Real Property Tax Services to Provide Update and Final Tally Received as a Result of the May 6, 2009 Forclosure Sale"
(6-0)
 - c. COMM. 9E-12 (2009)
COUNTY EXECUTIVE: "Revised 2009-2012 EC Four-Year Plan"
(6-0)
 - d. COMM. 10E-3 (2009)
COMPTROLLER: "Certificate of Determination"
(6-0)
2. INTRO 2-3 (2009)
WALTER, MILLS, RATH, AS AMENDED
WHYTE, KONST & REYNOLDS
WHEREAS, the Erie County Legislature has approved capital borrowing plans for 2007 and 2008 to maintain and improve the infrastructure of County owned and maintained assets; and

WHEREAS, these projects are vital to the safety and welfare of Erie County residents, and, in certain instances, address contractual obligations; and

WHEREAS, the Erie County Fiscal Stability Authority was established to assist Erie County during a difficult fiscal and budgetary period; and

WHEREAS, Erie County finds itself in an improved fiscal and budgetary situation but is in need of financing in order to execute its Capital Project Plan; and

WHEREAS, Erie County and the Erie County Fiscal Stability Authority remain at an impasse as to which entity is in the best position to engage in long-term financing at the lowest cost to the County considering the operational cost of the Fiscal Stability Authority versus the amount it could potentially save in interest charges; and

WHEREAS, because some projects must be addressed on an emergency basis, the failure of Erie County to borrow has also put enormous strains on the county's operating budget; and

WHEREAS, in addition to causing a further deterioration of Erie County's infrastructure, the failure to borrow for capital projects has resulted in many vendors not receiving payment for services provided to the county; and

WHEREAS, in New York State, the State Comptroller, pursuant to Section 33 of the General Municipal Law has the authority to review the accounts of agencies, including performance reviews, and to make recommendations regarding future fiscal practices; and

WHEREAS, this authority provides a legitimate avenue for the State Comptroller to intervene in matters regarding municipal finance, especially when public safety and health, capital investment and fiscal health are threatened; and

WHEREAS, policymakers in Erie County will be undertaking the development of a capital projects program and borrowing for 2009, which based on the inability to borrow for 2007 and 2008, would appear to be an exercise in futility and a disservice to the public; and

WHEREAS, policymakers in Erie County need the best possible information provided to them in order to make an informed decision as to whether Erie County or the Fiscal Stability Authority should undertake the long-term financing necessary to complete the County's Capital Projects and which will provide the greatest overall savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully request that the State Comptroller conduct a Performance Review of the Erie County Fiscal Stability Authority to determine its effectiveness and to make recommendations regarding the fiscal impact of any proposed financing assistance to Erie County; and be it further

RESOLVED, that certified copies be sent to New York State Governor David Paterson, New York State Comptroller Thomas DiNapoli, the WNY State Delegation, County Executive Chris Collins, County Comptroller Mark Poloncarz, County Budget Director Greg Gach, County Attorney Cheryl Green and members of the Erie County Fiscal Stability Authority.
(6-0)

3. INTRO 10-1 (2009)
REYNOLDS, MARINELLI, WHYTE, MILLS **AS AMENDED**
GRANT & LOUGHRAN

WHEREAS, the Erie County Legislature's Distressed Real Property Task Force, which is composed of stakeholders from city, suburban and rural communities throughout Erie County, has been meeting monthly to discuss our vacant and abandoned property crisis and potential solutions to address this problem; and

WHEREAS, the Task Force members have reached a consensus that one of the core problems that has created the vacant and abandoned property crisis in Erie County and all of Upstate New York, is the lack of a defined plans for the management and reuse of vacant and abandoned property; and

WHEREAS, the Task Force believes that the use of "Land Banks" is appropriate as a tool to help facilitate the planning, management and reuse of vacant or abandoned real property in our community; and

WHEREAS, the New York State Legislature is currently considering AB No. 00700 and SB No. 4281 which would allow communities to use this valuable tool to assist in addressing the problems associated with vacant and or abandoned real property in a comprehensive manner; and

WHEREAS, the Task Force has recommended that a formal communication from the Erie County Legislature be sent requesting that State Legislators as well as Governor Paterson compromise and pass and approve legislation authorizing the use of land banks in New York State; and

WHEREAS, this legislation would be extremely helpful to further the goals of the Erie County Distressed Real Property Task Force and provide a much needed tool to address the management and reuse of current and future vacant and abandoned real property in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature implores our State legislators to enact "Land Banking" bills that have the support of both houses and the Governor of our great state of New York; and be it further

RESOLVED, that official copies of this resolution be sent the Assembly and Senate sponsors, Governor Paterson, all Western New York State legislative delegation and any other parties that may be of interest.
(6-0)

4. COMM. 10E-1 (2009)
COMPTROLLER

WHEREAS, the use of merchant credit and debit account cards, automated clearing house/electronic fund transfer services and electronic checks in combination with use of the telephone, Internet and other electronic payment processing options for products and services is a widely accepted and established form of payment between payees and payers for Erie County to utilize such technology for the public's benefit; and

WHEREAS, for taxpayers and consumers of services within a municipality, electronic payment services can reduce time, effort and financial costs with respect to producing checks, postage and mailing and municipalities can benefit from electronic payment services through enhanced processing and in-bound cash flows by minimizing bank float; and

WHEREAS, Erie County, through the Office of the Comptroller, has sought proposals to provide merchant card, Internet and/or other electronic payment processing services; and

WHEREAS, a Request for Proposals (RFP) was formally issued on September 24, 2008 and reviewed in compliance with Section 19.08 of the Erie County Administrative Code, which resulted in 15 potential vendors submitting proposals; and

WHEREAS, a dedicated committee appointed by the Comptroller reviewed aforementioned potential vendors' proposals and submitted a recommendation to the Comptroller; and

WHEREAS, after consulting with representatives from the County Administration, the Comptroller presented a formal Notice of Award to J.P. Morgan Chase Bank, N.A. with the intention that the County will pursue a formal agreement with J.P. Morgan for provision of said merchant card processing and electronic payment services at no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Comptroller to enter into a contract with J.P. Morgan Chase to provide merchant card, telephone, Internet and/or other electronic payment processing services to any County departments wishing to receive electronic payments for a period of three (3) years with options for two (2) one-year extensions; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Comptroller, Erie County Clerk, Erie County Sheriff, Director of Real Property Tax Services, Director of Probation, County Attorney and the Director of Management and Budget. (6-0)

5. COMM. 10E-20 (2009)
COUNTY EXECUTIVE

WHEREAS, pursuant to prior legislative authorization, a public auction of county-owned properties was conducted for Erie County at the Erie County Legislative Chambers, on May 6, 2009; and

WHEREAS, at said public auction, bids totaling the sum of \$4,200.00 were accepted as to (7) seven properties, as set forth on the list attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that as to those seven (7) properties, the sale of same is hereby approved, confirmed and ratified; and be it further

RESOLVED, that the County Executive, provided that the full amount of the bid and applicable fees and commissions have first been paid, is hereby authorized and directed to execute, deliver and record a Quit-Claim Deed conveying to the particular bidder-designated purchaser(s) all of the County of Erie's right, title and interest in and to the properties whose public auction sale is approved herein.

County Owned Sale – 5/6/09

<u>TOWN</u>	<u>ADDRESS</u>	<u>SBL#</u>	<u>PURCHASE PRICE</u>
West Seneca	Grant Blvd	152.05-6-8	\$ 600.00
West Seneca	Grant Blvd	152.08-6-9	\$ 600.00
West Seneca	Grant Blvd	152.08-6-15.1	\$ 600.00
West Seneca	Grant Blvd	152.08-6-17	\$ 600.00
West Seneca	Grant Blvd	152.08-6-18	\$ 600.00

West Seneca	Grant Blvd	152.08-6-19.1	\$ 600.00
West Seneca (6-0)	Julius Road	152.08-6-28.1	\$ 600.00

**KATHY KONST
 CHAIR**