



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP (RDC)**

Executive Committee Meeting

**Tuesday, March 22, 2016
At 12:00 P.M.
ECIDA Offices
95 Perry Street
4th Floor - Perry Room
Buffalo, New York 14203**

1. Approval of Minutes –December 8, 2015
2. Legal RFP Update
3. Proposed 2016/2017 Board Committee Membership
4. Staffing Update – Director of Grants
5. Zero Energy Building Update
6. Employment Clawback/Recapture & Sales-Tax Compliance
7. Special Projects - Beverly Gray Business Exchange Center
8. Adjournment - Next Meeting – Tuesday, June 14, 2016 at 12:00 p.m.

**MINUTES OF A MEETING OF THE
JOINT EXECUTIVE COMMITTEE OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)
AND
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORPORATION (RDC)**

DATE AND PLACE: December 8, 2015, at the Erie County Industrial Development Agency, 95 Perry Street, Suite 403, Buffalo, New York 14203

MEMBERS PRESENT: Hon. Anthony F. Caruana, Richard Lipsitz, Jr., Hon. Mark C. Poloncarz, and Hon. Darius G. Pridgen

ABSENT: Hon. Bryon W. Brown; Chris Johnston, and Brenda W. McDuffie¹

OTHERS PRESENT: Steve Weathers, Chief Executive Officer; John Cappellino, Executive Vice President; Andrew Schoepich, Treasurer; Karen M. Fiala, Assistant Treasurer; Mollie Profic, Assistant Treasurer; and Robert G. Murray, Secretary

GUESTS: Maria Whyte, Deputy Erie County Executive

In the absence of the presence of Ms. McDuffie, Mr. Lipsitz called the meeting to order at 12:17 p.m.

MINUTES

The minutes of the September 10, 2015 and June 9, 2015 Joint Executive Committee of the ECIDA and RDC were presented. Upon motion made by Mr. Caruana and seconded by Mr. Pridgen, the approval of the aforementioned minutes was unanimously carried.

LEGAL RFP STATUS

At this point in time, Mr. Murray offered to recuse himself should the Committee desire to discuss the legal RFP. Mr. Poloncarz stated he would like to review the legal RFP selection process and asked Mr. Murray to leave the room.

Mr. Murray then returned to the Committee meeting and Mr. Schoepich reviewed the legal RFP process noting that a draft form of the legal RFP was distributed to the Governance Committee on July 29, 2015 for review and comments and was then submitted to ECIDA Board members on August 4, 2015 for informational purposes. On August 25, 2015, the RFP was

¹ Ms. McDuffie participated via telephone conference call, however, she did not count for quorum purposes and is not considered present or eligible for purposes of voting on any action items.

distributed to the top 20 law firms and public notices of the RFP were placed in various newspapers and on the ECIDA website. Legal RFP questions that potential respondents may have were required to be submitted to the Agency by September 11, 2015. Mr. Schoepich noted that 13 questions were received from two law firms requesting further information primarily related to current counsel fees/hours and conflict of interest matters. Responses thereto were submitted to all 23 law firms and posted on the ECIDA website. Eight responses to the legal RFP were submitted to the ECIDA on October 1, 2015 with various firms bidding for the various positions. A committee comprised of 5 ECIDA staff reviewed the bids based on specific criteria as detailed in the legal RFP and as follows: Qualifications and Experience of the Partners and Associates to be assigned to the engagement (40% of the total score); Fees (25% of the total score); Qualifications and Experience of the firm (25% of the total score) and M-WBE Development (10% of the total score).

The ECIDA Staff Review Committee ranked the respondents and short listed the respondents for interviews to the firms as indicated on the materials submitted to this committee and conducted 11 interviews including 4 for general counsel, 4 for loan counsel and 3 for tax-exempt bond counsel. Governance Committee members were notified of and invited to attend the interviews. The ECIDA Staff Review Committee conducted reference checks on November 23, 2015.

On November 30, 2015 the Governance Committee met and reviewed the RFP process as well as the detailed spreadsheet summarizing the ECIDA Staff Review Committee’s evaluations and recommendations for legal counsel. Mr. Schoepich explained that the Governance Committee unanimously approved of the ECIDA Staff Review Committee recommendations and recommended the following law firms for approval by the ECIDA Board:

	Current Firm	Recommended Firm
General Counsel	Harris Beach	Harris Beach
Conflict General Counsel	Harter Secrest & Emery	Hodgson Russ
Tax-Exempt Bond Counsel	Barclay Damon	Harris Beach
Conflict Tax-Exempt Bond Counsel	Harris Beach	Barclay Damon
Loan Counsel (New Position)	Harris Beach	Barclay Damon
Conflict Loan Counsel (New Position)	Harter Secrest & Emery	Harter Secrest & Emery

Mr. Schoepich concluded that Agency staff has spent over 300 hours on the legal RFP effort as just described and believes the process has been through and appropriately undertaken.

PROPERTY DISPOSITION (INFORMATIONAL)

Mr. Schoepich noted this item involves the disposition of real property, the discussion of which in open session could affect the market value of the property and as such, Mr. Murray confirmed the discussion of this topic would be appropriate to be undertaken in an Executive Session. Mr. Poloncarz moved and Mr. Pridgen seconded to enter Executive Session. At 12:45

p.m., the Executive Committee entered into Executive Session for the purposes as described above.

At 12:57 p.m., upon motion made by Mr. Pridgen and seconded by Mr. Poloncarz, the committee resolved to end Executive Session.

EDA/HUD DISCUSSIONS (INFORMATIONAL)

Mr. Weathers reviewed the results obtained by a recent meeting held between Mr. Weathers, Mr. Schoepich and Mr. Poloncarz, Senator Schumer, and various deputy directors of the EDA and HUD to resolve the long standing, approximately 25 year dispute with, by, and between, HUD and EDA with respect to whether HUD regulations apply to the Regional Development Corporation's Revolving Loan Fund. General discussion thereafter ensued.

SPECIAL PROJECTS FUNDING UPDATE (INFORMATIONAL)

Mr. Schoepich reviewed the \$750,000 allocation approved within the 2016 ECIDA budget for special projects. To date, Mr. Schoepich stated the Agency has received approximately 7 requests for special projects funding in a total amount of approximately \$900,000. Mr. Schoepich reminded Committee members that each individual special project allocation must be presented to and approved by the Board upon recommendation by staff. At this point in time, Mr. Schoepich indicated staff has recommended that a \$100,000 funding arrangement be entered into with Launch NY, and a \$75,000 funding arrangement be entered into with Buffalo Urban Development Corporation. Mr. Schoepich confirmed that all funding arrangements will utilize UDAG funds and reviewed the selection process and the uses of such funds as proposed by Launch NY and the Buffalo Urban Development Corporation.

BOARD COMMITTEE VACANCIES (INFORMATIONAL)

Mr. Schoepich noted that ECIDA and RDC Board members Ms. Holtz and Mr. Caruana will no longer be members of either the ECIDA or the RDC on January 1, 2016 as they will no longer be the supervisors of the Town of Cheektowaga and the Town of Tonawanda, respectfully. Mr. Schoepich confirmed that the newly elected supervisors will take Ms. Holtz and Mr. Caruana's positions on the Board, and assuming Ms. Holtz and Mr. Caruana resign from the various Committees that they both serve, there will be openings on such Committees.

MANAGEMENT TEAM UPDATE

Adaptive Reuse Report. Mr. Cappellino noted that the 2016 ECIDA Budget included an appropriation of \$20,000 to conduct a study of the ECIDA adaptive reuse program. Mr. Cappellino reviewed the purposes behind the originally enacted ECIDA adaptive reuse policy and provided background with respect to the proposed adaptive reuse study. Mr. Cappellino concluded by indicating the adaptive reuse study will be initiated during the first quarter of 2016.

Mr. Cappellino then reviewed the office of the State Comptroller Industrial Development Agency Reform Bill anticipated to be signed into law by Governor Cuomo before the end of the

year. Once this law is signed, it will become effective 180 days thereafter. Mr. Cappellino reviewed steps being taken by the New York State Economic Development Council (NYSEDC) in developing state-wide best practice guidelines and recommendations to ensure that IDAs are compliant with the new law. As part of this effort, Mr. Cappellino noted that 6 implementation working groups have been created by NYSEDC and various best practice guidelines, recommendations and draft documents are in the process of being prepared to be presented at the NYEDC's January 2016 Conference. Mr. Cappellino confirmed that Mr. Murray and Mr. Cappellino are participating on the "Uniform Application" working group, that Mr. Cappellino is also chairing the "Criteria for Evaluating and Selecting Projects" working group and that Mr. Murray is a member of the "IDA Project Financial Agreements" working group. Mr. Cappellino also stated that he is chairing in the "Clawback and Suspension Policies" working group.

There being no further business to discuss, the meeting was adjourned at 1:26 p.m.

Robert G. Murray, Secretary

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)
 BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP (RDC)
 BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP (ILDC)**

Legal RFP Timetable

Anticipated Date		Date Completed
June 17 th	Board notified of intent to draft & issue legal RFP	✓ June 17 th
Week of July 27 th	Draft RFP & scoring sheet distributed to Governance Committee for review & comments	✓ July 29 th
Week of Aug 10 th	Final RFP distributed to Board for information purposes	✓ Aug 4 th
Week of Aug 17 th	Legal RFP mailed to top 20 largest Erie County law firms and notice published in various publications and website	✓ Aug 25 th
Week of Sept 7 th	Due date for questions regarding Legal RFP from bidders	✓ Sept 11 th
Week of Sep 14 th	Responses to Legal RFP Questions issued to all potential bidders	✓ Sept 18 th
Oct 1 st	Due date for Legal RFP responses	✓ Oct 1 st
Week of Oct 5 th /12 th	Legal RFP responses reviewed, ranked and discussed by review team	✓ Oct 1 st
Weeks of Oct 26 th / Nov 2 nd / Nov 9 th / Nov 16 th	Interviews conducted for top-ranked General Counsel, Loan Counsel & Tax-Exempt Bond Counsel firms by review team	✓ Nov 19 th
Week of Nov 23 rd	References Checked for top-ranked legal firms by review team	✓ Nov 23
Week of Nov 30 th	Governance Committee review and recommendation of legal counsel	✓ Nov 30
Jan 6 th , Jan 12 th & Jan 20 th	Board Briefing sessions to review staff & Governance Committee recommendations and review in-house counsel option	✓ Jan 20
Jan 27 th	NYS Authority Budget Office (ABO) Audit of ECIDA's prior legal & audit procurement process	✓ Jan 27
Mar 30 th	Board Meeting to approve Governance Committee's recommended legal counsel	
Apr 22 nd	New Contract finalized with selected legal counsel*	

* Note: Harris Beach contract expires April 29, 2016

To: ECIDA Board members
From: Steve Weathers / Andrew Schoeppich
Date: February 24, 2016
Re: Authority Budget Office (ABO) Legal / Audit Procurement

On Wednesday January 27th, the ECIDA met with three auditors from the Authority Budget Office as part of their audit of the ECIDA's procurement process for legal and auditing professional services. The auditors indicated that they are auditing 15-16 IDAs across New York and expect to issue a "global" report on IDA procurement of legal / audit services, but not an individual report for each IDA. The ECIDA is the 12th IDA they have audited and they expect to be finished with their fieldwork by mid-February with a final report by mid-March.

ECIDA staff had an extensive discussion with the ABO auditors and provided the auditors with the following documents:

- A copy of the ECIDA procurement policy and professional services RFP process
- Copies of the Legal RFP issued in 2008 and the Audit RFP issued in 2012
- A listing of the audit & legal firms that bid and their respective quotes
- Bid responses (9 audit responses & 17 legal responses)
- Ranking sheets utilized by the selection committee to evaluate the bids and a summary of the overall results
- Board memos outlining the reason for the recommendations and approving the selection of the applicable audit/legal firm(s)
- Audit & Legal contracts
- Audit & Legal invoices paid in 2014 with a total that agrees to the filed PARIS procurement reports

After our discussions, the ABO auditor indicated that in many ways, our process is a good model for other IDAs for how these services should be procured. They indicated that they liked many things we did including: that we issued an RFP, advertised and promoted the RFP, included in the RFP how the scoring was to be evaluated, had a selection committee that reviewed and scored the bid results based on the RFP criteria and recommended to a Board committee that provided recommendations to the Board.

