

**ERIE COUNTY LEGISLATURE  
MEETING NO. 27  
DECEMBER 31, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present except Legislators Ranzenhofer and Konst.

An invocation was held led by Legislator Mills.

The Pledge of Allegiance was led by Legislator Weinstein.

Item 1 – No minutes for approval.

**COMMUNICATIONS FROM ELECTED OFFICIALS****FROM THE COMPTROLLER**

Item 2 – (COMM. 27E-1) 2007 General Obligation Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 3 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, GRANT, IANNELLO, KENNEDY, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: WEINSTEIN. (AYES: 12; NOES: 1)

CARRIED.

RESOLUTION NO. 313

RE: 2007 Capital Borrowing (COMM. 27E-2)

WHEREAS, in 2006 and 2007, the Erie County Legislature duly adopted bond resolutions for the issuance of general obligation debt to fund certain County and related capital projects, and

WHEREAS, pursuant to § 3959 (2) (i) of the Erie County Fiscal Stability Act, the County cannot issue debt without the approval of the Erie County Fiscal Stability Authority, and

WHEREAS, on November 2, 2007, the authority rejected the County's request to issue such debt and reasserted its desire to issue such debt on behalf of the County, and

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WHEREAS, on November 29, 2007, the Erie County Legislature formally voted 11-4 to reject any such borrowing by the Erie County Fiscal Stability Authority, and

WHEREAS, for several months, in an attempt to resolve the borrowing issue, the Erie County Comptroller has been in discussions and negotiations with the Erie County Fiscal Stability Authority, facilitated by the office of New York State Governor Eliot Spitzer and the New York State Division of Budget, and

WHEREAS, the parties have arrived at a compromise in which the authority will issue sales tax revenue bond debt in an amount not to exceed \$51,930,000 on behalf of the County and on the same day, the County will issue general obligation mirror bond debt in the same amount to the authority, and

WHEREAS, under the terms of the transaction, as laid-out in a separate written communication provided to your Honorable Body and myself by the Erie County Comptroller, once the County attains two (2) ratings in the "A" category from nationally recognized ratings agencies, the authority's bonds will be defeased and the authority's bondholders will receive the County's bonds in exchange, with the bondholders then no longer owning authority bonds, but County bonds, and

WHEREAS, this mechanism ensures that the authority cannot perpetuate its existence for the life of its bonds if the County continues its ongoing financial recovery, and

WHEREAS, this proposal has the support of myself, the County Comptroller, and the Erie County Fiscal Stability Authority.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its support for this compromise in which the Erie County Fiscal Stability Authority will issue sales tax revenue bond debt in an amount not to exceed \$51,930,000 on behalf of the County and on the same day, the County will issue general obligation mirror bond debt in the same amount to the Erie County Fiscal Stability Authority, and be it further

RESOLVED, that through this transaction, the County's 2007 capital program will be facilitated and urgent County capital needs satisfied through these bond proceeds, and be it further

RESOLVED, that the Erie County Fiscal Stability Authority is hereby authorized to issue sales tax revenue bond debt in an amount not to exceed \$51,930,000 on behalf of the County, and the Erie County Comptroller is hereby authorized to, on the same day, issue general obligation mirror bond debt in the same amount to the Erie County Fiscal Stability Authority, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Executive, Erie County Comptroller, Erie County Fiscal Stability Authority, Director of Budget and Management, County Attorney, New York State Governor and New York State Comptroller.

FROM CHAIRPERSON MARINELLI

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Item 4 – (COMM. 27E-3) Calling Special Session on 12/31/07

Received, Filed and Printed.

December 27, 2007

Mr. Robert M. Graber  
Clerk, Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, N.Y. 14202

Dear Mr. Graber:

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on MONDAY, DECEMBER 31, 2007 at ELEVEN-THIRTY O'CLOCK A.M. in the morning of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The Legislature is asked to immediately consider a request of the County Executive to authorize the Erie County Fiscal Stability Authority to issue mirror bonds in conjunction with the Comptroller of the County of Erie to finance the 2007 capital program for the County.

Thank you.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE CLERK OF THE LEGISLATURE**

Item 5 – (COMM. 27D-1) Special Session Notice

Received, Filed and Printed.

December 27, 2007

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chairperson Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on MONDAY, DECEMBER 31, 2007 at ELEVEN-THIRTY O'CLOCK A.M. in the morning of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting will entail:

- Immediate Consideration of a request of the County Executive to authorize the Erie County Fiscal Stability Authority to issue mirror bonds in conjunction with the Comptroller of the County of Erie to finance the 2007 capital program for the County.

The items on the agenda will include Immediate Consideration of a request of the County Executive to authorize the Erie County Fiscal Stability Authority to issue mirror bonds in conjunction with the Comptroller of the County of Erie to finance the 2007 capital program for the County, a letter to the Erie County Legislature and the County Executive concerning Erie County General Obligation Borrowing; as well as the letter from Chair Marinelli calling the Special Meeting, and my Memo as Clerk of the Legislature to Members of the Legislature.

Thank you.

### **MEMORIAL RESOLUTIONS**

Item 6 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Samuel J. Carocci.

Item 7 - Legislator Locklear requested that when the Legislature adjourns, it do so in memory of Joseph F. Kelly.

Item 8 - Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Former Pakistan Prime Minister Benazir Bhutto.

Item 9 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Mr. Kelly.

Item 10 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Kathleen M. "Katie" Haas.

Item 11 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Matthew G. Horan.

Item 12 - Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Edward Dawson.

**ADJOURNMENT**

Item 13 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MR. KOZUB moved that the Legislature adjourn until Thursday, January 8, 2008 at 2 p.m. Eastern Standard Time. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, January 8, 2008 at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**