

**ERIE COUNTY LEGISLATURE
MEETING NO. 8
SPECIAL SESSION
APRIL 23, 2015**

The Legislature was called to order by Majority Leader Lorigo, pursuant to 2015 Rules of Order, Erie County Legislature, Section 1.03, Acting Chair.

All members present, except Chair Mills.

An Invocation was held, led by Mr. Lorigo, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Grant.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 1 – MR. RATH moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-5 (2015). MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

RE: 2015 Highway Projects - Authorization
to Appropriate Funds and Enter Into
Contracts
(COMM. 7E-5, 2015)

WHEREAS, this past winter was extremely harsh on the County's highway infrastructure; and

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, that due to the severity of the 2014-2015 winter conditions and resulting deterioration of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design and testing contracts and to appropriate funds for 2015 highway and related work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2015 highway work, the award of 2015 highway construction, design and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A and any other necessary projects added to the 2015 road list by the Commissioner of Public Works are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2015 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2015 Highway Project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$29,421,400 from the following funding sources:

2015 Approved Capital Budget/Division of Highways Budget (bond proceeds, federal aid and 2015 budgeted pay-as-you-go funds):	\$21,110,000
Surplus Prior Year Transfer Tax Revenue:	\$2,470,000
2014 Budget Adjustment and 2015 Re-appropriation:	\$5,841,400

and be it further

RESOLVED, that the appropriation of Transfer Tax revenue may only occur following a public hearing by the Erie County Legislature which has taken place on April 20, 2015; and be it further

RESOLVED, that authorization is hereby provided to transfer in 2014 an amount totaling \$5,841,400 to interfund expense designated for Highway Road Repair and then to re-appropriate such funding into the 2015 Budget as follows:

2014 Fund 110	Account	Increase/ (Decrease)
General Fund 110 - Expense and Revenue Adjustments		
Revenue		
14010	County-wide Accounts Budget	
	402520 Gaming Facilities Aid	3,000,000
Total - General Fund 110 Revenue Adjustment		3,000,000
Expense		
14020	County-wide Interfund Accounts	
	570020 Interfund – Road	5,841,400
120	Social Services	
	525000 MMIS-Medicaid	(2,841,400)
Total - General Fund 110 Expense Adjustment		3,000,000
Net – Fund 110 Revenue less Expense		0

<u>2015 Fund 210</u>	<u>Account</u>	<u>Increase/ (Decrease)</u>
Highway Fund 210 – Expense and Revenue Adjustments		
Revenue		
123	Highways (DPW)	
	486000 Interfund Revenue Subsidy	5,841,400
	Highways (DPW) Total	5,841,400
Expense		
123	Highways (DPW)	
	570000 Interfund Transfer Subsidy	5,841,400
	Highways (DPW) Total	5,841,400
	Net - Fund 210 - Revenue less Expense	0

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to adjust revenue and expense items in order to increase the 2015 Highways Capital Overlay Program by \$5,841,400 from the original pay-as-you-go budgeted amount of \$6,500,000 to \$12,341,400; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for road projects based on requests from the Department of Public Works from the above-noted funding sources or related sources of funds made available in 2015; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2015 highway project contracts and contractors; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

MR. RATH moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. RATH moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 7E-11 (2015). MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

RE: 2015 Consolidated Bond Resolution –
AS AMENDED
(COMM. 7E-11, 2015)

RESOLUTION NO. 92-2015
BOND RESOLUTION DATED APRIL 23, 2015

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2015 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$44,690,540, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$10,075,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND FROM OTHER SOURCES AUTHORIZING THE ISSUANCE OF \$34,615,540 OF BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA, THE STATE OF NEW YORK AND/OR OTHER SOURCES TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) April 16, 2015
(Adopted) April 23, 2015

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2015 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2015 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2015 Capital Budget for the County. The plan of financing includes the expenditure of \$10,075,000 in State and Federal aid and amounts from other sources expected to be received and the issuance of \$34,615,540 aggregate principal amount of bonds of the County to finance the balance of said appropriations, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America, the State of New York and/or other sources are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds. Costs of issuance of the bonds and notes authorized hereunder shall be paid from the premium derived from the sale of the respective bonds and notes.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$34,615,540 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in full, in the Challenger Newspaper and the Amherst Bee Newspaper, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

MR. RATH moved for approval of the item. MR. HARDWICK seconded.

ACTING CHAIR LORIGO directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MORTON & MR. RATH. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 3 – ACTING CHAIR LORIGO directed that COMM. 7E-14 (2015) remain on the table in the GOVERNMENT AFFAIRS COMMITTEE.

Item 4 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 8-1 from LEGISLATORS LORIGO, DIXON & SAVAGE Re: Recall of Local Law Intro. 1-2 (2015).

MR. RATH moved for consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, DIXON & SAVAGE

WHEREAS, §205 of the Erie County Charter and §21 of the NYS Municipal Home Rule Law allow the Legislature to recall a Local Law for reconsideration before it is acted upon by the county executive; and

WHEREAS, members of the Erie County Legislature have met with business leaders in the second hand dealer community and with interested members of law enforcement to discuss the ramifications of Local Law Intro 1-2 (2015).

NOW, THEREFORE, BE IT

RESOLVED, pursuant to §205 of the Erie County Charter and §21 of the NYS Municipal Home Rule Law this honorable body hereby recalls Local Law Intro. 1-2 for reconsideration by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive and all parties deemed necessary and proper.

MR. RATH moved for approval of the item. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-1 from CHAIR MILLS Re: Letter of Absence from Legislative Session.

Received and filed.

ANNOUNCEMENTS

Item 6 – ACTING CHAIR LORIGO announced the next legislative session will take place April 30, 2015 at 2:00 p.m.

MEMORIAL RESOLUTIONS

Item 7 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of James R. Hillery.

Item 8 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Reverend John G. Wick.

ADJOURNMENT

Item 9 - At this time, there being no further business to transact, ACTING CHAIR LORIGO announced that the Acting Chair would entertain a Motion to Adjourn.

MR. RATH moved that the Legislature adjourn until Thursday, April 30, 2015 at 2:00 p.m. Eastern Standard Time. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

ACTING CHAIR LORIGO declared the Legislature adjourned until Thursday, April 30, 2015 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE