



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP.
BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP.**

**Joint Governance Committee Meeting
May 23, 2022 at 2:00 p.m.
Via Zoom & Livestreaming**

Agenda

1. Approval of Minutes – February 25, 2022 (Action)
2. Approval of Legal Contract Extensions (Action Item)
3. Adjourn

**MINUTES OF A MEETING OF THE
JOINT GOVERNANCE COMMITTEE OF THE
-ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA),
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP. (RDC)
AND
BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP. (ILDC)**

- DATE:** February 22, 2022
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Howard Johnson, Tyra Johnson, Brenda W. McDuffie, Kenneth A. Schoetz, and Maria Whyte
- EXCUSED:** David J. State
- OTHERS PRESENT:** John Cappellino, President/CEO; Mollie Profic, Chief Financial Officer; Beth O’Keefe, Vice President of Operations; Atiqa Abidi, Assistant Treasurer; Grant Lesswing, Director of Business Development; Gerald Manhard, Chief Financial Officer; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Lori Szewczyk, Director of Grants and Pietra G. Zaffram, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Lisa Hicks on behalf of the City of Buffalo

There being a quorum present at 10:04 a.m., the Meeting of the Members of the Joint Governance Committee of the Erie County Industrial Development Agency (ECIDA), Buffalo and Erie County Regional Development Corporation (RDC) and the Buffalo and Erie County Industrial Land Development Corporation (ILDC) was called to order by its Chair, Ms. McDuffie.

MINUTES

The January 25, 2022 minutes of the joint meeting of the Governance Committee of the ECIDA, RDC and ILDC were presented. Upon motion made by Ms. Johnson and seconded by Mr. Schoetz, the approval of the January 25, 2022 meeting minutes was unanimously carried.

REVIEW “ECIDA 2021 MISSION STATEMENT & PERFORMANCE MEASUREMENTS-RESULTS” AND REVIEW “ECIDA 2022 MISSION STATEMENT & PERFORMANCE MEASUREMENTS-GOALS”

Ms. O’Keefe reviewed the 2021 performance measures report.

Ms. O’Keefe noted that all comments and suggestions have been incorporated into the Mission Statement and Performance Measures. Also a change was made to the bond activity. Three of five grants have been submitted and approved.

Mr. Cappellino advised that with regard to MBE/WBE, the Agency had hoped to have more procurement in 2021 but the Agency did increase spending by 50% and is doing business with an MBE office supply company.

He also advised that Objectives 5A, 5B, 5D and 5E were pending and are now complete. Objective 5C will be restated to more clearly reflect results.

Ms. O’Keefe reviewed the 2022 performance measures and Mission Statement.

Mr. Cappellino noted that with respect to Objective 1B, with the EDA having released their interest in the revolving loan funds, he meet with staff regarding rolling out new tools and products to help penetrate parts of market that are under served.

Mr. Cappellino reviewed Objective 2F metrics and support of creation of jobs at all salary levels and discussed living wage calculations for Erie County, New York.

Ms. Whyte stated it made sense that the Agency does typically induce projects that have jobs paying a living wage. Ms. Whyte queried if the Agency should consider adding more to the metric.

Mr. Cappellino noted that the Agency did make a change in reporting to categorize salary levels and could look at a further breakdown.

Ms. McDuffie stated that a complicating factor is that we don’t have household data.

Ms. Johnson stated she appreciated the work of staff to present revised data and supporting research.

Ms. O’Keefe updated members on Objective 2H to include regionally strategic land development initiatives.

Ms. O’Keefe noted Objectives 5A-5F remain the same with 100% compliance.

Mr. Cappellino stated the measures and mission statements are reported to ABO each year as part of the Agency’s state filing.

Ms. Whyte moved and Ms. Johnson seconded to accept and recommend the 2021 Performance Measures Report and the 2022 Performance Measurers Report be forwarded to the members of the ECIDA, ILDC and RDC Board for approval. Ms. McDuffie called for the vote and the motion was then unanimously approved.

There being no further business to discuss, the meeting was adjourned at 10:34 a.m.

Dated: February 22, 2022

Gerald Manhard, Assistant Secretary



Memorandum

To: Joint Governance Committee of ECIDA, RDC & ILDC
Subject: Legal Contract Extensions
Date: May 23, 2022

Background:

In February 2019 the ECIDA, RDC and ILDC (agency group) boards approved entering into contracts with multiple firms to provide professional legal services to the agency group. This was done as part of a formal process which included the agency group publicly advertising and issuing a Request for Proposals and interviewing respondent legal firms. As a result, the agency group entered into contracts with the following legal firms:

Primary Counsels:

- | | |
|----------------------------|----------------|
| 1) General Counsel | Harris Beach |
| 2) Tax-Exempt Bond Counsel | Hodgson Russ |
| 3) Loan Counsel | Hurwitz & Fine |

Conflict Counsels:

- | | |
|-----------------------|----------------|
| 1) General Counsel | Hurwitz & Fine |
| 2) Tax-Exempt Counsel | Harris Beach |
| 3) Loan Counsel | Hodgson Russ |

The term of the contracts as approved by the agency group boards were for a period of three years, with two one-year extension options.

The agency group staff is pleased with the representation and work of the current legal counsel slate.

Action Requested:

Seeking approval of the Governance Committee to exercise the first one-year option and extend the current professional legal service contract slate, as outlined above through May 2023 under the terms of the February 2019 agency group board approvals.