They indicated that they don't have any substantive comments or recommendations on our procurement process but that their supervisor may subsequently ask them to include something in the report. They mentioned that they could provide us an email in mid/late-February that would address whether or not there are any significant concerns.

Erie County Industrial Development Agency & Affiliates
LEGAL REQUEST FOR PROPOSAL
Outline of RFP Process

RFP Development/Review:

The 2015 Legal Request for Proposal (RFP) was developed by ECIDA staff based on the prior RFP and feedback from the 2008 RFP process. A draft of the RFP was distributed to the Governance Committee on July 29th, 2015 for review and comments. On August 4th the RFP was distributed to the ECIDA Board for informational purposes.

RFP Notice/Distribution:

Copies of the RFP were distributed on August 25th, 2015 to the top 20 law firms with corporate-related expertise as listed in the Business First "Book of Lists".

Public notices of the RFP were placed in the Buffalo Law Journal, Buffalo News, The Buffalo Criterion, The Challenger News and the ECIDA website. A copy of the RFP was also sent to the Minority Bar Association of WNY. Based on the public notices, three additional law firms not included in the top 20 list also requested and received a copy of the RFP.

RFP Questions/Responses:

RFP Questions were due by September 11th, 2015. Thirteen questions were received from two law firms requesting further information, primarily related to current counsel fees/hours and conflict of interest matters. The responses were distributed to all 23 law firms and posted on the ECIDA website.

Evaluation of Responses:

Eight responses were received on October 1st, 2015 with firms bidding for the various positions as outlined in Attachment A.

A committee comprised of five ECIDA staff reviewed the legal bids based on the following criteria (as detailed in the RFP):

- 1) Qualifications and experience of the partners and associates to be assigned to the engagement (40% of total score)
- 2) Fees (25% of total score)
- 3) Qualifications and experience of the firm (25% of total score)
- 4) M/WBE Development (10%)

The staff review committee short-listed the firms as outlined in Attachment A and conducted 11 interviews between October 27th and November 19th (4 for general counsel, 4 for loan counsel and 3 for tax-exempt bond counsel). Governance Committee members were notified of and invited to attend the interviews. The staff review committee then conducted reference checks on November 23rd.

Governance Committee Review:

The Governance Committee met on November 30th and reviewed the RFP process as well as detailed spreadsheets summarizing the ECIDA staff review committee's evaluations and recommendations for legal counsel. The Governance Committee unanimously recommended the following law firms for approval by the ECIDA Board:

Board Briefing Sessions:

Three Board briefing sessions were held on January 6, 12 & 20 to explain the RFP process, the recommendations and answer any Board member questions. These sessions were attended by 11 ECIDA/RDC Board members and six ILDC Board members as well as the staff review committee.

Erie County Industrial Development Agency Analysis of Hiring an In-house Attorney vs. External Counsel

Background: In conjunction with the recent legal RFP, ECIDA staff have been asked to consider the cost and benefits of hiring an in-house attorney compared to engaging external counsel.

Other IDAs¹: Based on salary records for other IDAs, only three of the approximately 110 IDAs in NYS have in-house counsel. The three positions were all part time, and had annualized 2014 salaries of \$3,200, \$14,800 & \$55,300 respectively. Overall these IDAs are much smaller than the ECIDA with 3, 15 and 60 active tax incentive projects, respectively (compared to 275 for the ECIDA)

Cost:

<u>In-House Attorney</u>		<u>External Attorney</u>			
Estimated Salary (4-9 yrs experience) ² :	\$120,000		<u>2015 (est.)</u>	<u>2014</u>	<u>2013</u>
+ Estimated Benefits:	<u>50,000</u>	ECIDA	\$100,000	\$119,000	\$109,000
Total	\$170,000	RDC	<u>25,000</u>	<u>48,000</u>	<u>67,000</u>
		Total	\$125,000	\$167,000	\$176,000
+ Estimated External Attorney costs ³	<u>50,000</u>				
	\$220,000				

Other Benefits:

<u>In-House Attorney</u>	<u>External Attorney</u>
1) Dedicated to the ECIDA	1) Provides independent, firm-backed legal guidance
2) Fixed Cost	2) Have back-up counsel in the event of vacations, sick or separation
	3) Variable cost
	4) Discounted legal rates due to size of account

Other Salary Information:

¹ Note: The NYC IDA does not have its own in-house counsel, but utilizes counsel of the NYC Economic Development Corp. which has 400+ employees, including 13 attorneys with salaries ranging from \$99,000 to \$190,000 (average salary of \$137,000).

