

June 21, 2011

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-4 (2011)
MILLER-WILLIAMS: "Letter to County Executive Regarding Mid-Year Budget Hearings"
(6-0)
 - b. COMM. 13D-1 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of Budget Monitoring Report for the Period Ending 4/30/2011"
(6-0)
 - c. COMM. 13D-3 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Letter to Chair, EC Fiscal Stability Authority Concerning Revised Four-Year Plan 2011-2014"
(6-0)
2. COMM. 11E-7 (2011)
COUNTY EXECUTIVE
WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2010 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, 2010 funding within the County Attorney's Risk Retention Fund, the County Attorney Division, the Office of the Comptroller, the Department of Central Police Services E-911 function, the Library, the Health Department, the Department of Senior Services, and the Department of Social Services, is designated for reappropriation into 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2010 Budget in order to facilitate the completion of 2010 financial statements, based on the attached schedule; and be it further

RESOLVED, that authorization is provided to designate available 2010 funding within the County Attorney's Risk Retention Fund in the amount of \$5,314,696, \$175,000 for County Attorney foreclosure actions, \$113,200 for the Office of the Comptroller to fund 2010 year-end audit fees, \$6,049.68 in equipment for the Department of Central Police Services E-911 function, \$196,684 for the Library to secure books and related material, \$70,000 for Health Department rodent control, \$7,900 for the Department of Senior Services to support grant activities, and \$28.25 for community agencies in the Department of Social Services; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2010 Budget adjustments that may be required based on adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

2010 Year End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year end spending. In most cases the source of funds was obtained from within the department where the shortfall occurred.

Department	Account	Increase/(Decrease)
Fund 110 - Expense		
100	Legislature	
	500000 Full Time - Salaries	151,347.00
	500010 Part Time - Wages	(111,347.00)
	500020 Regular PT - Wages	(40,000.00)
	<u>Legislature Total</u>	<u>0.00</u>
105	DISS	
	500350 Other Employee Payments	21,045.00
	515000 Utility Charges	2,281.00
	516020 Professional Svcs Contracts & Fees	30,978.00
	516030 Maintenance Contracts	(94,320.00)

Department	Account	Increase/(Decrease)
	545000 Rental Charges	40,016.00
	<u>DISS Total</u>	<u>0.00</u>
11510	Sheriff Division	
	500000 Full Time - Salaries	445,549.00
	500010 Part Time - Wages	(92,869.00)
	500320 Uniform Allowance	(7,490.00)
	500330 Holiday Worked	58,086.00
	500340 Line-up Pay	51,140.00
	500350 Other Employee Payments	273,507.00
	501000 Overtime	1,574,102.00
	505600 Auto, Truck & Heavy Equip Supplies	(8,918.00)
	510000 Local Mileage Reimbursement	(5,100.00)
	510100 Out Of Area Travel	(14,935.00)
	545000 Rental Charges	(4,875.00)
	561410 Lab & Technical Equipment	(262.00)
	561420 Office Eqmt, Furniture & Fixtures	7,724.00
	561440 Motor Vehicles	11,519.00
	<u>Sheriff Division Total</u>	<u>2,287,178.00</u>
116	Jail Management	
	500000 Full Time - Salaries	(885,788.00)
	500010 Part Time - Wages	(111,706.00)
	500020 Regular PT - Wages	(6,928.00)
	500300 Shift Differential	68,906.00
	500320 Uniform Allowance	(2,125.00)
	500330 Holiday Worked	103,287.00
	500340 Line-up Pay	(10,883.00)
	500350 Other Employee Payments	(7,303.00)
	501000 Overtime	4,535,878.00
	502000 Fringe Benefits	(2,012,316.00)
	505200 Clothing Supplies	(3,563.00)

Department	Account	Increase/(Decrease)
	505400 Food & Kitchen Supplies	61,558.00
	505800 Medical & Health Supplies	253,261.00
	506200 Maintenance & Repair	(7,159.00)
	516020 Professional Svcs Contracts & Fees	217,545.00
	516030 Maintenance Contracts	(3,304.00)
	516050 Dept Payments to ECMCC	565,813.00
	561410 Lab & Technical Equipment	(24,720.00)
	<u>Jail Management Total</u>	<u>2,730,453.00</u>
120	Social Services	
	500000 Full Time - Salaries	(4,000,000.00)
	500020 Regular PT - Wages	54,986.00
	500350 Other Employee Payments	22,956.00
	525030 MA - Gross Local Payments	(1,025,000.00)
	525040 Family Assistance	(296,561.00)
	525045 Back to School Benefits-DSS (One Time)	76,548.00
	525050 CWS - Foster Care	(4,809,876.00)
	525060 Safety Net Assistance (SNA)	(1,093,731.00)
	525080 Education of Handicapped Children	152,015.00
	525090 Child Care - DSS	(7,144,238.00)
	525130 State Training Schools (STS)	1,291,953.00
	525150 DSH Expense	7,791,984.00
	530010 Chargebacks	177,547.00
	<u>Social Services Total</u>	<u>(8,801,417.00)</u>

