

April 8, 2002

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and filed.

Item Page -2002 (Comm.7E-1)
a. **COMPTROLLER:** County's Share of Sales Tax Revenue for Fiscal Year Ending
12/31/01.
(5-0)

2. Item Page -2002 (Comm.7E-13)
COMPTROLLER

WHEREAS, on October 19, 1989, the Erie County Legislature adopted Comm. 19E-17, approving the imposition and collection of a \$15 service charge for tendered payment by check or other written order for property taxes, user fees, or any other municipal charge that is dishonored and returned for insufficient funds or other reasons; and

WHEREAS, on November 21, 2001, Governor Pataki signed a bill enabling municipal corporations to assess the maximum charge for dishonored checks as authorized under Section 5-328 of the GENERAL OBLIGATIONS LAW, now set at \$20;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 85 of the GENERAL MUNICIPAL LAW, this Honorable Body hereby approves the imposition and collection of a \$20 service charge for dishonored checks; and be it further

RESOLVED, that any such service charge may be collected in any manner otherwise authorized for the collections of the delinquent real property taxes, fees, or other charges as otherwise provided by law. In addition, the County of Erie may require that future payments be tendered in cash or by certified check, cashier's check or official bank check; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management & Finance and the Erie County Comptroller's Office.
(5-0)

3. Item Page -2002 (Comm. 7E-38)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services (DSS) has identified appropriated funds in the amount of \$170,000 to support specialized employment services for specific individuals it serves, and

WHEREAS, the Erie County Department of Mental Health (DMH) is responsible for the delivery of a comprehensive range of human services for the residents of Erie County that includes services delivered by the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., (ECPASA), and

WHEREAS, the Erie County Department of Social Services and the Erie County Department of Mental Health have agreed that the Department of Mental Health will establish an interagency agreement for providing these \$170,000 in appropriated funds to the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., for the intended employment purposes, and

WHEREAS, the Erie County Department of Social Services and the Erie County Department of Mental Health are requesting authorization for an interdepartmental transfer of these funds to the Department of Mental Health to execute a service contract and to administer this program at the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contractual agreement with the Erie County Council for the Prevention of Alcoholism and Substance Abuse for the period January 1, 2002, through December 31, 2002, for the "Strengthening Families" Program, and be it further

RESOLVED, that \$170,000 be appropriated to the Erie County Department of Mental Health Grant, Project 641, for the Erie County Council for the Prevention of Alcoholism and Substance Abuse Services, Inc., for the period January 1, 2002, through December 31, 2002, the source of these funds being an interdepartmental transfer from the 2002 Department of Social Services Family Assistance Employment Grant, Project 604, and be it further

RESOLVED, that an interdepartmental transfer of \$170,000 to the Department of Mental Health be authorized in the 2002 Department of Social Services Family Assistance Employment Grant, Project 604, the source of these funds being a reduction in the appropriation for the Erie County Council for the Prevention of Alcoholism and Substance Abuse, Inc., in account 830-0651, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Department of Social Services, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

4. Item Page -2002 **AS AMENDED**
(Comm. 7E-43)
COMPTROLLER
RESOLUTION NO. ____ OF 2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE DENTAL LAB AT THE ERIE COMMUNITY COLLEGE-NORTH CAMPUS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$3,350,000, APPROPRIATING \$850,000 THEREFOR, IN ADDITION TO THE \$2,500,000 PREVIOUSLY APPROPRIATED THEREFOR, INCLUDING THE EXPENDITURE OF \$1,175,000 IN STATE FUNDS EXPECTED TO BE RECEIVED BY THE COUNTY, AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$1,075,000 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) April 8, 2002

(Adopted) _____, 2002

RECITALS

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the partial reconstruction of the Dental Lab at Erie Community College-North Campus (the "Project"), at the estimated maximum cost of \$2,500,000, which aggregate amount was appropriated therefore in the following manner: Resolution No. 101-1999, adopted March 18, 1999 appropriated \$500,000 for the Project and authorized said amount of bonds to be issued; Resolution No. 136-2000, adopted April 13, 2000 appropriated \$650,000 for the Project, including \$325,000 in funds expected to be received from the State of New York and authorized \$325,000 bonds to be issued; Resolution No. 152-2001, adopted April 15, 2001 appropriated \$500,000 for the Project, including \$250,000 in funds expected to be received from the State of New York and authorized \$250,000 bonds to be issued; and Resolution No. 546-2001, adopted December 10, 2001 appropriated \$850,000 for the Project; and

WHEREAS, it is now necessary to increase the amount authorized for the Project by \$850,000 and to further authorize the issuance of \$1,100,000 bonds for the Project; NOW THEREFOR BE IT

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 the Project, consisting of the partial reconstruction of Dental Lab at Erie Community College-North Campus, including the original equipment, machinery, furnishings, apparatus, and all ancillary and related site 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 \$3,350,000, and \$850,000 is hereby appropriated therefor, in addition to the \$2,500,000 previously appropriated therefor. To the extent that the details set

forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$1,100,000 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 \$1,075,000 bonds previously authorized therefor pursuant to Resolutions described in the hereinabove Recitals, the expenditure of \$1,175,000 in funds expected to be received from the State of New York, 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 \$1,100,000 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 building to be reconstructed is of at least Class "B" construction as defined by Section 11.00 a. 11.(b) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$1,100,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(2) of the Law, is fifteen (15) 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.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

5. Item Page -2002 (Comm. 7E-45)

COMPTROLLER

RESOLUTION NO. _____ -2002

BOND RESOLUTION DATED _____ -2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2002 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$60,143,100, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$12,128,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$48,015,100 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.

(Introduced) March 19, 2002
(Adopted) _____, 2002

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 2002 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 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 1, 2, 6, 8, 15, 20-23, 30-41 and 43, 44 and 46 of the attached schedule, and (b) the classes of objects or purposes set forth in rows 3-5, 7, 9-14, 16-19, 24-29, 42, 45 and 47 of the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2002 Capital Budget for the County. The plan of financing includes the expenditure of \$12,128,000 in State and Federal aid expected to be received and the issuance of \$48,015,100 aggregate principal amount of bonds of the County to finance the balance of said appropriations, 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 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 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 and classes of objects or purposes for which said \$48,015,100 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 and classes 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 §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 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.

(6-0) Chairman DeBenedetti present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN