

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

CE

February 10, 2012

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Mr. David J. Swarts, President and CEO
Buffalo and Erie County Botanical Gardens Society, Inc.
2655 South Park Avenue
Buffalo, New York 14218

Re: Buffalo and Erie County Botanical Gardens Society, Inc.

Dear Mr. Swarts:

I am writing in response to your letter on behalf of the Board of Directors of the Buffalo and Erie County Botanical Gardens Society, Inc. ("Botanical Gardens") dated January 6, 2012 requesting operational funding from Erie County ("County") in 2012.

As you note, in 2004 the County entered into an agreement with the Botanical Gardens in which the County ceded operational responsibilities to the Botanical Gardens while phasing out County operation and capital improvements funding by 2013. The County agreed to maintain responsibility for utility costs, maintenance and repairs to the facility. In accordance with the agreement, the County provided the Botanical Gardens with more than \$9 million in funding for capital improvements (of which \$5 million was used for a new administration building that opened in March 2011) as well as \$450,000 annually from 2005 to 2008, and \$412,500 in 2009 in operational funding.

Additionally, after the County's contractual agreement to provide operational support ended in 2009, the Botanical Gardens was granted \$322,000 in operational funding through the Erie County Cultural Resource Advisory Board ("ECCRAB") process in the County's 2010 Adopted Budget. However, the previous county administration did not appropriate or release said funding, nor was a contract entered into between the County and Botanical Gardens. As you noted in your letter, the Board of Directors of the Botanical Gardens decided against pursuing a legal remedy that might have been available against the previous administration.

In spite of this, the Botanical Gardens' growth and efforts to achieve self-sustainability have been nothing less than remarkable, culminating in a balanced budget for 2011—the first time since the County ceded operations in 2004.

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Letter to David Swarts on Botanical Gardens Operational Funding

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Beginning in 2010 with its refusal to release budgeted funds, the previous administration chose to drastically reduce the level of operational support allocated to cultural institutions by the County—cutting out the small and medium sized institutions in favor of the “ten large cultural entities.” However, with my support as County Executive-elect, the County Legislature included more than \$930,000 in operational funding for 37 additional cultural institutions as part of their Budget Amendment Package to the 2012 Proposed Budget, which was successfully adopted on December 13, 2011 and went into effect on January 1, 2012.

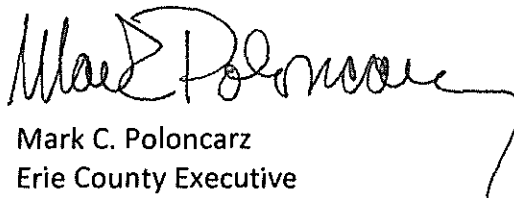
Although the Legislature’s restoration of this operational funding to the 2012 Adopted Budget was a remarkable achievement, as you note, many other worthy institutions, including the Botanical Gardens, did not receive such funding this year. I empathize with your disappointment with the previous administration’s withholding of appropriated funds in 2010 and the Legislature’s decision to exclude the Botanical Gardens from funding in this year’s budget. Nevertheless, I regret to inform you that because of the fiscal challenges facing the County, I am unable to recommend to the Legislature additional funding for cultural organizations this year above what has been included in the 2012 Adopted Budget.

While it is not possible to provide the Botanical Gardens or any other cultural institution with additional operational funding this year, that does not preclude you from applying for funding as part of the 2013 Budget process that will commence later this year. Additionally, although I cannot guarantee at what level the Botanical Gardens will be funded or if it will receive operational funding at all, I can assure you that any decisions will be made based on merit and need in conjunction with a new, reinvigorated ECCRAB-like process, something for which you advocated at the Budget Hearings last fall.

I look forward to the input of the Botanical Gardens and other institutions as partners in helping to create a better, stronger process that ensures the fair and equitable appropriation of operational support in order to ensure our cultural institutions, large and small, continue to play a significant role in our region’s economy and overall quality of life.

Should you have any further questions regarding this or any other matter, please do not hesitate to contact me.

Sincerely yours,



Mark C. Poloncarz
Erie County Executive

MCP/mc

Cc: Erie County Legislature