

**ITEM 2 - AUTHORIZATION TO DENY WAIVER OF CONFLICT**

Motion by %MOTION% seconded by %SECOND%

**WHEREAS**, The Erie County Water Authority's (Authority) Bond Counsel, Barclay Damon has informed the Authority that there is a potential conflict of interest regarding the firm's current representation of the Authority and the Authority's underwriter for the proposed 2018 Bond Issuance, Jefferies, LLC; and

**WHEREAS**, The Authority's Finance Committee has investigated the issues surrounding this potential conflict; and

**WHEREAS**, The Finance Committee has deemed the conflict not waivable; and

**WHEREAS**, The Finance Committee recommends that the Authority's Board of Commissioners deem this conflict not waivable;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority's Board of Commissioners hereby denies the waiver of conflict requested by Barclay Damon.

Ayes: %AYES%

Noes: %NOES%

04/25/18-RJL:pjf

**ITEM 3 - AUTHORIZATION FOR A ONE-TIME WAIVER OF THE ERIE COUNTY WATER AUTHORITY'S PURCHASING POLICY & PROCEDURE**

Motion by %MOTION% seconded by %SECOND%

**WHEREAS**, As a public benefit corporation, the Authority must conduct its operations in a manner that best serves the interests of its customers and the general public; and

**WHEREAS**, Heretofore and on the 30<sup>th</sup> day of April, 2013 the Board of Commissioners adopted an updated Purchasing Policy effective May 1, 2013; and

**WHEREAS**, This duly adopted policy and the Authority's procedures require the procurement of goods or services valued at or in excess of \$10,000.00 be subject to either a sealed competitive bid process or a request for proposals (RFP) process; and

**WHEREAS**, Due to a potential conflict of interest issue the Authority has deemed it to be in its best interests to retain an additional firm to provide bond counsel services for the Authority's proposed 2018 bond offering; and

**WHEREAS**, Due to market conditions it may not be in the Authority's best interests to delay the bond issuance for the time it would take to issue an RFP for bond counsel; and

**WHEREAS**, Robert J. Lichtenthal, Jr., Deputy Director recommends that the Board of Commissioners grant a one-time waiver of the Authority's Policy and Procedure mentioned above to allow the retention of alternate bond counsel;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board of Commissioners hereby grants a one-time waiver of the Authority's Purchasing Policy and Procedures mentioned above in the best interest of the Authority to retain an alternate bond counsel.

Ayes: %AYES%

Noes: %NOES%

04/25/18-RJL:pjf

**ITEM 4 - AUTHORIZATION TO ISSUE A REQUEST FOR INFORMATION IN ACCORDANCE WITH THE ERIE COUNTY WATER AUTHORITY'S PURCHASING POLICY & PROCEDURE**

Motion by %MOTION% seconded by %SECOND%

**WHEREAS**, As a public benefit corporation, the Authority must conduct its operations in a manner that best serves the interests of its customers and the general public; and

**WHEREAS**, Heretofore and on the 30<sup>th</sup> day of April, 2013 the Board of Commissioners adopted an updated Purchasing Policy effective May 1, 2013; and

**WHEREAS**, This duly adopted policy and the Authority's procedures provide for the solicitation for information and qualifications for potential services (RFI); and

**WHEREAS**, Due to a potential conflict of interest issue the Authority has deemed it to be in its best interests to retain an additional firm to provide bond counsel services for the Authority's proposed 2018 bond offering; and

**WHEREAS**, Due to market conditions it may not be in the Authority's best interests to delay the bond issuance for the time it would take to issue an RFP for bond counsel; and

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board of Commissioners hereby directs Robert J. Lichtenthal, Jr., Deputy Director to issue a RFI to qualified legal firms to provide bond counsel services; and be it further

**RESOLVED:** That the Deputy Director is to report the results of the RFI to the Board of Commissioners at the next scheduled meeting and furthermore, to make a recommendation to the Board of Commissioners of a firm to provide bond counsel services for the Authority's proposed 2018 bond issuance.

Ayes: %AYES%

Noes: %NOES%

04/25/18-RJL:pjf