Department	Account	Increase/(Decrease)
10310	Labor Relations Div.	
	500000 Full Time - Salaries	28,330.00
	500010 Part Time - Wages	(4,485.00)
	500020 Regular PT - Wages	0.00
	<u>Labor Relations Div. Total</u>	<u>23,845.00</u>

Department	Account	Increase/(Decrease)
10610	Bureau of Purchase	
	500000 Full Time - Salaries	(31,073.00)
	500020 Regular PT - Wages	31,073.00
	Bureau of Purchase Total	0.00
11110	Department of Real Property Tax	
	500000 Full Time - Salaries	(19,068.00)
	500020 Regular PT - Wages	19,068.00
	Department of Real Property Tax Total	0.00
11200	Comptroller	
	502000 Fringe Benefits	(75,590.00)
	Professional Svcs	
	516020 Contracts & Fees	192,042.00
	Comptroller Total	116,452.00
12220	DPW Building & Grounds	
	500000 Full Time - Salaries	(480,966.00)
	Other Employee	
	500350 Payments	19,516.00
	501000 Overtime	461,450.00
	Contract Pymts	
	516010 Nonprofit Purch Svcs	76,000.00
	Interfund Expense-	
	575040 Utility Fund	(76,000.00)
	DPW Building & Grounds Total	0.00
12230	DPW Weights & Measures	
	500000 Full Time - Salaries	(18,131.00)
	500020 Regular PT - Wages	18,131.00
	DPW Weights & Measures Total	0.00
12410	MH - Program Admin.	

Department	Account	Increase/(Decrease)
	Dept Payments to	
	516050 ECMCC	(237,002.00)
	Court Ordered-Mental	
	517581 Hygiene Sv OMH	121,601.00
	Mid Erie Mental	
	517717 Health Svcs OMH	115,401.00
	MH - Program Admin. Total	0.00
12520	Youth Detention	
	500000 Full Time - Salaries	(186,431.00)
	500020 Regular PT - Wages	159,569.00
	Other Employee	
	500350 Payments	26,862.00
	Professional Svcs	
	516020 Contracts & Fees	(57,270.00)
	Interfund Expense-	
	575040 Utility Fund	57,270.00
	Youth Detention Total	0.00
12530	Youth Bureau	
	500000 Full Time - Salaries	(34,525.00)
	500020 Regular PT - Wages	34,525.00
	Youth Bureau Total	0.00
12610	Probation Division	
	500000 Full Time - Salaries	(67,330.00)
	501000 Overtime	54,592.00
	Professional Svcs	
	516020 Contracts & Fees	12,738.00
	Probation Division Total	0.00
12700	Health Division	
	500000 Full Time - Salaries	(294,026.00)
	500010 Part Time - Wages	(80,119.00)
	500020 Regular PT - Wages	(98,854.00)

Department	Account		Increase/(Decrease)
	500300	Shift Differential	(4,315.00)
	500330	Holiday Worked Other Employee	26,197.00
	500350	Payments	10,437.00
	501000	Overtime	630,070.00
	505800	Medical & Health Supplies	72,024.00
	516020	Professional Svcs Contracts & Fees	504,644.00
	Health Division Total		766,058.00
12720	Emergency Medical Services		
	501000	Overtime	24,125.00
	502000	Fringe Benefits	(24,125.00)
	Emergency Medical Services Total		0.00
12730	Public Health Lab		
	500000	Full Time - Salaries	30,330.00
	500020	Regular PT - Wages	(29,512.00)
	501000	Overtime	48,160.00
	505000	Office Supplies Medical & Health	(6,781.00)
	505800	Supplies	(29,800.00)
	510100	Out Of Area Travel Professional Svcs	(6,500.00)
	516020	Contracts & Fees Dept Payments to	(54,104.00)
	516050	ECMCC	48,207.00
	Public Health Lab Total		0.00
12740	Medical Examiner		
	500000	Full Time - Salaries	20,629.00
	501000	Overtime	14,119.00
	502000	Fringe Benefits	(34,748.00)
	Medical Examiner Total		0.00

Department	Account		Increase/(Decrease)
12750	Special Needs		
	500000	Full Time - Salaries	(12,825.00)
	500020	Regular PT - Wages	12,825.00
	516050	Dept Payments to ECMCC	(339,000.00)
	528000	Services To Special Needs Children	(427,058.00)
	Special Needs Total		(766,058.00)
14010	County-wide Account Budget		
	500000	Full Time - Salaries	253,928.00
	502000	Fringe Benefits	(3,047,156.00)
	504990	Reductions - Personal Services Acct	6,109,322.00
	504992	Contractual Union Salary Reserves	(1,143,135.00)
	511000	Control Board Expense	228,824.00
	520000	Municipal Association Fees	(86,950.00)
	520070	Buffalo Bills Maintenance	(284,704.00)
	530100	Uncollected Taxes	16,779.00
	County-wide Account Budget Total		2,046,908.00
14020	Inter-Fund		
	570020	Interfund - Road	1,533,242.00
	Inter-Fund Total		1,533,242.00
14030	Community College		
		County Residents Enrolled/Comm	
	520020	College	22,944.00
	Community College Total		22,944.00
	Board of Elections		

Department	Account	Increase/(Decrease)
15000		
	500010 Part Time - Wages	(31,469.00)
	500020 Regular PT - Wages Other Employee	20,749.00
	500350 Payments	10,720.00
	Board of Elections Total	0.00
16110	Personnel	
	500020 Regular PT - Wages Other Employee	(10,400.00)
	500350 Payments	10,400.00
	Personnel Total	0.00
16200	Env.&Planning Divn.	
	500000 Full Time - Salaries	40,395.00
	Env.&Planning Divn. Total	40,395.00
16410	Parks	
	500000 Full Time - Salaries	(10,757.00)
	500010 Part Time - Wages	(8,053.00)
	501000 Overtime	30,865.00
	515000 Utility Charges	21,269.00
	506200 Maintenance & Repair	(14,188.00)
	575040 Interfund Expense- Utility Fund	(19,136.00)
	Parks Total	0.00
16500	Central Police Services	
	500000 Full Time - Salaries	(126,360.00)
	500010 Part Time - Wages	(58,000.00)
	501000 Overtime	55,572.00
	516020 Professional Svcs Contracts & Fees	128,788.00
	Central Police Services Total	0.00

Department	Account	Increase/(Decrease)
16700	Emergency Services	
	500000 Full Time - Salaries	(15,887.00)
	500010 Part Time - Wages	(11,027.00)
	502000 Fringe Benefits	(2,306.00)
	500020 Regular PT - Wages	29,220.00
	Emergency Services Total	0.00
1335010	Extra Aid to Loc Gov	
	Sales Tax Pd to Local	
	516060 Govt from 3%	5,737,254.00
	Extra Aid to Loc Gov Total	5,737,254.00
	Fund 110 Total Expense Increase	5,737,254.00
	Fund 110 - Revenue	
14010	County-wide Acct Budget	
	Sales Tax to Local	
	402140 Government	5,737,254.00
	Fund 110 Total Revenue Increase	5,737,254.00
	Net (Revenue - Expense)	0.00
	Department	Account
	Fund 140 - Expense	Increase/(Decrease)
12110	Utilities Fund-(DPW)	
	515000 Utility Charges	(94,545.00)
	914000 ID County-wide Accounts Budget	94,545.00
	Utilities Fund-(DPW) Total	0.00
	Fund 210 - Expense	
123	Highways (DPW)	
	500000 Full Time - Salaries	49,492.00

Department	Account	Increase/(Decrease)
	500330 Holiday Worked	(16,281.00)
	500350 Other Employee Payments	89,202.00
	501000 Overtime	260,819.00
	502000 Fringe Benefits	95,468.00
	504992 Contractual Union Salary Reserves	(198,072.00)
	506400 Highway Supplies	27,650.00
	520060 Town/Village Snow Contracts	11,757.00
	570000 Interfund Transfers Subsidy	(168,422.00)
	575040 Interfund Expense-Utility Fund	(151,613.00)
	Highways (DPW) Total	0.00

Fund 220 - Expense

18010	Sewerage Management	
	500000 Full Time - Salaries	(416,093.00)
	500020 Regular PT - Wages	246,915.00
	500350 Other Employee Payments	67,890.00
	980000 ID DISS Services	101,288.00
	Sewerage Management Total	0.00

18110	Sewer Dist. 1,4,5	
	506200 Maintenance & Repair	(62,050.00)
	516020 Professional Svcs Contracts & Fees	62,050.00
	Sewer Dist. 1,4,5 Total	0.00

18310	SD 3/Southtowns	
	506200 Maintenance & Repair	(54,709.00)
	516020 Professional Svcs Contracts & Fees	54,709.00
	SD 3/Southtowns Total	0.00

Department	Account	Increase/(Decrease)
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Fund 310 - Debt Service

17200 General Debt

Department	Account	Increase/(Decrease)
Expense	550000 Principal - Bonds	507,394.00
	550110 Bond Issue Costs	54,116.00
	Payments to Refunded Bond	98,981,398.00
	550120 Escrow	
	550800 Interest - Bonds	(2,029,264.00)
	General Debt - Expense Total	97,513,644.00
Revenue	445070 Premium On Obligations	9,800,000.00
	Bond Proceeds For Advance	87,713,644.00
	475030 Refunding	
	General Debt - Revenue Total	97,513,644.00
	General Debt - Total	0.00
17300	Debt Service Sewer District 1, 4, 5	
Expense	550000 Principal - Bonds	(115,632.00)
	550110 Bond Issue Costs	5,091.00
	Payments to Refunded Bond	
	550120 Escrow	110,541.00
	Debt Service Sewer District 1, 4, 5 - Expense Total	0.00
17400	Debt Service Sewer District 2	
Expense	550000 Principal - Bonds	5,773.00
	550110 Bond Issue Costs	668.00
	Payments to Refunded Bond	
	550120 Escrow	63,789.00
	550130 Payments Bond Refunding	120,000.00
	550800 Interest - Bonds	(14,794.00)
	Debt Service Sewer District 2 - Expense Total	175,436.00
Revenue	445070 Premium On Obligations	55,436.00
	475030 Bond Proc-Adv Refund	120,000.00
	Debt Service Sewer District 2 - Revenue Total	175,436.00

Department	Account	Increase/(Decrease)
	Debt Service Sewer District 2 - Total	0.00
17500	Debt Service Sewer District 3/Southtowns	
Expense	550110 Bond Issue Costs	44,517.00
	550120 Escrow	37,746.00
	550800 Interest - Bonds	(82,263.00)
	Debt Service Sewer District 3/South - Expense Total	0.00
17600	Debt Service - Sewer District 6	
Expense	550110 Bond Issue Costs	16,378.00
	550120 Escrow	118,146.00
	550800 Interest - Bonds	(74,805.00)
	Debt Service Sewer District 6 - Expense Total	59,719.00
Revenue	445070 Premium On Obligations	59,719.00
	Debt Service Sewer District 6 Revenue Total	59,719.00
	Debt Service Sewer District 6 - Total	0.00

(6-0)

3. COMM. 13E-9 (2011)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, Erie County Medical Center Corporation (“ECMCC”) proposes to issue to the County of Erie (the “County”) its Senior Revenue Bonds, Series 2011 (the “2011 Bonds”), in the aggregate principal amount of up to \$100,000,000, for the purposes of construction of a skilled nursing facility on Grider Street and related infrastructure improvements, pursuant to the Master Trust Indenture between ECMCC and HSBC Bank USA, National Association, as Master Trustee (the “Master Trustee”), dated as of August 1, 2004 (the “Master Trust Indenture”) and the Second Supplemental Indenture between ECMCC and the Master Trustee dated as of August 1, 2011 (the “Second Supplement”); and

WHEREAS, ECMCC issued its Erie County-Guaranteed Senior Revenue Bonds, Series 2004 (Federally Taxable) (the “2004 Bonds”) pursuant to the Master Trust Indenture and the First Supplemental Indenture between ECMCC and the Master Trustee dated as of August 1, 2004; and

WHEREAS, the County and ECMCC are parties to that certain Guaranty Agreement No. 2 dated as of August 1, 2004 (the “Guaranty”), pursuant to which the County guaranteed the punctual payment of the 2004 Bonds; and

WHEREAS, pursuant to Section 9.05 of the Master Trust Indenture, the County is deemed the owner of the 2004 Bonds for purposes of Article IX of the Master Trust Indenture, including Section 9.02 thereof providing for, among other things, the execution of certain indentures supplemental to the Master Trust Indenture; and

WHEREAS, ECMCC may not execute and deliver the 2011 Bonds without the consent of the County pursuant to Section 2 of the Guaranty.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized on behalf of the County to execute a consent to the execution and delivery by ECMCC of the Second Supplement and the 2011 Bonds; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the County Attorney’s Office, the Division of Budget and Management, the Comptroller’s Office, and Todd Miles, Esq, Hawkins, Delafield & Wood, LLP; Milan Tyler, Esq. Phillips Lytle and Anthony Colucci, Esq., Colucci Gallaher.

(6-0)

4. COMM. 13E-10 (2011)

COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for ECMCC:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the “County”), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the “Act”), and further pursuant to the Financing Agreement dated as of May 1, 2011, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation

of the State of New York (the “Authority”) and the County (the “Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on **Appendix I** hereto, which **Appendix I** is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each ECMCC capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in **Appendix I** hereto, including the ECMCC capital projects identified therein or as may be designated in the County’s capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

Erie County Medical Center Corporation 2011 Project Description

Erie County Medical Center Corporation is constructing approximately \$160 million in improvements to the Grider Street Campus, including a Transplant and Renal Dialysis Center of Excellence, a medical office building, a new skilled nursing facility, and related infrastructure.

The new 390-bed skilled nursing facility was contemplated when the County of Erie and ECMCC entered into the 2009 Settlement Agreement previously approved by the Erie County Legislature. At that time, the County agreed to contribute \$11.5 million to the total cost of \$103 million for construction of this new facility. The remaining funds will come from an ECMCC cash reserve contribution of \$4.5 million and financing of \$87 million.

In addition to the foregoing, ECMCC is seeking to finance approximately \$9 million of infrastructural improvements having a total cost of \$12 million. In other words, ECMCC is seeking financing of \$98 million total (\$87 million for the new skilled nursing facility and \$9 million for infrastructure). The total amount includes the costs associated with the financing. The remaining \$62 million cost of construction for the other facilities described in the first paragraph will be paid for in cash by ECMCC.

The new 390-bed skilled nursing facility will move approximately 350 jobs into the City of Buffalo from Alden, New York. Construction is anticipated to create an additional 200 jobs. The multi-story structure will be a state-of-the-art, patient-centered facility closer to the neighborhoods from which its residents have come.

(6-0)

See Attached Appendix 1 for COMM. 13E-10 (2011)

5. COMM. 13E-11 (2011)

COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2004 Refinancing Borrowing:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the “County”), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the “Act”), and further pursuant to the Financing Agreement dated as of May 1, 2009, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the “Authority”) and the County (the “Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be refinanced are set forth on **Appendix I** hereto, which **Appendix I** is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing refinancing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be refinanced by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any refunding financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the refinancing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to refinance, in whole or in part, the Financeable Costs set forth in **Appendix I** hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such refinancing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

(6-0)

See Attached Appendix 1 for COMM. 13E-11 (2011)

6. COMM. 13E-12 (2011)

COUNTY EXECUTIVE

AS AMENDED

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2011 Capital Projects New Money:

FORM OF COUNTY OF ERIE DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2011 between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on **Appendix I** hereto, which **Appendix I** is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in **Appendix I** hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

Appendix I to County of Erie Declaration of Need Submitted to the Erie County Fiscal Stability Authority

PROJECT TITLE	AMOUNT
2011 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	2,800,000
2011 COUNTYWIDE CODE AND ENVIRONMENTAL COMPLIANCE (COUNTYWIDE)	1,250,000
2011 COUNTYWIDE ROOF REPLACEMENT & EXTERIOR WATERPROOFING (COUNTYWIDE)	1,000,000
2011 COUNTYWIDE BUILDING & FACILITY IMPROVEMENTS (COUNTYWIDE)	750,000
2011 COUNTYWIDE MECHANICAL ELECTRICAL & PLUMBING IMPROVEMENT (COUNTYWIDE)	500,000
2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM (COUNTYWIDE)	1,379,400
2011 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	214,700
2011 FEDERAL AID PROJECTS - RIGHT-OF-WAY (COUNTYWIDE)	49,100
2011 FEMA, FHWA AND EWP MATCH/ROAD RECONSTRUCTION (COUNTYWIDE)	1,387,500
2011 FEMA PROJECTS/ROAD DESIGN (COUNTYWIDE)	100,000
2011 FEMA PROJECTS/ROAD RIGHT-OF-WAY (COUNTYWIDE)	10,000
2011 PRESERVATION OF ROADS CONSTRUCTION (COUNTYWIDE)	1,500,000
2011 PRESERVATION OF BRIDGES AND CULVERTS CONSTRUCTION (COUNTYWIDE)	1,000,000
2011 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	122,900
2011 BLOOMINGDALE/JOHN AND DUERR ROAD; BRIGHTON AND EAST AVENUE (COUNTYWIDE)	1,000,000
2011 DAM SAFETY AND PRESERVATION RECONSTRUCTION (COUNTYWIDE)	750,000

2011 EMERGENCY BRIDGE WORK-DESIGN (COUNTYWIDE)	150,000
2011 EMERGENCY BRIDGE WORK-RECONSTRUCTION (COUNTYWIDE)	500,000
2011 ENVIRONMENTAL COMPLIANCE SPDES (COUNTYWIDE)	300,000
2011 VIDEO AND DOOR CONTROL UPGRADES - ERIE COUNTY CORRECTIONAL FACILITY & HOLDING CENTER	1,900,000
2011 PUBLIC HEALTH LAB INSTRUMENTATION IMPROVEMENTS (BUFFALO)	454,400
2011 MEDICAL EXAMINER - SOFTWARE UPGRADES (BUFFALO)	260,000
2011 ERIE COMMUNITY COLLEGE - EQUIPMENT (COUNTYWIDE)	1,800,000
2011 ERIE COMMUNITY COLLEGE - BURT FLICKINGER ATHLETIC CENTER RENOVATIONS (BUFFALO)	177,000
2011 ERIE COMMUNITY COLLEGE - ROOFS COLLEGEWIDE (COUNTYWIDE)	2,000,000
2011 ERIE COMMUNITY COLLEGE - MASONRY PROJECT - CITY CAMPUS	1,000,000
2011 ERIE COMMUNITY COLLEGE - NORTH CAMPUS COOLING SYSTEM	1,000,000
2011 ERIE COMMUNITY COLLEGE - BUILDING & INFRASTRUCTURE IMPROVEMENTS COLLEGEWIDE (COUNTYWIDE)	170,000
2011 SPAULDING FIBRE	1,120,000
2007 RATH BUILDING LOW RISE ELEVATOR	250,000
2010 JAIL MGT FOOD SERV & EQUIPMENT	105,000
TOTAL 2011 BOND ISSUE	25,000,000

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See Attached Appendix 1 for COMM. 13E-12 (2011)

7. COMM. 13E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, the 2011 Capital budget was adopted including \$11,500,000 as the County share of the ECMCC New Erie County Home; and

WHEREAS, the total amount of the project is approximately \$163,000,000 including the \$11,500,000 County share; and

WHEREAS, the Erie County Medical Center Corporation (ECMCC) has available resources totaling approximately \$50,872,073; and

WHEREAS, it has been determined that the Erie County Fiscal Stability Authority (ECFSA) may issue bonds to finance the balance needed to complete the project, not to exceed \$100,000,000; and

WHEREAS, this will result in millions of dollars saved in debt service and not adversely affect the County's financial condition; and

WHEREAS, in order to facilitate that issue the County must amend its 2011 Capital budget to reflect the amount to be financed by the ECFSA.

NOW, THEREFORE, BE IT

RESOLVED, that the 2011 capital project "ECMCC New Erie County Home" is hereby increased from \$11,500,000 to \$111,500,000; and be it further

RESOLVED, that the source of funds to finance this increase is ECFSA issued bonds; and be it further

RESOLVED, that the Director of Budget and Management in conjunction with the Office of Comptroller is authorized to make all the appropriate 2011 budget and accounting adjustments and entries to effectuate this change; and be it further

RESOLVED, that the County Executive is authorized to execute a loan agreement with ECMCC and any additional agreements and documents necessary to carry out the purposes hereof; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law, Todd Miles, Esq., Hawkins Delafield & Wood, LLP; Milan Tyler Esq., Phillips Lytle; Kenneth Vetter, ECFSA; and Anthony Colucci, Esq., Colucci Gallaher.

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**BARBARA MILLER-WILLIAMS
CHAIR**