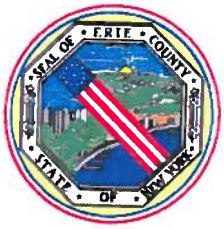
ERIE COUNTY LEGISLATURE

BETTY JEAN GRANT
Chair of the Legislature
2nd District Legislator



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May 16, 2013

Hon. Timothy B. Howard
Erie County Sheriff
10 Delaware Ave.
Buffalo, NY 14202

RE: Telephone Funds Received, Deposited and Spent
Additional follow-up Document & Information request relating to Comm. 6E-24

Dear Sheriff Howard:

On May 9, the Legislature approved the March 12, 2013 joint County Executive-Sheriff Resolution that all telephone revenue received by the Office of the Sheriff shall be deposited with the Comptroller's Office to be recorded and held in a trust account until properly appropriated. I am happy that your office recognizes that the telephone funds belong to the County and are to be paid over to the county treasury [in the trust account already established].

I would also like to thank Undersheriff Wipperman for his prompt May 2 delivery of a copy of the M & T Bank statements and checks for the telephone account for the period June 1, 2013 through March 29, 2013.

Even though the "monthly" telephone revenue has apparently been turned over to the County Comptroller [approximately $150,000, I understand], the M&T Bank records, provided on May 2, indicate that you remained in possession of $669,170.13 of County telephone fund revenue that was not turned over to the County as of March 29, 2013. The Legislature requests the documentation of your transfer, to the Comptroller, of that $669,170.13.

The March 12, 2013 Memorandum, which is part of Comm. 6E-24, indicated that your office has "already complied with this request for the signing bonus and will comply with monthly telephone commission revenues." On March 12, 2013, the date of your memorandum of understanding with the County Executive, the M&T Bank records disclose that $772,058.12 was in the account. As of that date, that amount should have been transferred to the Comptroller for deposit in the trust account since those are County funds and not your personal funds to spend.

Continued

Website: www.erie.gov/legislature/district02 • E-Mail: bjg@erie.gov

By copy of this letter to Erie County Comptroller, Stephan Mychajliw, I am requesting that he take immediate possession of the $669,170.13 from the M&T Bank account (if he has not already done so) and report, to the Legislature, the date on which those funds were or are deposited in the County's trust account.

At the May 2 Public Safety Committee meeting, the Legislator Hogues requested the dates of reported orders for various items, some of which were identified by your office on a worksheet as "Ordered and Delivered." No authorization has been given by the Legislature to commit any of that telephone fund revenue to any particular purpose.

To enable the Legislature to perform its oversight function, please provide the following documentation in advance of the next Erie County Legislature's meeting on Thursday, May 23, 2012.

1. Please provide copies of the M&T Bank account records that show the account through the date of "closure" when all of the telephone funds [the $669,170.13 as of 3-29-13] have been paid over to the Comptroller. This I should include the April 2013 bank account statement. The May statement, if available, should also be provided;

2. Please also provide the dates of reported "orders" for the various items identified by your office as Ordered or "Ordered and Delivered." If your office has "ordered" any products or services with any portion of the $669,170.13 in the M&T Bank account, we would like the documentation of those orders because they are, and were, subject to the appropriation procedures calling for prior Legislative approval.

I also request that you be available to speak to the Public Safety Committee about the information at its June meeting. I would appreciate receipt of the copies of the April Bank Account statement and dates of the reported "orders" at least one day ahead of the Legislature's May 23, 2013 meeting.

On a related, but separate note, going forward I would like to have you provide a written plan outlining the educational, rehabilitation services and transition services which the Sheriff's Department will provide at the Correctional Facility and Holding Center to help reduce recidivism and reduce the number of individuals who return to incarceration. Establishment of such programs will help reduce monetary and societal costs. I would like to see such programs in place prior to our making decisions on authorization of expenditures of funds from the telephone trust account.

Sincerely yours,

Betty Jean Grant, Chair
Erie County Legislature

Cc: Stephan Mychajliw
Erie County Comptroller