DISCHARGE

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 4, 2020

The Honorable
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: 2020 COVID-19 Deficit Remediation Plan

Dear Honorable Legislators:

Please find attached a Deficit Remediation Plan from my administration as required under section 2511 of the Erie County Charter, triggered by Comptroller Mychajliw’s deficit declaration earlier this month. This plan was developed with input solicited from all Department Heads and independently elected officials to make strategic cuts within Fiscal Year 2020, and to prepare the County for what we believe will be another challenging fiscal year in 2021.

Since the earliest days of COVID-19 related shutdowns, my office and the Division of Budget and Management have been closely monitoring the fiscal impacts of COVID-19 and the subsequent NY Pause orders issued by Governor Cuomo. Measures we have put in place already include a hiring freeze on non-essential, non-grant funded personnel, fund blocks on various budget lines, and a significant allocation of 2019 surplus funding for deficit reduction purposes which serve as the basis for this plan.

It is important to highlight there are still many unknowns. Attempting to both quantify the exact size of the deficit and account for further actions taken by the State and Federal Governments presents a tremendous challenge. This plan accounts for that by providing some flexibility in the use of various gap closing measures and through the use of the monthly Budget Monitoring Report (BMR) process to gauge the county’s financial position.

These are unprecedented times, and I agree with Comptroller Mychajliw that this is no time for partisan infighting. As elected leaders we must responsibly see Erie County through this crisis to ensure that we can still deliver the services that Erie County residents depend on, now more than ever. I thank my fellow countywide elected officials for their efforts in developing this plan.
Budget Director Robert Keating and his staff are available to attend a meeting of your Honorable Body’s Finance and Management Committee to discuss this plan.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bqs
Attachment

cc:  Erie County Comptroller Stefan I. Mychajliw
     Erie County Clerk Michael Kearns
     Erie County Sheriff Timothy Howard
     Erie County District Attorney John Flynn
     Erie County Fiscal Stability Authority
WHEREAS, due to the effects of the Coronavirus and the resultant loss of revenues, Erie County is experiencing a budget deficit, estimated at $137.8 million; and

WHEREAS, under New York State law, local governments in New York cannot run budget deficits and must address budget gaps; and

WHEREAS, pursuant to the Erie County Charter, the County Comptroller has declared a deficit and the County Executive has submitted the enclosed deficit remediation plan to the Erie County Legislature to address the deficit; and

WHEREAS, pursuant to Section 2511 of the Erie County Charter, the Legislature must act on the County Executive’s deficit remediation plan on/by June 25, 2020, or his proposal takes effect by default.

NOW, THEREFORE BE IT

RESOLVED, that after careful consideration and deliberation, the Erie County Legislature hereby approves the enclosed deficit remediation plan submitted by Erie County Executive Mark C. Poloncarz; and be it further

RESOLVED, that this Honorable Body urges the US Congress and President to expeditiously adopt a federal stimulus plan that provides federal assistance to local governments to help them close budget deficits created by revenue gaps from the Coronavirus pandemic; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Comptroller, Director of Budget and Management, and Chair of the Erie County Fiscal Stability Authority.
MEMORANDUM
COUNTY OF ERIE
DEPT. OF BUDGET & MGMT

TO: Hon. Erie County Legislature
FROM: Robert Keating, Director of Budget and Management
DATE: June 4th, 2020
RE: 2020 COVID-19 Budget Deficit Reduction Plan

Deficit Projection

On May 4th 2020 the Comptroller’s Office submitted a deficit declaration notice totaling $206,609,425. Their projection broke out as follows:

- Sales Tax → $127,933,095
- State Aid → $36,507,988
- Hotel Occupancy → $7,732,560
- Other Revenue and Fees → $33,984,782
- Interest Earnings → $451,000

Separately, the budget office has developed and continually updated its own deficit projection based on the best available information including sales tax receipts, economic surveys, and epidemiological projections including the NY Forward re-opening matrix.