² Per Robert Half Legal Salary Guide for 2016 for in-house attorneys at 'small companies' in the Buffalo market, the salary ranges are as follows: 10+ years of service (\$124,213-\$178,125), 4-9 years of service (\$105,925-\$151,763), 0-3 years of service (\$78,138-\$107,113). Also, per one law firm contacted, first year students at their firm start in the low \$90's.

³ Depending on experience of in-house attorney, additional external legal assistance may be required for various specialized matters including: defense litigation, venture capital, environmental, employment, construction/real estate & lending/collections. Estimated as: 200 hours @\$250/hour

We also obtained salary information from the National Association for Law Placement. Below is an excerpt from their 2015 survey (adjusted for the Buffalo market):

	Natl Avg Firm Size 50 or Fewer w/Applied Market Variance for Buffalo	Natl Avg Firm Size 51-100 w/Applied Market Variance for Buffalo	Natl Avg Firm Size 101-250 w/Applied Market Variance for Buffalo
First Year	\$115,425	\$105,688	\$109,250
Second Year	\$109,250	\$109,725	\$109,250
Third Year	\$127,704	\$112,433	\$114,000
Fourth Year	\$129,081	\$117,373	\$118,750
Fifth Year	\$137,038	\$122,788	\$127,300
Sixth Year	\$118,275	\$128,250	\$133,000
Seventh Year	\$161,500	\$135,945	\$138,225
Eighth Year	\$120,436	\$137,750	\$139,721

sources: 2015 NALP Associate Salary Survey; city variances by Office Team

Diverse Areas of Legal Expertise:

Over the last two years, ECIDA general counsel have provided legal guidance on a variety of legal matters from the following 40 areas of law:

Bankruptcy/Receivership	HUD law/regulations	Tax Exempt Bond Law
Corporate Law	Open Meetings Law	Tax Law
Not-for-profit-Law	Public Officers Law	Collections
LLC Law	Ethics Law	MWBE Diversity Compliance
Public Authority Law	Freedom of Information Law	Public Service Commission Law
Local Finance Law	General Municipal Law	Brownfield Cleanup Program
Federal Tax Law – on behalf issuer issues	IDA Law	Empire Zone Program
Insurance Law	Commercial Real Estate	Historic Tax Credit
Employment/labor Law	Easement	New Markets Tax Credit
Employee Discrimination – Pay Equity Law	Litigation - Personal Injury	UCC/Banking
Real Property Tax Foreclosure Law	Litigation - Scaffold Law	SEP/Employee Benefits
UDAG laws/regulations	Litigation - Article 78 Defense	SEQRA Compliance
EDA laws/regulations	Litigation - real property tax law	
CDGB laws/regulations	Venture Capital	

Board Action:

The Board is requested to approve the President, Executive Vice-President, Treasurer and/or Assistant Treasurer entering into a contract for legal services with each of the following law firms recommended by the Governance Committee consistent with the ECIDA's Professional Services RFP policy, the legal RFP and applicable law firm's bid documents. The term of the contract will be for a period of up to seven years with the ability to cancel with 90-days notice.

