



THE ERIE COUNTY LEGISLATURE

**COMMUNITY
ENRICHMENT
COMMITTEE**

John J. Gilmour
Chair

Howard J. Johnson, Jr.
Vice-Chair

Meeting No. 3 – April 20, 2023 – 11:45 A.M.

TAB R&F APP

1.	<u>LL INTRO. 2-2 (2023)</u> Session 6	BASKIN, MEYERS, JOHNSON, VINAL, KOOSHOIAN, BARGNESI & GILMOUR <i>“The Public Art Act of Erie County”</i>			
2.	<u>COMM. 6E-8 (2023)</u> Session 6	COUNTY EXECUTIVE <i>“Buffalo Niagara Convention & Visitors Bureau Board Appointment”</i>			
3.	<u>COMM. 7E-15 (2023)</u> Session 7	COUNTY EXECUTIVE <i>“Approving Amended Agreement for Intercampus Student Transportation - SUNY Erie”</i>			

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2-2 -2023

LOCAL LAW NO. _____-2023

THE PUBLIC ART ACT OF ERIE COUNTY

A Local Law providing for public financial support for public art in the County of Erie.

Be it enacted by the Legislature of the County of Erie as follows:

Section 1. Legislative Findings and Intent

The Erie County Legislature desires to support and promote worthwhile initiatives that help to promote the public good and improve the quality of life of our community. Like many other municipalities and local governments around the country, the Legislature wishes to further develop the County's financial support of public art through the County's construction of new infrastructure. This initiative seeks to make art accessible to all Erie County residents and visitors and to foster a sense of community connection and civic pride.

The County already has a robust financial contribution and commitment to arts and cultural institutions, through annual budgetary funding and occasional, one-time capital or operational funding for cultural assets. In addition, the County has been funding a position of Public Art Curator located at the Albright-Knox Art Gallery for several years.

The County also values artists and believes that artists should be compensated in a manner consistent with their experience. This will ensure that artists' expenses and labor on public art projects are adequately compensated and will strengthen our public art artists community by properly valuing their need in Erie County.

As contrasted with annual operational funding for the County's cultural assets (which are already financially subsidized and supported by the County of Erie), this initiative proposes to create a funding mechanism for public art related to certain Erie County capital construction projects. Under the proposal, depending on the size and type of the project, the County would allocate 1% of the cost of a building construction project (up to a maximum of \$10,000 allocated). The Committee will decide where in Erie County the public art will be installed in an annual Public Art Master Plan. Art won't need to be implemented where every capital improvement exists. All the 1% monies collected from the previous year's capital improvements will be allocated to fund the design, supplies and commission of the next year's Public Master Art Plan.

Section 2. Funding

Capital projects on buildings that are \$250,000 or greater, whether funded by capital (bonded) funds or operating funds, shall include the appropriation of funds equal to 1% of the cost of the

project, with said funds to be appropriated for the acquisition, maintenance and management of public art, except where the appropriating resolution, bond resolution or budget may provide otherwise; provided, however, that, where applicable, such amount shall be reduced to the extent that state funds, federal government funds, and funding derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges in the County, are not authorized to be used for such purpose. The maximum allocated for public art shall be \$10,000 from each eligible capital project.

A "Public Art Fund" shall be created by the Division of Budget and Management to hold funds for implementation of the projects finalized in the Master Public Art Plan and/or projects chosen by the Arts in Public Places Committee.

The use of any funds appropriated for any project for public art purposes shall be in accordance with the Master Public Art Plan, except that any such funds provided from the proceeds of County serial bonds or notes shall be used only for public art purposes related to the project for which such bonds or notes were authorized. To the extent the total appropriation of a project is not used for the acquisition of works of art for said project, upon the approval of the County Legislature, the remainder may be used for:

1. Arts program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this law; or
2. Supplementing other appropriations for the acquisition of works of art under this law or to place works of art in or near government facilities which have already been constructed.

Section 3. Definitions

As used in this law, the following terms shall have the meanings indicated:

"Public Art" includes any application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, fountains, streetscapes, drawings and ceramics, as well as decorative seating, topiary, and other decorative public use features.

"Capital Projects" includes: (a) new construction of a building or of additional space added to a building; and/or (b) any reconstruction or renovation of a building or part of a building, whether financed through the issuance of bonds or pay-as-you-go funding or other (non-County) sources of funds.

"Projects" shall not include those which are solely for rehabilitation of equipment.

"Cost of a Project" includes design, architectural and engineering fees, site work, construction, and contingency allowances for a project.