At this time, the budget office projects a deficit of $137,800,000. Our projection breaks out as follows:

- Sales Tax → $105,600,000
- State Aid → $28,700,000
- Hotel Occupancy → $9,000,000
- Clerk Fees → $3,900,000
- Other Receipts → $14,800,000

With a positive item from the second coronavirus bill passed by Congress:

1 See Appendix A for details
• Prior Year eFMAP→$16,000,000
• 2020 eFMAP→$8,200,000

Sales Tax receipts were strong in the first two months of the year with a significant decline starting in late March due to the imposition of COVID-19 related mitigation orders. We conservatively budget a 36% year over year reduction in sales tax receipts in April and May, with a slow resumption to normalcy as NY Pause orders are lifted in June. Even after NY Pause is fully lifted after the end of June, economic surveys from the Wall Street Journal and others indicate that there will be a slow, pronged “swoosh” shaped recovery through at least 2021 where the economy recovers at a gradual pace rather than a quick “V” shaped recovery where the economy quickly bounces back to pre-recession levels. Even by the end of FY2020, we still project sales tax receipts will be 20% below 2019 levels.

Per the New York State Budget Director’s public comments, we anticipate a 20% reduction in State Aid. The final specifics and formula are still to be determined when NYS issues further guidance at pre-determined intervals. The first guidance interval was scheduled to be May 15th however, no such guidance has been forthcoming to date.

We anticipate a much shaper decline in hotel occupancy tax with a modest recovery later in the year around the holidays.

Other fees including real estate transactions and various permits and fines are conservatively budgeted at decreased levels for the remainder of 2020.

As a positive variance, the second coronavirus bill passed by Congress, the Families First Coronavirus Response Act, H.R. 6201, includes provisions to further protect and expand enhanced Federal Medicaid Assistance Payments (eFMAP). This measure will require New York State to pass on Medicaid savings directly to counties, and also require the state to release previously held eFMAP payments that are due to Erie County.

Also included in the projection is proportional reduction in sales tax allocated to the NFTA based on the Erie County Sales Tax sharing agreement. It should be noted that the NFTA has received a $61,307,439 federal bailout from the CARES Act.

• NFTA Reduction → $6,100,000

Each month, the Division of Budget and Management will continue to release a Budget Monitoring Report (BMR) that will keep your honorable body and the general public informed of the current status of the county budget including any ongoing negative variances. The BMR will act as an ongoing guide to the extent of Erie County’s deficit and will include updated budget shortfall projections.

**Gap Closing Measures**

In compliance with Section 2511 of the Erie County Charter, as modified by Erie County Local

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Emergency Order “COVID-19 1.6”, the following budget deficit reduction measures are being submitted to your honorable body on behalf of the Erie County Executive.

1. 2019 Carry-Forward: $29,000,000

The first deficit-closing measure has already been approved by your honorable body when the 2019 year-end designation resolution, COMM 9E-21 (2020) was passed. This resolution designated $24,000,000 in 2019 positive variance funding to be used to address potential FY2020 revenue shortfalls. In addition, $5,000,000 of 2019 surplus funding which had been designated for COVID-19 related expenses were rolled back into the revenue shortfall reduction fund due to the receipt of Federal CARES Act dollars which cover all county expenses incurred in response to the COVID-19 public health crisis.

2. Fund Balance Usage: $25,150,000

Erie County has carefully and responsibly built its fund balance since the Red-Green fiscal crisis. Unassigned fund balance currently stands at $102,898,785. Often referred to as the “rainy day fund” Erie County, now faces just such a rainy day. Per the county charter, Erie County must maintain an unassigned fund balance of at least 5% of the adopted budget’s General Fund amount, or $77,748,217.

We propose to utilize the charter allowed amount of fund balance of $25,150,000 as a serious but appropriate gap closing measure.

As a practical measure, we propose that the fund balance allocation would be transferred to Fund Center 14010 Account 402190 “ Appropriated Fund Balance” so it can be used to close budget gaps on a monthly basis, based on the BMR, after the 2019 year-end surplus designation has been applied as an offset to revenue shortfalls. At the end of FY2020, any unutilized portion would automatically revert back to fund balance.

3. Capital Project Close-Out: $4,673,937.89

In consultation with the Departments of Public Works, Parks, and Environment and Planning, we have identified approximately $4,700,000 in FY2020 benefit from closing old capital projects which are either lower priority, untenable at this time, or are unlikely to be utilized\(^3\). Many projects were not closed out entirely but were reduced in scope to the amount needed to complete currently scheduled work.

Beyond FY2020, closing these projects will generate $10,124,153.74 in long-term benefit to the county due to the provision of funding of future year debt service which will improve the county’s position going into FY2021.