Primary Counsels:

- | | |
|----------------------------|---------------|
| 1. General Counsel | Harris Beach |
| 2. Tax-Exempt Bond Counsel | Harris Beach |
| 3. Loan Counsel | Barclay Damon |

Conflict Counsels:

- | | |
|----------------------------|------------------------|
| 1. General Counsel | Hodgson Russ |
| 2. Tax-Exempt Bond Counsel | Barclay Damon |
| 3. Loan Counsel | Harter Secrest & Emery |

2016 -2017 ECIDA/RDC/ILDC Board Committees & Officers

Executive Committee ECIDA/RDC	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
7 Board members, President & CEO, as specified in By-Laws	Chair *	Chair * - McDuffie (Chair)
	Vice Chair *	Vice Chair * - Lipsitz
	County Executive *	County Executive * - Poloncarz
	Mayor Buffalo *	Mayor Buffalo * - Brown
	Emminger*	Emminger*
	Johnston*	Johnston
	Pridgen*	Pridgen*
	CEO - Steve Weathers [non-voting] COO (Vacant)	President & CEO - Steve Weathers [non-voting] COO (Vacant)

Policy Committee ECIDA/RDC	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
At least 3 Board members specified in By-Laws 12- Meetings a year	Lipsitz (Chair)	Lipsitz* (Chair)
	Brown	Brown
	Johnston*	(Vacant)
	McDuffie	McDuffie
	Mesiah	Mesiah
	Mudie	Mudie
	Nellis	Nellis
	Rath	Rath
	State	State
	(Vacant)	Vukelic
	Whyte	Whyte
	IDA Leadership Council Chair (Allen – Amherst IDA) (ex officio)	IDA Leadership Council Chair (Allen – Amherst IDA) (ex officio)
	Laura Smith (BNP)	Laura Smith (BNP)
Geoff Szymanski (Association of Town Governments)	Geoff Szymanski (Association of Town Governments)	

Governance Committee ECIDA/RDC/ILDC	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
At least 3 Board members specified in By-Laws. Not less than 3 independent members per PAL. 1-2 Meetings a Year	McDuffie* (Chair)	McDuffie*(Chair)
	Benczkowski*	Benczkowski*
	Mesiah*	Mesiah*
	Nowak	Nowak
	Rath	Rath
	State	State
	Whyte	Whyte

*=Board members who fill seats required by By-laws

Nominating Committee Approved Date- 2/27/2016

Board Approved Date-

Revised Date – 3/2/2016

2016 -2017 ECIDA/RDC/ILDC Board Committees & Officers

Finance & Audit Committee ECIDA/RDC/ILDC	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
At least 3 Board members specified in By-Laws. Not less than 3 independent members per PAL. 2-3 Meeting a Year	Johnston* (Chair)	Johnston* (Chair)
	Beckwith, Penny	Beckwith, Penny
	Doherty*	Doherty*
	(Open Position)	Emminger
	Nellis*	Nellis*
	Szukala, Michael	Szukala, Michael
	Witzleben, William (M&T)	Witzleben, William (M&T)

Loan Committee ECIDA/RDC	<u>Committee Members</u>	<u>Proposed Committee Members</u>
By-Laws specify no more than 5 members of the Policy Committee plus 2 City members and 1 County member 3-12 Meetings a Year	[Other] Emminger (Chair)	[Other] Emminger (Chair)
	[Policy] Mudie	[Policy] Mudie
	[City 1] Tom Gryz (Wells Fargo Bank)	[City 1] Tom Gryz (Wells Fargo Bank)
	[City 2] Vacant	[City 2] Vacant
	[County 1] David McKinley (Community Bank N.A.)	[County 1] David McKinley (Community Bank N.A.)
	[Other] Nancy LaTulip (Lakeshore Savings Bank)	[Other] Nancy LaTulip (Lakeshore Savings Bank)
	[Other] Michael Taylor (NYBDC)	[Other] Michael Taylor (NYBDC)

Staff Loan Committee RDC	<u>Committee Members</u>	<u>Proposed Committee Members</u>
No by-law requirement 12-15 Meetings a Year Per the Loan Administration Plan (LAP), the Board may also establish or appoint other Loan Committee members to approve strategic loans and other designated loan programs	President & CEO - Steve Weathers	President & CEO - Steve Weathers (Chair)
	Exec. V.P. -John Cappellino	Exec. V.P. -John Cappellino
	CFO - Andrew Schoeppich	CFO - Andrew Schoeppich
	Controller – Mollie Profic	Controller – Mollie Profic
	David Stebbins - BUDC	David Stebbins - BUDC

Loan Write-off Committee ECIDA/RDC/ILDC	<u>Committee Members</u>	<u>Proposed Committee Members</u>
At least 3 Board members specified in By-Laws 1 Meeting a Year	Pridgen* (Chair)	Pridgen* (Chair)
	Beckwith, Penny	Beckwith, Penny
	Doherty	Doherty*
	(Vacant)	(Vacant)*
	Witzleben, William (M&T)	Witzleben, William (M&T)

*=Board members who fill seats required by By-laws
 Nominating Committee Approved Date- 2/27/2016
 Board Approved Date-
 Revised Date – 3/2/2016

2016 -2017 ECIDA/RDC/ILDC Board Committees & Officers

Investment Review Committee ECIDA/RDC	<u>Committee Members</u>	<u>Proposed Committee Members</u>
No by-law requirement 4-6- Meetings a Year	Poloncarz, Mark	Poloncarz, Mark (Chair)
	Alpert, Alan	Alpert, Alan
	Bell, Clifford	Bell, Clifford
	Gallagher-Cohen, Dottie	Gallagher-Cohen, Dottie
	McMahon, Diane	McMahon, Diane

Nominating Committee ECIDA/RDC/ILDC	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
Number of members not specified in By-Laws 1 Meeting a Year	Poloncarz (Chair)	Poloncarz (Chair)
	Brown	(Vacant)
	Gallagher	Gallagher-Cohen
	Lipsitz	Lipsitz
	Weathers	(Vacant)

Compensation Committee ECIDA	<u>Current Committee Members</u>	<u>Proposed Committee Members</u>
No by-law requirement 1-2 Meetings a Year	Poloncarz (Chair)	Poloncarz (Chair)
	Doherty	Doherty
	Johnston	(Vacant)
		Gallagher-Cohen
		Weinstein

*=Board members who fill seats required by By-laws

Nominating Committee Approved Date- 2/27/2016

Board Approved Date-

Revised Date – 3/2/2016

2016 -2017 ECIDA/RDC/ILDC Board Committees & Officers

OFFICERS	Current Officers			Proposed Officers		
	ECIDA	RDC	ILDC	ECIDA	RDC	ILDC
Chair	Brenda McDuffie		Hon. Mark Poloncarz	Brenda McDuffie		Hon. Mark Poloncarz
Vice Chair	Richard Lipsitz			Richard Lipsitz		
President & CEO	Steve Weathers			Steve Weathers		
Executive Vice President	John Cappellino			John Cappellino		
Treasurer	Andrew Schoeppich			Andrew Schoeppich		
Assistant Treasurers	Michael Alexander, Mollie Profic, Karen Fiala, Jerry Manhard			Michael Alexander, Mollie Profic, Karen Fiala, Jerry Manhard		
Secretary	Robert Murray			Robert Murray		
Assistant Secretary	Pietra Lettieri			Pietra Lettieri		

OTHER DESIGNATED POSITIONS	CURRENT DESIGNATED POSITIONS	PROPOSED DESIGNATED POSITIONS
Controller	Mollie Profic	Mollie Profic
Chief Lending Officer	Jerry Manhard	Jerry Manhard
Contracting Officer (required in Property Disposition Policy)	Andrew Schoeppich	Andrew Schoeppich
Electronic Records Retention Officer	Brian Krygier	Brian Krygier
Ethics Officer (required in Conflict of Interest Policy)	John Cappellino	John Cappellino
FOIL Officer	Karen Fiala	Karen Fiala
Human Resources Officers	Andrew Schoeppich Pat Smith	Andrew Schoeppich Pat Smith
Non-electronic Records Retention Officer	Dawn Boudreau	Dawn Boudreau

*=Board members who fill seats required by By-laws
 Nominating Committee Approved Date- 2/27/2016
 Board Approved Date-
 Revised Date – 3/2/2016

ECIDA Zero Energy Light Manufacturing Building



Proposed Timeline for Approvals

Anticipated Start Date	Projected Completion	Zero Energy Project Item Description	Completion Date
Sept. 16, 2015		Board Approval- \$80,000 to complete a feasibility report and schematic design phase to construct and operate a "Zero Net Energy Light Manufacturing Facility" (ZEB)	√ 9-16-15
Dec. 16, 2015		Board Approval- \$60,000 additional funding allocated to ZEB Feasibility report for increased scope of work.	√ 12-16-15
Week of May 2, 2016		Grant writer begins search for ZEB design funding along with funding sources to potentially fund the purchase of the project property.	
Week of Dec. 28, 2015	Week of May 9, 2016	Feasibility Report and Schematic Design completed for ZEB including recommending a preferred site for construction	
May 25, 2016	May 25, 2016	Presentation of the Zero Energy Building Project and summary of the feasibility report to ECIDA board. Request a ZEB Board steering committee to better link the board to the project.	
June 22, 2016		Board Approval- Authorize funding estimated at \$1mil to \$1.5 mil to: <ol style="list-style-type: none"> 1) Complete the architectural and Engineering Design and provide construction bid documents. 2) Option to Acquire Property. 3) Authorize staff to pursue funding opportunities. 	
June 24, 2016	Sept 25, 2016	RFQ for Design Teams-Advertise, Review Team Qualifications, Short List, Interview and make selection recommendation to committees and board.	
October 19, 2016		Board Approval- Approve the recommended design team authorizing ECIDA to contract for design, construction estimate and bid documents for ZEB construction and the purchase of the project site, totaling between \$1 mil and \$1.5 mil.	
Nov. 1, 2016	Week of June 5, 2017	Site and Facility Design Process including engineer's estimate and bid documents for construction.	
Week of Feb. 21, 2017		RFP for Financing to bridge potential funding gaps through construction.	
Week of May 2, 2016	On going	Apply for Grants to assist in funding construction of ZEB.	
June 22, 2017		Board Approval- Approval for constructing a Zero Energy Light Manufacturing Building valued at approximately \$17 mil. <ul style="list-style-type: none"> • Authorize Grant Agreements • Authorize Financing 	
June 5, 2017	Aug. 9, 2017	SEQR & Site Plan Approval	
Week of June 26, 2017	Sept 25, 2017	RFP for Construction Bids to construct ZEB as designed.	
Oct 25, 2017		Board Approval- Approve the recommended construction contractor to construct the zero energy building	
November 2017		Commence Construction on or before November 2017.	
		Completion 3 rd to 4 th quarter 2018	



CITY OF BUFFALO

BYRON W. BROWN

MAYOR



March 9, 2016

Mr. Steve Weathers
Chief Executive Officer
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

Dear Mr. Weathers:

As you know, the City of Buffalo has submitted a funding request for a priority project, the Beverly Gray Business Exchange, to the Erie County Industrial Development Agency (ECIDA) for inclusion in the 2016-2018 Special Projects budget in the amount of \$250,000. Funding from the Erie County Industrial Development Agency for the Center is critical for this initiative.

Since 2008, the Buffalo Niagara region overall has demonstrated considerable economic growth and recovery by growth in jobs, number of businesses, and other measures. However, the City's Eastside is lagging behind recent trends. The City's Eastside needs greater focus to speed development activity. Compared to regional averages, businesses on the Eastside are smaller, more likely to be minority or women owned, and more weighted toward specific sectors such as retail. The Beverly Gray Business Exchange Center will provide minority entrepreneurs access to lending resources, business development opportunities and technical assistance necessary to build capacity and thrive.

This project is aligned with the mission of the ECIDA and each is helping to reduce economic disparities among minorities and women. The center will provide ECIDA the opportunity to fund an initiative that is central to your goal to "support business formation, job growth and economic expansion, concentrating on underserved markets." Even more in-line with this initiative is the objective of the ECIDA "to support the creation and growth of small and minority-owned business (MBE) and women-owned business (WBE)." This project will enable private developers seeking public assistance with the capacity to provide community benefits by being able to fully meet MBE and WBE goals.

The City of Buffalo has invested \$2.3 million in the construction, renovation and environmental remediation of the building. In addition, a comprehensive business plan has been developed for the facility by Next Street, a national consulting firm. Full ECIDA funding is needed in order to ensure that this critical project moves forward as soon as possible. Thank you in advance for your consideration.

Sincerely,

Byron W. Brown
Mayor

CC: Brenda McDuffie, Chairwomen, ECIDA Board of Directors