“Public Art Fund” means the new fund to which 1% of the value of a new capital project will be allocated to pursue Public Art initiatives (to a maximum of \$10,000 for each capital project).

“Committee” refers to the Arts in Public Places Committee.

“Master Public Art Plan” (“Plan”) means the annual plan created by the Committee by March 1 to ensure a coherent acquisition program and implementation guidelines for Public Art.

Section 4. The Arts in Public Places Committee

A. There shall be an Arts in Public Places Committee, hereinafter referred to as the “Committee,” consisting of five (5) members. The County Executive shall appoint three (3) members, and the Majority Caucus and Minority Caucus of the Legislature shall each appoint one member. All five members shall be subject to Legislature confirmation. The Chairperson of such Committee shall be selected from the members of the Committee for a term of one year.

B. The five (5) members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer. The members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years’ experience in creating professional art.

C. In addition to the five (5) voting members of the Committee, The County Executive, the Chairperson of the Legislature, the Chairperson of the Legislature’s Community Enrichment Committee, the Legislature Minority Leader, and the Commissioner of Public Works or their designees, shall serve as ex officio non-voting members of the Committee.

D. The Committee shall choose the methods of acquisition of public art for each project. Such methods of acquisition may include but are not limited to projects of preexisting art, direct commission, art competition, request for proposals, or acceptance of donations.

E. The Committee may, for each project, convene a project panel comprised of at least three members of the Committee, one of whom shall be designated Chairperson. The Committee may also appoint additional art experts as members of the project panel. The Committee may appoint additional members to the panel to serve as advisors, who may be community representatives, County employees, project managers or others who will have frequent contact with the public art when it is completed. An architect or engineer shall be an ex officio member of each panel. The panel shall review the scope of each project and shall make recommendations to the Committee on the nature of the public art to be considered for the project, on the method of acquisition for each project, on the specific artist and the specific art for each project and what portion of the budget for each project shall be used for refurbishing or restoring existing works of art or to be set aside for the maintenance of a work of art.

F. The acquisition and siting of all art work shall be approved by the County Executive and the County Legislature.

G. Ownership and title of all works of public art acquired by the County under this section shall be vested in the County of Erie.

H. The Committee shall create by-laws which will govern the conduct and operations of the Committee.

I. The Erie County Department of Environment and Planning shall serve as coordinator for the program and provide staff support to the Committee.

J. The Committee shall deliver an annual report to the County Executive and the County Legislature detailing its operations, Plan and art created under its auspices.

Section 5. Master Public Art Plan

The Committee shall prepare a Master Public Art Plan ("Plan") annually to ensure a coherent acquisition program and implementation guidelines, which shall be approved by the Erie County Legislature. The Committee shall hold a public hearing on the Plan prior to its approval. The Plan shall be approved by the Committee and submitted to the Legislature annually by March 1.

1. All acquisitions and sales of public art shall be in accordance with the Master Public Art Plan. The Committee shall recommend acquisitions, the hiring of artists, and shall oversee the public education and curatorial aspects of the acquisition program.
2. The Plan shall make affirmative efforts to be equitable and diverse and to include artists selected for public art projects who are racially and ethnically diverse. The siting of such art projects shall be throughout the County, but with efforts undertaken to place art in areas of diversity.
3. The Plan shall strive to use artists that are County residents.
4. The Plan shall emphasize the importance of adequate compensation of artists.
5. The Plan shall be voted on by the Legislature and presented to the Department of Environment and Planning by May 1st annually.
6. The Committee shall, through the Plan and its acquisition efforts, make efforts to call for artist submissions and publicize the intention to find appropriate art within thirty (30) days of the Plan's approval annually.
7. Final contracts for authorizing public art contracts and hiring of artists are subject to approval by the Erie County Legislature.

Section 6. Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:

April N.M. Baskin
Timothy Meyers
Howard Johnson
Jeanne Vinal
Michael Kooshoian
John Bargnesi
John Gilmour



EC LEG MAR 17 '23 PM 2:38

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 17, 2023

Visit Buffalo Niagara
403 Main Street, Suite 630
Buffalo, NY 14203

Dear Directors of Visit Buffalo Niagara and Buffalo Niagara Convention Center,

Please be advised that, pursuant to Article 3, section 3b of the By-laws of the Buffalo Niagara Convention & Visitors Bureau, I hereby appoint the following individual to the board for a term of one year ending on 12/31/2023.

Anthony J. W. Chase
350 Linwood Avenue
Buffalo, New York 14209

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,

A handwritten signature in black ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

cc: Erie County Legislature
Patrick Kaler, President and CEO



EC LEG APR 11 '23 AM 9:33

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 10, 2023

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

**RE: Approving Amended Agreement for Intercampus Student Transportation
between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)**

Dear Honorable Members:

Please find enclosed a resolution from SUNY Erie Community College seeking legislative authorization to amend the agreement between SUNY Erie and PLS III LLC (aka Cedar Bus LLC) which currently provides intercampus student transportation.

Should your Honorable Body require further information, I encourage you to contact Officer in Charge, Dr. Adiam Tsegai. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz". The signature is fluid and cursive, with the first name "Mark" and last name "Poloncarz" clearly visible.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tcc
Enclosure

cc: Dr. Adiam Tsegai, Officer in Charge, Provost and Executive Vice President at SUNY Erie
Community College

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: SUNY Erie Community College
Re: Amended Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)
Date: April 10, 2023

SUMMARY

In July 2022, SUNY Erie released a Request for Proposal (RFP) to secure Campus Shuttle Service for its students. After the RFP process, SUNY Erie signed an agreement with PLS III LLC in September 2022. This agreement has been amended to allow PLS III LLC to provide shuttle services to enrolled and eligible College students for an extended number of days as per Schedule "A." The contractor is required to report the progress of work to the College and maintain a detailed daily log. The College has the authority to modify shuttle hours, days of operation, and routes. The contractor is responsible for all labor, services, materials, and appliances required to complete the work without any extra charges. The agreement starts on September 23, 2022, and ends on May 31, 2025, with an option to extend the contract for up to two additional one-year periods.

The college's initial contract was for 105 days of services for year one at \$271,912 and 115 days for year two and three at \$289,316 per year, making the total contract for three years \$850,544. SUNY Erie now intends to amend the contract to increase year one's services to 136 days at \$350,213 and years two and three's services to 149 days at \$376,184 per year, making the total contract amount for three years \$1,102,581. This represents a \$252,037 increase from the initial contract solely due to the additional days of service.

FISCAL IMPLICATION

The total approved original cost of the three-year contract was \$850,544, the total additional costs for the increased days total \$205,929. This increase in cost does impact the financial performance but we are ensuring that the project remains financially viable as students do pay a transportation fee of \$80 dollars per semester which fully covers the cost increase.

REASONS FOR RECOMMENDATION

The shuttle service provides convenience and flexibility to students who need to commute between SUNY Erie's campuses, which can ultimately enhance their educational experience. It can also help reduce transportation costs and improve campus sustainability efforts. The next lowest bidder was from SP Parking at \$1,308,510 or \$205,929 more than Cedar.

CONSEQUENCES OF NEGATIVE ACTION

The consequences of discontinuing the campus-to-campus shuttle services would have significant consequences for students and the wider community, including increased

transportation costs, reduced access to education, increased traffic congestion and negative impact on the environment.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution by the Legislature, the County Executive will authorize the SUNY Erie Officer in Charge to amend the Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC) for students attending the college.

A RESOLUTION SUBMITTED BY:
SUNY ERIE COMMUNITY COLLEGE

Re: Authorization to amend the Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for SUNY Erie; and

WHEREAS, the Erie County Legislature authorized at its September 22, 2022, meeting, SUNY Erie to enter into a three-year initial term and for up to two additional one-year periods contract with PLS III LLC (aka Cedar Bus LLC) to provide intercampus student transportation; and

WHEREAS, the college's initial contract was for 105 days of services for year one at \$271,912 and 115 days for year two and three at \$289,316 per year, making the total contract for three years \$850,544; and

WHEREAS; SUNY Erie now intends to amend the contract to increase year one's services to 136 days at \$350,213 and years two and three's services to 149 days at \$376,184 per year, making the total contract amount for three years \$1,102,581; and,

WHEREAS; the contractor is responsible for all labor, services, materials, and appliances required to complete the work without any extra charges; and,

WHEREAS; the contractor is required to report the progress of work to the College and maintain a detailed daily log; and,

WHEREAS; the SUNY Erie Board of Trustees at their February 16th 2023 Board meeting approved to amend the agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC).

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize SUNY Erie to amend the Agreement for Intercampus Student Transportation with PLS III LCC (aka Cedar Bus LLC); and

RESOLVED, that SUNY Erie Officer in Charge is given the authority to modify the Agreement for Intercampus Student Transportation with PLS III LLC (also known as Cedar Bus LLC) by extending the service period to 136 days in the first year at a cost of \$350,213 and to 149 days in the second and third years at a cost of \$376,184 per year. As a result, the total value of the contract for the three-year period would be \$1,102,581.

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the Officer in Charge of SUNY Erie.