

July 7, 2003

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT. CHAIRMAN SWANICK
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

Item Page -2002 (Comm. 19E-4)
a. **SWANICK, FISHER & SCHROEDER:** Copy of Letter to County Executive Re: Request
for Information Concerning Reserve Accounts & Application of Medicaid Savings from
State.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 12D-6)
b. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending
4/30/03.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 12E-8)
c. **SWANICK:** Copy of Letter to NYS Comptroller Re: Appointments to Buffalo Oversight &
Recovery Board.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 12E-11)
d. **COMPTROLLER:** Projects to be Financed from 6/23/03 Bond Sale.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 12E-12)
e. **LARSON:** RAN Set Aside Bank Account – Immediate Consideration Request for 6/19/03.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 13E-3)
f. **SWANICK:** Copy of Letter to Governor Pataki Re: Appointments to Buffalo Fiscal Stability
Authority.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 13E-6)
g. **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 6/03.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2003 (Comm. 13M-8)
h. **AUDIT COMMITTEE FOR ERIE COUNTY:** 2002 Annual Report.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

2. Item Page -2003 (Comm. 13E-11)
COMPTROLLER
 RESOLUTION NO. ____-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$58,807,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$58,744,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$58,744,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, 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) June 30, 2003

(Adopted) _____, 2003

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 continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$58,807,000, and \$63,000 is hereby appropriated therefor, in addition to the \$58,744,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2000 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$1,140,000 bonds previously authorized therefor pursuant to Resolution No. 121 of 2003 adopted on April 3, 2003, in addition to the \$12,981,000 bonds previously authorized therefor pursuant to Resolution No. 284-2002 adopted on June 20, 2002, in addition to the \$20,188,000 bonds previously authorized therefor pursuant to Resolution No. 280-2001 adopted on June 21, 2001 and the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes 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.

Section 2. Bonds of the County in the principal amount of \$63,000 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 "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes 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.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$63,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount 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 §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 without limitation as to rate or amount. 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 or a summary hereof, 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.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 (Comm. 13E-12)

COMPTROLLER

RESOLUTION NO. ___-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A NEW CENTRAL POLICE SERVICES TRAINING FACILITY THEREON; STATING THE ESTIMATED TOTAL COST THEREOF IS \$25,189,000, APPROPRIATING \$189,000 THEREFOR IN ADDITION TO \$25,000,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$25,000,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, 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) June 30, 2003

(Adopted) _____, 2003

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 continue existing capital project No. 410-341, consisting of (i) the acquisition of a 1.6 acre parcel of land situate at 372 Michigan Avenue between South and North Division Streets, at the estimated maximum cost of \$1,150,000 and (ii) the construction of a new Central Police Services Training Facility thereon, including all of the original equipment, furnishings, machinery, apparatus

and ancillary or related site, demolition and other work required in connection therewith, at the estimated maximum cost of \$24,039,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$25,189,000, and \$189,000 is hereby appropriated therefor, in addition to the \$25,000,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$189,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$25,000,000 bonds previously authorized therefor pursuant to Resolution No. 338-2002 adopted on July 18, 2002, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific object or purposes or classes 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.

Section 2. Bonds of the County in the principal amount of \$189,000 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 "Law"), to finance said appropriation.

Section 3. The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$189,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.11 (a) of the Law, is thirty (30) years.

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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount 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 §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 without limitation as to rate or amount. 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 or a summary hereof, 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.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 13E-13)

COMPTROLLER

RESOLUTION NO. _____ OF 2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF THE ERIE COUNTY SECURE YOUTH DETENTION FACILITY; STATING THE ESTIMATED TOTAL COST THEREOF IS \$16,063,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$16,000,000 PREVIOUSLY APPROPRIATED THEREFOR, WHICH PREVIOUS APPROPRIATION INCLUDED THE EXPENDITURE OF \$1,000,000 COUNTY FUNDS CURRENTLY AVAILABLE THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE BALANCE OF THE COST THEREOF, IN ADDITION TO \$15,000,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, 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) June 30, 2003

(Adopted) _____, 2003

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 continue existing capital project No. 410-806, consisting of the construction of the Erie County Secure Youth Detention Facility on East Ferry Street in the city of Buffalo, and all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$16,063,000, and \$63,000 is hereby appropriated therefor, in addition to the \$16,000,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2001 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the expenditure of \$1,000,000 County current funds, the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$15,000,000 bonds previously authorized therefor pursuant to Resolution No. 281 of 2001 adopted on June 21, 2001, and Resolution No. 120 of 2002 adopted on March 21, 2002 and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes 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.