4. Fringe Savings: $8,000,000

The Division of Budget and Management budgets conservatively on fringe rates as a precautionary measure against unexpected surges in healthcare and other costs. Based on our

\(^3\) See Appendix B
analysis of the first quarter of 2020, as well as other relevant trends, we believe there will be a year-end positive variance of approximately $8,000,000 across all Fund Center’s for fringe costs. This cushion does not consider further reductions in fringe costs associated with various personnel adjustments and vacancy control measures.

5. Unanticipated Healthcare Savings and rebates: $16,000,000

As an unexpected financial benefit of the COVID-19 crisis, there has been a tremendous decrease in healthcare utilization by Erie County employees and retirees. From routine dental care which cannot be completed to a wide array of elective procedures, it is simply not possible to access these services right now, and advisors to the Labor Management Healthcare Fund (LMHF) expect a long-term impact due to the backlog and cancelation of procedures.

In addition, due to fears of contracting COVID-19 in a hospital or other medical setting, employees and retirees are foregoing needed emergency care, resulting in a decrease in costs. While it is a sad irony that one healthcare crisis may be leading to another, analysis from LMHF indicates that Erie County may benefit from a major savings of approximately $10,000,000 in FY2020.

Erie County is also entitled to an expected credit of approximately $6,000,000 from LMHF based on rebates earned from prescription costs borne by the County in 2020 but not distributed until 2021 by the LMHF. Historically, the Division of Budget and Management has chosen to not exercise our option on this credit as a precautionary measure against a financial shortfall. However, given the current crisis, we recommend exercising this option now.

6. CARES Act Cost Shifts: $15,000,000

Erie County received $160,306,546 in State and Local Aid under the Federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) relief fund in April 2020. CARES Act funding is subject to specific guidelines under the law, and cannot be used for revenue shortfalls. CARES Act funding, at this time, is intended to be used specifically for expenses related to the response to the COVID-19 public health crisis.

On May 4th 2020 the U.S. Treasury Department issued a revised Frequently Asked Question (FAQ) guidance memo which indicated that CARES Act funding could be used for payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Since then the Division of Budget and Management has developed a tracking system to shift the costs of those employee’s salary and fringe to the CARES Act funding in the COVID-19 Response Special Revenue Fund (Fund 252).

Based on departmental submissions to date, we project that approximately $15,000,000 in employee payroll expenses for FY2020 will be able to be shifted to the CARES act due to their focus on COVID-19. Because the COVID-19 public health crisis and state of emergency will likely continue until the widespread deployment of a vaccine, a large portion of the Departments of Health, Emergency Services, Public Works, and other various county
employees will continue to be heavily devoted to the COVID-19 response, leading to ongoing savings from this cost shift.

7. Departmental Cuts: $40,056,234

Beginning in mid-May individual departments and elected officials submitted deficit reduction plans based on a hypothetical goal of reducing their FY2020 operating budgets by 13.1%. This figure was based on an early and more direr revenue shortfall projection of over $226,000,000 and did not account for the various gap closing measure outlined in items 1-6 above. Those plans served as the basis for a comprehensive review of departmental spending and served as a starting point for attached mid-year FY2020 cut plan4.

Due to the less severe deficit projection and the option to utilize various gap closers, we are able to propose a strategic plan that aims to minimize the impact of cuts on county residents, considers the new realities of governmental operations, and provides long-term savings for the county going forward. This strategic plan will help to prepare the county for the ongoing economic challenges in FY2021 and beyond.

The Departmental cut plans are each unique but generally offer several cost control measures:

- Vacancy control for unfilled positions
- Elimination or modification of select positions5
- Reduction or elimination of various administrative lines

Some Departments and independent elected officials proposed major re-organizations of their department including a strategic restructure of the Divisions of Jail Management and Correctional Health which involves consolidation to the Alden Correctional Facility which this office supports.

Federal Aid

On May 15th the House of Representatives passed the Health and Economic Recovery Omnibus Emergency Solutions Act, otherwise known as the HEROES Act. This legislation included $1,000,000,000,000 in aid to states and local governments to cover revenue shortfalls. Erie County would received two payments under the law, one for $344,438,096 in 2020, and another payment of $172,218,569 in 2021. While the bill is generally considered dead in the U.S. Senate, advisors from the National Association of County Officials and other local government lobby groups have indicated that at least one more COVID-19 related spending package will potentially be passed into law at some point before August of 2020. The final form and specifics of that law, if any, remain to be negotiated between the House of Representatives, the Senate, and the White House.

