

ALL MEMBERS PRESENT.

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

- |    |                           |   |       |               |
|----|---------------------------|---|-------|---------------|
|    | Item                      | Page  | -2003 | (Comm. 7D-2)  |
| a. | <b>PERSONNEL:</b>         | 2002 Unemployment Insurance Annual Report.<br>(5-0)   |       |               |
|    | Item                      | Page  | -2003 | (Comm. 7E-10) |
| b. | <b>HOLT:</b>              | Letter to Clerk Re: EC Legislature's 2003 Rules of Order.<br>(5-0)                                    |       |               |
|    | Item                      | Page  | -2003 | (Comm. 12M-8) |
| c. | <b>RICHARD BRONSTEIN:</b> | Copy of Letter to Legislator Marinelli Re: RFP for<br>Liquidation of Various County Parcels.<br>(5-0) |       |               |

2. Item Page -2003 (Comm. 12E-25)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie owns in excess of 1,000 unimproved parcels of real property, most of which were acquired through County tax foreclosure, while some additional parcels were otherwise acquired but are not required/no longer necessary for any public use, and

WHEREAS, while the vast majority of these County-owned properties appear to be of little monetary value, consisting mainly of relatively small, narrow and/or landlocked and abandoned parcels from subdivision developments, there are nonetheless approximately 150 parcels of one-third or more acres each, and

WHEREAS, a list of these County-owned properties was recently compiled, distributed to and reviewed by Erie County department heads and the Advisory Review Committee in order to determine which properties should be offered for sale, and

WHEREAS, the County Administration has developed an innovative program to sell-off at public auction, with the assistance of a professional auctioneer, County-owned tax foreclosure inventory properties as well as some otherwise acquired County-owned properties which are not required/no longer necessary for any public use, and

WHEREAS, the two primary goals of the program are to generate revenue for the County from such sales and to return County-owned properties to the tax rolls, and

WHEREAS, an additional benefit from the program will be to reduce the County's liability exposure as a property owner, not only exposure to liability for any personal injuries that may take place on the properties, but also exposure to liability for clean-up costs arising out of any illegal dumping that may take place on the properties, and

WHEREAS, the proposed program, which was developed by the Division of Budget, Management and Finance, aims to utilize private sector expertise to assist the County in selling-off County-owned properties, and

WHEREAS, on May 16, 2003, the Deputy Commissioner of Real Property Tax issued a Request for Proposals to solicit responses from qualified vendors relative to providing real estate auction and marketing services in connection with the public auction sale of County-owned properties, and

WHEREAS, on May 16, 2003 and May 17, 2003 the Request for Proposal was advertised in the Buffalo News, and

WHEREAS, the RFP required potential vendors to document their experience in selling properties for a governmental agency, and

WHEREAS, the RFP outlined specific vendor responsibilities, including:

- producing and marketing bid package forms to prospective buyers;
- advertising both the bid and auction processes;
- administering the bid and auction processes;
- recording bid information and remitting sale proceeds to the County;
- sending notices to adjacent landowners;
- submitting quit claim deed forms to the Deputy Commissioner of Real Property Tax for any property sold; and

WHEREAS, in response to the County's RFP, three responses were received, and

WHEREAS, in accordance with the provisions of Section 19.08 of the County Administrative Code, the responses were evaluated by a committee comprised of officials from the Budget, Management & Finance and the Purchase Divisions, and

WHEREAS, based on this evaluation, the Deputy Commissioner of Real Property has recommended that a contract be entered into with Cash Realty, Inc., d/b/a Cash Realty & Auctions, 1325 Main Street, Buffalo New York 14209, and

WHEREAS, all fees to be charged by the auctioneer relative to each property sold, as well as the bid price for the property and all closing and transfer costs, will be paid by the buyer, and

WHEREAS, under the County Administration's timetable, an initial auction of County-owned properties is to be held on August 20 & 21, 2003, and

WHEREAS, in the interval prior to that initial auction, the selected auctioneer will assist the County by preparing bid packages and making arrangements for advertising the initial public auction sale of County-owned properties to potential buyers, and

WHEREAS, special efforts will also be undertaken by the selected auctioneer to notify the owners of properties which are adjacent to the County-owned properties of the initial auction and of the opportunity for such adjacent property owners to expand the boundaries of their properties and to resolve any existing neighborhood ownership disputes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Division of Budget, Management & Finance is hereby authorized to conduct an initial public auction of County-owned properties, subject to legislative approval and authorization of the sale and conveyance of each such property by subsequent resolution, on or about August 20 & 21, 2003, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Cash Realty, Inc., d/b/a Cash Realty & Auctions, 1325 Main Street, Buffalo New York 14209, for real estate auction, marketing and bid services relating to the sale of County-owned properties, and be it further

RESOLVED, that said contract shall have a one year term, but shall include provisions authorizing three (3) one year extensions thereof, on mutual consent, and shall require the selected auctioneer to conduct at least one (1) auction of County-owned properties during each such term/extension, and be it further

RESOLVED, that said contract shall further provide that the entire consideration to be paid to the selected auctioneer for its services thereunder shall be fixed at 10% of the successful bid price for each County-owned property sold, the said 10% to be charged to and paid by the buyer in all cases, rather than the County of Erie, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the Director of Budget, Management and Finance, the County Comptroller and the Finance Department.  
(5-0)

3. Item Page -2003 (Comm. 12E-27)

**COUNTY EXECUTIVE**

WHEREAS, it is in the public interest for all government entities to obtain goods and services of maximum quality at the most economical price; and

**WHEREAS**, all participating government entities would benefit from a program designed to purchase items that are in common use under the umbrella of a cooperative single bid procedure; and

**WHEREAS**, the County Legislature adopted resolutions authorizing several governmental entities to make purchases through the County bidding procedure (these governmental entities are listed on Exhibit “B” of the standard Erie County bid specifications); and

**WHEREAS**, The County of Erie desires to enter into a joint Bidding/Purchasing Agreement with the “Exhibit B Signatories” so as to take advantage of the said “Exhibit B Signatories” substantial volume potential for certain goods and materials; and

**WHEREAS**, a joint bidding/purchasing cooperative with the “Exhibit B Signatories” will have the added advantage of allowing all of Erie County’s departments and Part B signatories to take advantage of the purchasing volume of other “Exhibit B Signatories”; and

**WHEREAS**, certain “Exhibit B Signatories” have special expertise to let and award bids for specialized materials and services to make purchases of these materials and services; and

**WHEREAS**, the County of Erie desires to purchase through the “Exhibit B Signatories” bidding process, certain materials with which the “Exhibit B Signatories” have special expertise in purchasing; and

**WHEREAS**, the “Exhibit B Signatories” with the County of Erie, will initiate a cooperative single bid procedure for certain materials which will afford all of the municipalities and government subdivisions currently listed on the “Exhibit B” portion of all Erie County formal bids to access; and

**WHEREAS**, the “Exhibit B Signatories” would not be bound to any greater degree than at present when bids are taken and would include said entities in selected bid specifications thereby affording them an opportunity for cost savings at no additional cost burden to said “Exhibit B Signatories” or municipal entity; and

**WHEREAS**, under any cooperative agreement it is understood and agreed that each participating entity will make its own separate purchase agreement with selected bidders, that each entity shall only be liable to the successful bidder for materials/supplies/services contracted by such entity, without any liability for purchases contracted for by any other participating entity and each bid winner shall be required to bill each participating entity directly for purchases contracted by it; and

**WHEREAS**, the specifications, as prepared by the County and the “Exhibit B Signatories” and made available to the participating entity under the cooperative

agreement shall be accepted for the purchase at the lowest responsible bid price recommended by the cooperative; and

**WHEREAS**, NY State General Municipal Law sets forth the policies and procedures that govern all municipal purchasing practices, those regulations in their entirety will be incorporated in all such intermunicipal agreements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Erie County hereby agrees to participate in cooperative bidding initiatives with the “Exhibit B Signatories” for the acquisition of commodities and services requested and approved by the appropriate fiscal officer of Erie County, and be it further

**RESOLVED**, that the Erie County Legislature authorizes the County Executive to enter into a joint bidding/purchasing agreement with the “Exhibit B Signatories” for the purpose of accruing cost savings by utilizing “economies of scale” in joint purchasing initiatives, and be it further

**RESOLVED**, that the “Exhibit B Signatories” shall let and award bids for certain materials on behalf of the County, at the quantities requested by the County Director of Purchase, for certain materials and services, and be it further

**RESOLVED**, that the governmental entities listed under the “Exhibit B” of the standard Erie County bid specifications may also participate in the “Exhibit B Signatories” purchasing process, under the same terms and conditions as the agreements these governmental entities have with Erie County, and be it further

**RESOLVED**, that certified copies of this resolution be sent to the County Executive, the Division of Purchase, the Department of Environment & Planning, the Department of Public Works, the Director of Budget, Management and Finance, the County Comptroller, and the Department of Law.

(5-0)

4. Item Page -2003 (Comm. 12E-32)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Division of Labor Relations would like to use a student intern to assist them in accomplishing their duties and responsibilities with the preparation for contract negotiations, and grievance arbitration; and

**WHEREAS**, student internships provide college students with valuable work experience to compliment their academic studies; and

**WHEREAS**, the County Attorney has determined that student interns receiving compensation from the County for services performed and working under the supervision of County staff should be formally hired as County employees; and

WHEREAS, the Division of Labor Relations has requested the use of funding in the amount of \$4,884.00 currently available in the specific 2003 Labor Relations budget line (DAC 110 907 520 821) for the Division of Labor Relations to support the part-time, seasonal intern position.

NOW THEREFORE BE IT

RESOLVED, that one Labor Relations Student Intern (Seasonal) (Job Group 1 – Hourly) position be created in the Division of Labor Relations to assist with contract negotiations and grievance arbitration; and be it further

RESOLVED, that the following budget transfer is hereby approved:

FROM:	Erie County Division of Labor Relations (DAC 110 907 520 821)	(\$4,884.00)
TO:	Salaries (DAC 110 907 520 800)	\$4,400.00
	Fringe Benefits (DAC 110 907 520 805)	\$ 484.00
	Total	<u>\$4,884.00</u>

and be it further

RESOLVED, that a certified copy of this resolution be sent to the Director of Budget, Management and Finance; the Commissioner of Personnel; Kathleen O'Hara, the Director of Labor Relations; the County Attorney; and the Office of the Comptroller.  
(5-0)

**STEVEN P. McCARVILLE**  
**CHAIRMAN**