Section 2. Bonds of the County in the principal amount of \$63,000 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 "Law"), to finance said appropriation.

Section 3. The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$63,000 bonds herein authorized are to be issued within the limitations of said Section 11.00 a. 11(a) of the Law, is thirty (30) years.

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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount 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 §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 without limitation as to rate or amount. 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 or a summary hereof, or a summary thereof, 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.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 13E-14)

COMPTROLLER

RESOLUTION NO. ___-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS IMPROVEMENTS TO THE CENTRAL LIBRARY TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES; STATING THE ESTIMATED TOTAL COST THEREOF IS \$1,088,000, APPROPRIATING \$63,000 THEREFOR IN ADDITION TO \$1,025,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$63,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$1,025,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR.

(Introduced) June 30, 2003

(Adopted) _____, 2003

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 continue existing capital project No. 490-339, consisting of the construction of various improvements to the Central Library to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting, (ii) installation of variable speed drives on hot water pumps and cooling tower fan, (iii) replacement of supply and return fan motors with high efficiency motors, (iv) conversion of constant air volume systems to variable air volume systems and (v) upgrading of the Library's energy management system. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,088,000, and \$63,000 is hereby appropriated therefor, in addition to the \$1,025,000 previously appropriated therefor. To the extent that the details and amounts set forth in this resolution are inconsistent with any details set forth in the 2002 and 2003 Capital Budgets of the County, such Budgets shall be deemed and are hereby amended. The plan of financing includes the issuance of \$63,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$1,025,000 bonds previously authorized therefor pursuant to Resolution No. 289-2002 adopted on July 11, 2002, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$63,000 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 "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$63,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this

Resolution, in the maximum amount 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 §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 without limitation as to rate or amount. 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 or a summary hereof, 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.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 13E-15)
COMPTROLLER
 RESOLUTION NO. __-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE DESIGN OF THE RECONSTRUCTION FOR VARIOUS COUNTY ROADS

(Introduced) June 30, 2003

(Adopted) _____, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2001 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 5, 2001, and amended on November 8, 2001, March 21, 2002, September 19, 2002 and May 22, 2003 and hereinafter referred to;
 and

WHEREAS, it is now necessary to provide (i) \$54,450 additional County funds for the design for Maple Road and (ii) \$12,350 additional County funds for the design for North French Road;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECTION (A) Section 1. Row 16 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$420,000" is hereby amended to state "\$1,509,000."

Section 2. Row 16 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$21,000" is hereby amended to state "\$75,450." Bonds of the County in the principal amount of \$54,450 are hereby authorized to be issued, in addition to \$21,000 already authorized and as described above, 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 "Law"), to finance said appropriation.

Section 3. Row 16 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$399,000" is hereby amended to state "\$1,433,550."

Section 4. Row 18 column B of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 which states "\$191,000" is hereby amended to state "\$438,000."

Section 5. Row 18 column C of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$9,550" is hereby amended to state "\$21,900." Bonds of the County in the principal amount of \$12,350 are hereby authorized to be issued, in addition to \$9,550 already authorized and as described above, 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 "Law"), to finance said appropriation.

Section 6. Row 18 column D of the attached schedule to Resolution 152-2001 of said County duly adopted by the Legislature on April 5, 2001 stating "\$181,450" is hereby amended to state "\$416,100."

Section 7. Resolution No. 152-2001 of said County duly adopted by the Legislature on April 5, 2001 and amended November 8, 2001, amended March 21, 2002, September 19, 2002 and May 22, 2003 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$ 44,593,116, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$ 5,007,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$ 36,985,416 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE 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,"

is hereby amended to read as follows:

BOND RESOLUTION DATED _____, 2003, AMENDING THE BOND RESOLUTION ADOPTED APRIL 5, 2001 AND AMENDED NOVEMBER 8, 2001, AMENDED MARCH 21, 2002, SEPTEMBER 19, 2002, AND MAY 22, 2003.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2001 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$ 45,929,116, APPROPRIATING SAID AMOUNT THEREFOR,

INCLUDING THE EXPENDITURE OF \$ 6,276,900 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID, AND THE EXPENDITURE OF \$2,600,000 IN COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE; AND AUTHORIZING THE ISSUANCE OF \$ 37,052,216 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR THE EXPENDITURE OF COUNTY FUNDS AVAILABLE OR TO BE AVAILABLE 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."

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 13E-16)
COMPTROLLER
RESOLUTION NO. _____ -2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 8, 2003, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE RECONSTRUCTION OF VARIOUS COUNTY PARK FACILITIES

(Introduced) June 30, 2003

(Adopted) _____, 2003

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2003 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on May 8, 2003 and hereinafter referred to; and

WHEREAS, it is now necessary to provide \$250,000 additional County funds for the reconstruction of various County park facilities, including lodges, shelter houses and pole barns and the salaries pertaining thereto;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK
(by the favorable vote of not less than two-thirds of all members of said Legislature) AS
FOLLOWS:

SECTION (A) Section 1. Row 28 column B of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 which states "\$250,000" is hereby amended to state "\$500,000."

Section 2. Row 28 column C of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 stating "\$250,000" is hereby amended to state "\$500,000." Bonds of the County in the principal amount of \$250,000 are hereby authorized to be issued, in addition to \$250,000 already authorized and as described above, 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 "Law"), to finance said appropriation.

Section 3. Row 28 column G of the attached schedule to Resolution 149-2003 of said County duly adopted by the Legislature on May 8, 2003 stating "renovation of various park facilities, including but not limited to garage doors, windows, roofs, fences, electrical services and use of consultants as needed" is hereby amended to state "renovation of various park facilities, including but not limited to garage doors, windows, roofs, fences, electrical services, lodges, shelter houses and pole barns and salaries pertaining thereto and use of consultants as needed."

Section 4. Resolution No. 148-2003 of said County duly adopted by the Legislature on May 8, 2003 entitled:

" BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003
CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED
MAXIMUM COST OF SUCH PROJECTS IS \$45,356,757, APPROPRIATING
SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000
EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND
AUTHORIZING THE ISSUANCE OF \$41,736,757 BONDS OF THE COUNTY TO
FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER
AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF
AMERICA AND/OR THE STATE OF NEW YORK 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,"

is hereby amended to read as follows:

" BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2003
CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED
MAXIMUM COST OF SUCH PROJECTS IS \$45,606,757, APPROPRIATING

SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$3,620,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$41,986,757 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK 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."

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.
(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 13E-17)
COMPTROLLER
RESOLUTION NO. ___-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING IMPROVEMENTS TO VARIOUS COUNTY FACILITIES TO IMPLEMENT ENERGY SAVING FACILITY IMPROVEMENT MEASURES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) June 30, 2003

(Adopted) _____, 2003

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 construct improvements to the Erie County Holding Center, the Erie County Correctional Facility and Erie County Medical Facilities at 1500 Broadway and 608 William Street to implement Energy Saving Facility Improvement Measures, including but not limited to (i) retrofitting of lighting and controls, (ii) installation of premium efficiency motors – Glycol pumps,

(iii) installation of variable speed drives on premium efficiency motors – glycol pumps 1 & 1A, AHU fans, (iv) installation of water-cooled air conditioning units and various other cooling equipment, (v) installation of steam traps and nightsetbacks, (vi) installation of various weatherization devices to reduce air infiltration and exfiltration, (vii) installation of variable frequency drives on cooling tower fans and condenser water pumps, (viii) replacement of fire alarm systems, (ix) installation of new energy management systems, (x) installation of electric humidifiers with atomization systems, and, (xi) installation of energy management systems on kitchen ventilation AHU's. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,500,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2003 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$3,500,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, 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.

Section 2. Bonds of the County in the principal amount of \$3,500,000 are hereby authorized to be issued for the class of objects or purposes described in Section 1 hereof, 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 "Law") to finance said appropriation.

Section 3. The period of probable usefulness of the class of objects or purposes for which said \$3,500,000 bonds herein authorized are to be issued, pursuant to Section 11.00 a. 13 of the Law, is ten (10) years.

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 object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount 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 said Local Finance Law, and pursuant to the provisions of §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 bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as 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 without limitation as to rate or amount. 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 or a summary hereof, 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.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

**DALE W. LARSON
CHAIRMAN**