Unfortunately, at this time, we cannot rely on any additional federal aid as there is a possibility that negotiations will fail with no further COVID-19 relief for states and localities.

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4 See Appendix C
5 See Appendix D
Should Erie County receive further federal aid that can partially or fully be used to cover revenue losses, we propose to utilize those funds first to cover monthly negative variances per the BMR. We would exhaust those funds prior to utilizing funds available in Fund Center 14020 Account 570035. This would allow previously allocated fund balance and 2019 positive variance funding to be transferred back into the unassigned fund balance at year’s end.

Should federal aid exceed the amount allocated as gap closing measures from fund balance and from the 2019 year-end designation, the Division of Budget and Management will develop a proposal to lift certain fund blocks, end vacancy control measures, refund capital projects and reverse personnel modifications to allow the county to resume more normal operation in FY2020.

Should federal aid exceed even that amount as part of a larger stimulus package that includes, for example, infrastructure funding, an additional plan will be submitted that attempts to maximize the economic and employment benefit to Erie County.

**Procedures**

Upon the adoption of this deficit reduction plan, the Division of Budget and Management will make the various budget modifications outlined in Appendix C. The Division of Budget and Management, in conjunction with the Personnel Department, will also make the various personnel modifications outlined in Appendix D following New York State Civil Service law and the collective bargaining agreements.

Departments will be permitted to request unrestricted transfers between their Fund Center’s modified G/L lines to account for operational needs based on their reduced budgets.

In conjunction with the monthly BMR release, the Budget Director will allocate funding first from Account 570035 – Interfund Transfers COVID-19 Response and then, if needed, Account 402190 – Appropriated Fund Balance, to apply against each month’s negative variance.

At year-end, any funds remaining will automatically revert back into Unassigned fund balance.

Should Erie County be awarded Federal Aid, the procedures listed in that section will be followed.

Should State Aid be reduced for programs which fund outside agencies, a proportional reduction in payments to that agency will follow.
### Appendix B - Capital Closing

<table>
<thead>
<tr>
<th>Fund</th>
<th>Project</th>
<th>Project Name</th>
<th>For 2020 Debt</th>
<th>For post-2020 Debt</th>
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Total: $2,317,431.86, $2,356,506.03, $10,124,153.74
# Appendix C - G/L Adjustments

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Comm. 12E-17 as Amended

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## DISCHARGE

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**16500 Central Police Services**

|            | 501000 Overtime | (23,250) |
|            | 502000 Fringe Benefits | (31,802) |
|            | 504990 Reductions - Personal Services Acct | (50,707) |
|            | 505800 Medical & Health Supplies | (43,000) |
|            | 510100 Out of Area Travel | (3,250) |
|            | 510200 Training & Education | (2,870) |
|            | 559000 County Share - Grants | (51,500) |
|            | 561410 Lab & Technical Equipment | (7,446) |
|            | 980000 ID DISS Services | (13,449) |
| **Central Police Services** | | **(227,274)** |

**16700 Homeland Security & Emergency Services**

|            | 500300 Shift Differential | (500) |
|            | 500330 Holiday Worked | (1,775) |
|            | 500350 Other Employee Payments | (3,000) |
|            | 501000 Overtime | (3,000) |
|            | 502000 Fringe Benefits | (83,375) |
|            | 504990 Reductions - Personal Services Acct | (174,486) |
|            | 505000 Office Supplies | (1,600) |
|            | 505200 Clothing Supplies | (9,575) |
|            | 505400 Food & Kitchen Supplies | (2,500) |
|            | 505600 Auto, Truck & Heavy Equipment Supplies | (1,100) |
|            | 506200 Maintenance & Repair | (23,500) |
|            | 510100 Out Of Area Travel | (500) |
|            | 510200 Training & Education | (4,725) |
|            | 515000 Utility Charges | (1,450) |
|            | 516020 Professional Svcs Contracts & Fees | (3,200) |
|            | 516030 Maintenance Contracts | (1,400) |
|            | 516080 Life and Safety Contracts | (29,500) |
|            | 530000 Other Expenses | (1,000) |
|            | 561410 Lab & Technical Equipment | (15,000) |
|            | 561420 Office Eqmt, Furniture & Fixtures | (8,000) |
|            | 980000 ID DISS Services | (15,512) |
### DISCHARGE

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## DISCHARGE

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## DISCHARGE

### Appendix D - Personnel Adjustments

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Comm. 12E-17 as Amended

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