

**MEETING NO. 15
SEPTEMBER 11, 2007**

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairperson Marinelli.

All members present except Legislator Miller-Williams.

An invocation was held by Legislator Whyte.

The Pledge of Allegiance was led by Legislator Mills.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 1- (COMM. 15E-1) Calling Special Meeting

Received, Filed and Printed.

September 7, 2007

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on TUESDAY, SEPTEMBER 11, 2007 at ONE O'CLOCK P.M. in Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

At that meeting the Honorable Body will consider the Resolution Approving and Authorizing the Bulk Sale/Assignment of Erie County Tax Sale Certificates that was submitted by the administration of September 6, 2007.

Please contact me if you have any questions.

Sincerely

Lynn M. Marinelli
Chair, Erie County Legislature

FROM THE COUNTY EXECUTIVE

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Item 2 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: Resolution Approving and Authorizing the Bulk Sale/Assignment of Erie County Tax Sale Certificates to XSPAND (COMM. 15E-2)

WHEREAS, on August 30, 2007, following extended negotiations with both of the firms that responded to the Erie County's June 19, 2007 RFP for the Bulk Sale of Erie County [New York] Tax Sale Certificates, the Budget Director recommended that this Honorable Body approve, and authorize full execution of, XSPAND's enhanced pricing proposal, dated August 14, 2007, to purchase Erie County's pool of 2006 Tax Sale Certificates, at 105% of their face value, including the unpaid taxes together with all penalty and interest accruals to August 7, 2007, and to further extend to XSPAND a right of first refusal with respect to its purchase of future Erie County Tax Sale Certificates, again at 105% of their face value, as are ultimately created with respect to unpaid Erie County taxes in the 2007, 2008 and 2009 tax years, respectively; and

WHEREAS, in submitting its enhanced pricing proposal, dated August 14, 2007, XSPAND was responding to a request by Erie County, made in such extended negotiations, that differs somewhat from the terms of Erie County's June 19, 2007 RFP in that the Tax Sale Certificates for unpaid Erie County taxes from 2005 and earlier tax years, previously sold by Erie County to the Erie Tax Certificate Corporation ["ETCC"], will continue to be owned by ETCC which will continue to enforce collection of same, by tax lien foreclosures and otherwise, so as to generate residual cash flow, directly benefiting Erie County, while ETCC fully satisfies its remaining financial obligations from those previous sales.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, the County Comptroller, the Budget Director and the Director of Real Property Tax Services are each hereby authorized and directed to execute any and all agreements, transfer instruments and other documents, and to take such other and further action, as may be necessary or convenient to the completion of the bulk sale/assignment of Erie County's pool of 2006 Tax Sale Certificates to XSPAND, at 105% of their face value, including the unpaid taxes together with all penalty and interest accruals to August 7, 2007 and, further, to extend to XSPAND a right of first refusal with respect to its purchase of future Erie County Tax Sale Certificates, again at 105% of their face value, as are ultimately created with respect to unpaid Erie County taxes in the 2007, 2008 and 2009 tax years, respectively, all as set forth in XSPAND's enhanced pricing proposal, dated August 14, 2007, and be it further;

RESOLVED, that the foregoing authorization and direction is subject to favorable action on the part of the ETCC Directors and, in addition, is further subject to obtaining approval and authorization from the Erie County Fiscal Stability Authority ["ECFSA"] for Erie County's bulk sale/assignment to XSPAND of Erie County's pools of 2006, 2007, 2008 and 2009 Tax Sale Certificates, and be it further;

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the Budget Director, the Director of Real Property Tax Services, the County Attorney, and to the governing boards of both the ETCC and the ECFSA.

MS. WHYTE moved to amend the item. MS. IANNELLO seconded. LEGISLATORS RANZENHOFER and WEINSTEIN voted in the negative.

CARRIED. (12-2)

After the 2nd Resolved Clauses *ADD* the following Resolved Clauses:

RESOLVED, the revenues that will be received pursuant to this contract in 2007 will put the County in a favorable financial position for the remainder of the fiscal year, in addition, the amount of revenues to be received in 2008 must be clarified as the County builds its 2008 budget, thus, the Erie County Legislature urges the Erie County Fiscal Stability Authority to act expeditiously and schedule a meeting where this item can be considered and immediately approved; and be it further

RESOLVED, that the final closing document must give Erie County the right to buy back, on its own behalf or on behalf of any municipality, any unproductive tax liens certificates on abandoned or underutilized real property for the original cost plus reasonable interest and actual carrying charges; and be it further

RESOLVED, that the County Executive, the County Comptroller, the Budget Director and the Director of Real Property Tax Services shall submit to the Legislature for its review the final closing documents for this transaction, once they are drafted, prior to the completion of the sale on the target date of September 30, 2007; and be it further

***Legislator Miller-Williams entered the Legislative Chambers and is now present.

MS. WHYTE moved to approve the item as amended. MR. REYNOLDS seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER and WEINSTEIN. (AYES: 12; NOES: 3)

CARRIED.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 3 – (COMM. 15D-1) Special Meeting Notice

Received, Filed and Printed.

MEETING NO. 15
SEPTEMBER 11, 2007

ERIE COUNTY LEGISLATURE

September 7, 2007

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of the Chairperson Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on TUESDAY, SEPTEMBER 11, 2007 at ONE O'CLOCK P.M. in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The items on the agenda will include consideration of a Resolution concerning the purchase of Erie County property tax liens submitted by the administration; as well as the letter from Chair Marinelli calling the Special Meeting, and my Memo as Clerk of the Legislature to Members of the Legislature.

Thank you.

MEMORIAL RESOLUTIONS

Item 4 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Elaine Grimm

Item 5 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Lt. Randall and Rosanne Burgio.

Item 6 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of James Coad.

Item 7 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Bob Cresswell.

Item 8 - Legislator Kennedy requested that when the Legislature adjourns, it do so in Memory of the Victims of September 11, 2001 attacks on America.

Item 9 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Theresa M. (Wilson) Daul.

Item 10 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Harriett Barrett.

ADJOURNMENT

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Item 11 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, September 20, 2007 at 2 p.m. Eastern Standard Time. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, September 20, 2007 at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE