



THE ERIE COUNTY LEGISLATURE

**FINANCE &
MANAGEMENT
COMMITTEE**

Timothy J. Meyers
Chair

Howard J. Johnson, Jr.
Vice-Chair

Meeting No. 2 – February 10, 2022 – 10:40 AM

TAB R&F APP

1.	<u>INTRO. 15-5 (2020)</u> Session 15	BASKIN, MEYERS, GILMOUR, JOHNSON, HARDWICK, CHIMERA & VINAL <i>“Overtime for Managerial- Confidential Employees During States of Emergency”</i>			
2.	<u>COMM. 16E-3 (2020)</u> Session 16	LORIGO, RATH, TODARO & MILLS <i>“Letter to Comptroller Concerning Taxpayer Checkbook for COVID19 Expenses”</i>			
3.	<u>COMM. 6E-5 (2021)</u> Session 6	LORIGO, TODARO, GREENE & MILLS <i>“Letter to Director of Budget & Management Regarding Accounting of COVID-19 Emergency Funding”</i>			
4.	<u>COMM. 1D-1 (2022)</u> Session 1	DIRECTOR OF REAL PROPERTY TAX SERVICES <i>“Open Item - Finance & Management Committee”</i>			

5.	<u>COMM. 1M-1 (2022)</u> Session 1	CLAUDIA A. KOLBE-HAWTHORNE <i>“Letter to Legislature Concerning EC Property Tax Exemptions”</i>			
6.	<u>INTRO. 3-4 (2022)</u> Session 3	BASKIN, MEYERS, CHIMERA, JOHNSON, GILMOUR, VINAL, BARGNESI, LORIGO, MILLS, TODARO & GREENE <i>“Excluding Veteran Disability Compensation from the Income Calculation for an Erie County Senior Citizen Property Tax Exemption”</i>			
7.	<u>COMM. 3E-10 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Indigent Legal Services Grant Amendment - ILS Distribution #7”</i>			
8.	<u>COMM. 3E-11 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Indigent Legal Services Grant Amendment - ILS Distribution #8”</i>			
9.	<u>COMM. 3E-12 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Indigent Legal Services Grant Amendment - ILS Distribution #9”</i>			
10.	<u>COMM. 3E-13 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Indigent Legal Services Grant Amendment - ILS Distribution #11”</i>			
11.	<u>COMM. 3E-27 (2022)</u> Session 3	COMPROLLER <i>“Sales Tax Receipt for 11/2021”</i>			

TAB R&F APP

12.	<u>COMM. 3D-3 (2022)</u> Session 3	CLERK OF LEGISLATURE <i>“Notification Concerning Reporting Requirements for Organizations & Departments as Outlined in the 2022 Budget Resolutions”</i>			
13.	<u>COMM. 3M-1 (2022)</u> Session 3	ASSIGNED COUNSEL PROGRAM <i>“Financial Report & Cash Basis for Period 7/1/21 - 12/31/21”</i>			

**A RESOLUTION SUBMITTED BY
LEGISLATORS BASKIN, MEYERS, GILMOUR, JOHNSON, HARDWICK, CHIMERA
AND VINAL**

Re: Overtime for Managerial-Confidential Employees During States of Emergency

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

July 23, 2020

Hon. Stefan I. Mychajliw
Erie County Comptroller
95 Franklin Street, Suite 1100
Buffalo, New York 14202

RE: Taxpayer Checkbook for Covid19 Expenses

Dear Comptroller Mychajliw:

Thank you for expanding the "Taxpayer's Checkbook" section of your website to include expenses that specifically relate to the fund our honorable body established for Covid19. This information is helpful to us as legislators and it provides a level of transparency that taxpayers deserve. There are a number of expenses listed on the most recent report that we believe require further transparency or clarification.

Specifically, we are interested in obtaining further information about Covid19 expenses related to the County's imprest fund, food purchases and contracts with individuals for professional services.

Your report indicates that as of July 10, 2020 \$95,668.84 has been spent from the imprest fund. The Legislature has asked for your office to break down the expenses of the county-wide imprest fund in the past. From those reports we know that imprest funds include a variety of expenditures that might not fit one specific category. Therefore, we think it is important to have a breakdown of those specific expenditures within the Covid19 imprest fund. We are also concerned about the large amount of money spent on purchasing food. We would like to know what was ordered, who ordered it and for what purpose. Lastly, there are several individuals that were offered professional service contracts. With so many county employees at home not working or recently laid off, we would like to see what those contracts entailed.

Thank you for your attention to these questions. We look forward to your response. If you have any questions regarding our request, please contact our legislative staff.

Sincerely,


Hon. Joseph A. Lorigo
Minority Leader


Hon. Frank J. Todaro
Legislator


Hon. Edward A. Rath, III
Legislator

Hon. John J. Mills
Legislator





March 9, 2021

Mr. Robert Keating
Director, Budget and Management
95 Franklin Street – 16th Floor
Buffalo, New York 14202

Re: Follow-up on accounting of COVID-19 emergency funding

Director Keating,

Comm. 6E-22 (2020) was submitted to the Erie County Legislature for immediate consideration on March 16, 2020. This legislation was unanimously approved by the Erie County Legislature, and gave your office significantly-expanded authority to deal with unique circumstances that were being presented by the COVID-19 pandemic.

On the initial passage of Comm. 6E-22 (2020), Erie County was in the midst of its first surge in COVID-19 cases, with little known about the disease. In order to address any pressing needs, the Legislature provided the expansion of the County Executive's ability to spend COVID-19 relief funds. The initial resolution called for a report on actions taken to be provided after the emergency ended. This clause read;

Resolved, that because the Legislature is proactively approving of the appropriation of up to \$5 million of 2019 surplus funds to be spent in 2020 without knowing any details, at the conclusion of the coronavirus COVID-19 emergency, the Division of Budget and Management and Department of Health will submit a detailed report to the Legislature detailing all costs associated with the crisis and response (including personnel expense and overtime costs), all vendor payments and new jobs/positions created by the administration to address the coronavirus crisis;

In April 2020, Erie County received an additional \$160 million dollars to assist with COVID-19 related expenses. The vast majority of this money was spent under the same authority authorized in Comm. 6E-22 (2020).

While we understand the COVID-19 pandemic continues and government must still do everything we can to combat it, the spread of the virus has been greatly reduced. Additionally, as a result of increased vaccine rollout, proper social distancing, and community diligence, we are approaching the "home stretch" on our way back to "normal."

Since it has been one year since the creation of the COVID-19 emergency fund, we seek a full accounting of all actions and expenditures taken pursuant to Executive Orders and/or any authority granted under Comm. 6E-22 (2020). The report will help with transparency, and should include the following information pursuant to the amendment passed to Comm. 6E-22 (2020), cited above:

- 1) Every expenditure/action made pursuant to any Executive Order to address the coronavirus crisis;
- 2) Every expenditure made pursuant to the powers granted in Comm. 6E-22 (2020);
 - a. Information regarding personnel costs and overtime expenses;
 - b. All vendor payments made to help address the COVID-19 pandemic;
 - c. All new jobs/positions created to address the COVID-19 pandemic;

Please note, this request is not intended to eliminate the request in Comm. 6E-22 (2020), as amended. That information will still be of interest when the pandemic response has ended and there is no longer a state of emergency.

As you know, Congress has recently passed a new relief bill, which would reportedly send Erie County \$178 million, and we believe it is important that the aid already received and spent is properly reviewed and understood before Erie County embarks on appropriating more.

We appreciate your attention to this matter and look forward to your anticipated response.

Sincerely,



Joseph C. Lorigo
Minority Leader, Erie County Legislature
Erie County Legislator, District 10



Frank J. Todaro
Erie County Legislator, District 8



Christopher D. Greene
Erie County Legislator, District 6



John J. Mills
Erie County Legislator, District 11



County of Erie

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF REAL PROPERTY TAX SERVICES

SCOTT A. BYLEWSKI
DIRECTOR REAL PROPERTY
Email: Scott.Bylewski@erie.gov

Office 716-858-2715
Fax 716-858-6440

January 3, 2022

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Open Item Finance & Management Committee

Dear Honorable Members:

The Department of Real Property Tax Services respectfully requests that an open item be re-established on the 2022 Agenda of the Legislature's Finance and Management Committee, to wit:

- Correction of Errors/NYS Real Property Tax Law

Should your honorable body require further information, I encourage you to contact me at (716) 858-2715.

Thank you for your consideration of this matter.

Sincerely,


Scott A. Bylewski
Director Real Property Tax Services

cc: Mark C. Poloncarz, Erie County Executive

ERIE COUNTY OFFICE BUILDING, 95 FRANKLIN STREET, BUFFALO, NEW YORK 14202 (716) 858-8333
INTERNET – www.erie.gov

Graber, Robert

From: claudia kolbe-hawthorne <HDHCKH@msn.com>
Sent: Wednesday, December 15, 2021 2:29 PM
To: Graber, Robert
Cc: Meyers, Timothy
Subject: Exemption for low income seniors and disabled

[Caution: this email is **not** from an Erie County employee: attachments or links **may not be safe.**]

Letter for agenda of 1/6/22, of the erie county legislature

Dear legislators and county executive;

Seniors and disabled need help with property tax bills.(the erie county portion), which you control .

What I requesting, per nys law is for February 2023 tax bills and appears needs to be passed by 3/1/22.

The last time the county portion of tax bill was adjusted for income limits was 2015, we need help now, even it does not appear until 2023.

As of 11/12/21, income limit could be raised to 37, 000 plus., per nys.

My neighbors live on fixed incomes, reverse morgages, workman's compensation and extremely low social security . They need help now, hope for the future... they want to stay in their homes and save nys money from alternative living arrangements.

May the county put pressure on nys to simplify the process of qualifying yearly for this exemption. . It should mirror star PROCESS, one application, authorize access to nys state returns and that is that is it. Local accessors officers would save hours of time and money in salary expenses.

Thank you.

Any questions, may I answer in advance of 1/6/22?

Claudia A. Kolbe-Hawthorne
3 Beale Avenue
Cheektowaga, N. Y. 14225-2008
Hdhckh@msn.com
716 491 5549, my cell

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS, BASKIN, MEYERS, CHIMERA, JOHNSON, GILMOUR,
VINAL, BARGNESI, LORIGO, MILLS, TODARO, & GREENE**

**Excluding Veteran Disability Compensation from the Income Calculation for an Erie County Senior
Citizen Property Tax Exemption**

WHEREAS, New York State Real Property Tax Law (RPTL) Section 467 allows local municipalities to offer a senior property tax exemption based on income; and

WHEREAS, state law was amended in 1997 to allow municipalities to “opt out” of including certain income when calculating and providing for said property tax exemptions on seniors; and

WHEREAS, veteran disability compensation is provided by the US Department of Veterans Affairs to former military service members who have a chronic condition that is connected to their service and such payments are intended to compensate them for a decreased quality of life due to their service connected disability; and

WHEREAS, veterans who receive veteran disability compensation are not issued a W-2 or 1099 for such payments; and

WHEREAS, the US Department of Veterans Affairs, Internal Revenue Service, and New York State Department of Taxation and Finance do not consider veteran disability compensation as income;

WHEREAS, under state law, if allowed by local option, property that (1) is owned by persons 65 years of age or older, or by certain other persons whose income does not exceed the maximum established by local option, (2) is used exclusively for residential purposes, and (3) has been owned by at least one of its owners for a minimum of 12 consecutive months prior to application for exemption or for a period of time considered to be the equivalent of 12 consecutive months is partially exempt from general municipal taxes; and

WHEREAS, on July 7, 1970, the Erie County Legislature approved Item 16, a resolution opting into state legislation creating a property tax exemption for Erie County tax purposes for the Senior Citizen Real Property Tax Exemption; and

WHEREAS, that action did not contemplate, nor provide for an exemption or opt-out for those seniors who are veterans who receive disability compensation as defined in Title 38 of the United States Code; and

WHEREAS, the Erie County Department of Real Property Tax Services has identified 356 properties in Erie County that have a disabled veteran exemption (either Alternative or Cold War) and a senior exemption for county tax purposes; and

WHEREAS, these disabled veterans who are senior citizens could lose their senior property tax exemption without action to address this compensation issue and to exclude disabled veteran payments as income when assessors calculate the senior citizen exemption; and

WHEREAS, this resolution is intended to address that issue and to allow for veterans who receive veteran disability compensation to not have that income included in the calculation for an Erie County senior citizen property tax exemption; and

WHEREAS, periodically since July 1970, the maximum income level exemption has been reviewed and updated by the Erie County Legislature; and

WHEREAS, because the Senior Citizen Real Property Tax Exemption has not been reviewed or revised since 2018, it is necessary to also review and revise the County's exemption threshold based on maximum income eligibility for senior citizens.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, does hereby declare and find that for the purposes of such senior citizen property tax exemption, any such senior citizen who is a service-connected disabled veteran and receives disability compensation from the US Department of Veterans Affairs as defined in Title 38 of the United States Code, shall not have said payments/compensation included in the calculation by any assessor for the purposes of the exemption from the County of Erie real property taxes as initiated and approved by this Honorable Body in Item 16 on July 7, 1970; and be it further

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption; and be it further

RESOLVED, upon public hearing, the maximum allowable income levels for the Senior Citizen Real Property Tax Exemption for the County property tax purposes are hereby revised to the following levels:

Percentage of Exemption (%)	Minimum Income	Maximum Income
50	\$0.00	\$29,000.00
45	\$29,000.01	\$29,999.99
40	\$30,000.00	\$30,999.99
35	\$31,000.00	\$31,999.99
30	\$32,000.00	\$32,899.99
25	\$32,900.00	\$33,799.99
20	\$33,800.00	\$34,699.99
15	\$34,700.00	\$35,599.99
10	\$35,600.00	\$36,499.99
5	\$36,500.00	\$37,399.99

and be it further

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates for the 2022 assessment rolls in Erie County, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after January 1, 2022; and be it further

RESOLVED, that a public hearing concerning these partial exemption from taxation and ad valorem levies was held to consider public input; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Mark Poloncarz, Budget Director Robert Keating, Director of Real Property Tax Services Scott Bylewski, County Attorney Michael Siragusa, Acting Senior Services Commissioner Timothy Hagues, Veterans Service Officer Shawn Lavin, and to the Assessors of each city and town in Erie County.



EC LEG JAN 28 '22 PM 12:02

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 28, 2022

Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Indigent Legal Services Grant Amendment – ILS Distribution #7

Dear Honorable Members:

The attached resolution requests authorization to extend the term of a contract with the New York State Office of Indigent Legal Services for an additional one-year period. Funding is used to help improve the quality of representation to indigent defendants through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Office of the County Attorney. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/map

cc: Michael A. Siragusa, County Attorney

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Office of the County Attorney
RE: Indigent Legal Services Grant Amendment– ILS Distribution #7
DATE: January 28, 2022

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract amendment with the New York State Office of Indigent Legal Services to extend the contract term for an additional one-year period. In addition, the resolution requests authorization to extend the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully reimbursed through New York State.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into contract amendment to extend the grant period and enter into subcontracts with community agencies.

BACKGROUND INFORMATION

Your Honorable Body previously approved COMM 20E-11 (2018) authorizing the County to enter into a three-year contract with the New York State Office of Indigent Legal Services through which \$1,455,129 was made available to Erie County to improve the quality of representation provided to indigent defendants. Additionally, Your Honorable Body approved COMM 25E-16 (2019) and COMM 2E-13 (2021) extending the contract term for additional one-year periods. Erie County utilizes the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo who contract with Erie County to provide all mandate indigent defense services. At the request of the contract agencies, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County. The contract agencies will be unable to realize full funding under the grant.

STEPS FOLLOWING APPROVAL

Grant period will be revised by the Division of Budget and Management. Contract amendments will be executed after final review by the Department of Law as to form.

A RESOLUTION SUBMITTED BY:
THE OFFICE OF THE COUNTY ATTORNEY

RE: Indigent Legal Services Grant Amendment– ILS Distribution #7

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$1,455,129 to the County for the provision of indigent defense services, and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant, and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID7ILS1719 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.



EC LEG JAN 28 '22 PM12:02

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 28, 2022

Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Indigent Legal Services Grant Amendment – ILS Distribution #8

Dear Honorable Members:

The attached resolution requests authorization to extend the term of a contract with the New York State Office of Indigent Legal Services for an additional one-year period. Funding is used to help improve the quality of representation to indigent defendants through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Office of the County Attorney. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/map
Enclosure

cc: Michael A. Siragusa, County Attorney

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Office of the County Attorney
Re: Indigent Legal Services Grant Amendment– ILS Distribution #8
Date: January 28, 2022

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract amendment with the New York State Office of Indigent Legal Services to extend the contract term for an additional one-year period. In addition, the resolution requests authorization to extend the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully reimbursed through New York State.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into contract amendment to extend the grant period and enter into an amendment to the subcontract with the agencies.

BACKGROUND INFORMATION

Your Honorable Body previously approved COMM 21E-20 (2019) authorizing the County to enter into a three-year contract with the New York State Office of Indigent Legal Services through which \$2,910,255 was made available to Erie County to improve the quality of representation provided to indigent defendants. Additionally, Your Honorable Body approved COMM 23E-10 (2020) extending the contract term for an additional one-year period. Erie County utilizes the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo who contract with Erie County to provide all mandated indigent defense services. At the request of the contract agencies, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County. The contract agencies will be unable to realize full funding under the grant.

STEPS FOLLOWING APPROVAL

Grant period will be revised by the Division of Budget and Management. Contract amendments will be executed after final review by the Department of Law as to form.

A RESOLUTION SUBMITTED BY:
THE OFFICE OF THE COUNTY ATTORNEY

RE: Indigent Legal Services Grant Amendment– ILS Distribution #8

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services, and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant, and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID8ILS1820 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.



EC LEG JAN 28 '22 PM 12:02

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 28, 2022

Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Indigent Legal Services Grant Amendment – ILS Distribution #9

Dear Honorable Members:

The attached resolution requests authorization to extend the term of a contract with the New York State Office of Indigent Legal Services for an additional one-year period. Funding is used to help improve the quality of representation to indigent defendants through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Office of the County Attorney. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/map

cc: Michael A. Siragusa, County Attorney

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Office of the County Attorney
Re: Indigent Legal Services Grant Amendment– ILS Distribution #9
Date: January 28, 2022

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract amendment with the New York State Office of Indigent Legal Services to extend the contract term for an additional one-year period. In addition, the resolution requests authorization to extend the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully reimbursed through New York State.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into the contract amendment to extend the grant period and enter into amendments to subcontracts with community agencies.

BACKGROUND INFORMATION

Your Honorable Body previously approved COMM 21E-25 (2019) authorizing the County to enter into a three-year contract with the New York State Office of Indigent Legal Services through which \$1,455,129 was made available to Erie County to improve the quality of representation provided to indigent defendants. Erie County utilizes the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo who contract with Erie County to provide all mandate indigent defense services. At the request of the contract agencies, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County. The contract agencies will be unable to realize full funding under the grant.

STEPS FOLLOWING APPROVAL

Grant period will be revised by the Division of Budget and Management. Contract amendments will be executed after final review by the Department of Law as to form.

A RESOLUTION SUBMITTED BY:
THE OFFICE OF THE COUNTY ATTORNEY

RE: Indigent Legal Services Grant Amendment– ILS Distribution #9

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$1,455,129 to the County for the provision of indigent defense services, and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant, and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2022 to December 31, 2022; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID9ILS1921 in the County Attorney's Office to December 31, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.



EC LEG JAN 28 '22 PM12:02

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 28, 2022

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Indigent Legal Services Grant – ILS Distribution #11

Dear Honorable Members:

The attached resolution requests authorization to enter into a contract with the New York State Office of Indigent Legal Services to accept grant funding for a three year period in the amount of \$2,910,255. Funds will be used to help improve the quality of representation to indigent defendants through the efforts of the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo.

Should your Honorable Body require further information, I encourage you to contact the Office of the County Attorney. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/map
Enclosure

cc: Michael A. Siragusa, County Attorney

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Office of the County Attorney
Re: Indigent Legal Services Grant – ILS Distribution #11
Date: January 28, 2022

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract with the New York State Office of Indigent Legal Services to accept grant funding in the amount of \$2,910,255. In addition, the resolution requests authorization to subcontract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

FISCAL IMPLICATIONS

There are no fiscal implications on the operating budget. All services will be fully reimbursed through New York State.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into contract, establish grant budgets and enter into subcontracts with community agencies.

BACKGROUND INFORMATION

The New York State Office of Indigent Legal Services has made \$2,910,255 available to Erie County to improve the quality of representation provided to indigent defendants. Erie County will utilize the funds to improve services through the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo who contract with Erie County to provide mandated indigent defense services. These two agencies have provided said services for the County under contract for many years.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the improvement of State mandated indigent legal services in Erie County.

STEPS FOLLOWING APPROVAL

Grant budgets will be established by the Division of Budget and Management. Contracts will be executed after final review by the Department of Law as to form.

A RESOLUTION SUBMITTED BY:
THE OFFICE OF THE COUNTY ATTORNEY

RE: Indigent Legal Services Grant- Distribution #11

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$2,910,255 to the County for the provision of indigent defense services, and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$2,910,255 over three years from January 1, 2021 to December 31, 2023 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three-year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services from January 1, 2021 to December 31, 2023; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
ILS Quality Improvement D11 Grant
Grant Fund 281 160QID11ILS2123
January 1, 2021 to December 31, 2023

Revenue	Increase
Account 409000 - State Aid Revenue	\$2,910,255
Appropriation	Increase
Account 516601 - Legal Aid Bureau	\$1,455,129
Account 516602 - EC Bar Association	<u>1,455,126</u>
Total Appropriation	\$2,910,255

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts: and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.



ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

January 28, 2022

Honorable Members
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Sales Tax Revenue Update – November 2021

Dear Honorable Legislators:

Sales tax receipts for 2021 continued to trend in a strongly positive direction through November 2021. As noted in prior 2021 letters from this office and Budget Monitoring Reports from the Division of Budget and Management, sales tax revenue has been significantly above-budget for 2021.

For 2021 year-to-date compared to 2020, the County ended November 2021 \$72.4 million higher in sales tax revenue, or 16.5% higher than the same period in 2020. This is due in part to robust consumer demand and other spending in 2021 as the county and country began the economic recovery after 2020. From a budgetary standpoint, the County ended November 2021 higher by \$91,035,178.94 for 2021 actuals year-to-date compared to the estimated budget, or a positive difference of 21.72%.

If you have any questions, or would like to discuss sales tax trends, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. Hardwick", is written over a faint, larger version of the signature.

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

ERIE COUNTY LEGISLATURE**92 Franklin Street
Buffalo, New York 14202**

January 27, 2022

The Honorable Erie County Legislature
Old County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202


Dear Honorable Members,

Attached for the public record please find letters of notification to be sent on January 27, 2022 concerning reporting requirements for organizations and departments as outlined in Budget Resolutions in the 2022 Erie County Budget as Amended, adopted by the Legislature on December 2, 2021.

The following organizations and departments are included:

- Buffalo Niagara Convention and Visitors Bureau, Buffalo Convention Center
- Buffalo Niagara Film Commission – WNED
- Cornell Cooperative Extension Service of Erie County
- Erie County Soil & Water Conservation District
- Erie County Department of Personnel
- Erie County Department of Budget & Management

Sincerely,



Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Mr. Patrick J. Kaler
President and CEO
Buffalo Niagara Convention and Visitors Bureau
Buffalo Convention Center
403 Main Street, Suite 630
Buffalo, New York 14203

Dear Mr. Kaler,

The Erie County Legislature on December 2, 2021 allocated funds to the Buffalo Niagara Convention and Visitors Bureau and Buffalo Convention Center in the 2022 Erie County Budget as Amended.

The Legislature also passed Budget Resolution No. 79 (enclosed) that requires a list of all personnel, including titles, job descriptions and salary for each employee of the Buffalo Niagara Convention and Visitors Bureau and the Buffalo Convention Center be submitted no later than **February 8, 2022** to the Clerk of the Erie County Legislature.

Also, pursuant to Budget Resolution No. 79 of the 2022 Erie County Budget as Amended both organizations are to provide a budget showing how the funds allocated in the 2022 Budget will be spent and a strategic plan with measurable goals and outcomes for 2022 to the Clerk of the Erie County Legislature no later than **February 8, 2022**.

In addition **Quarterly Reports** and updates on the outcomes or results of each of measurable goals identified in the respective strategic plans are to be filed with the Clerk of the Erie County Legislature.

The requested information can be sent to Clerk of the Erie County Legislature, Old County Hall – 4th Floor, 92 Franklin Street, Buffalo, New York 14202.

Sincerely,


Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Mr. Timothy Clark
Film Commissioner
Buffalo Niagara Film Commission-WNED
Horizons Plaza
140 Lower Terrace
Buffalo, New York 14202

Dear Mr. Clark,

The Erie County Legislature on December 2, 2021 allocated funds to the Buffalo Niagara Film Commission-WNED in the 2022 Erie County Budget as Amended.

The Legislature also passed Budget Resolution No. 79 (enclosed) that requires a list of all personnel, including titles, job descriptions and salary for each employee of the Buffalo Niagara Film Commission-WNED be submitted no later than **February 8, 2022** to the Clerk of the Erie County Legislature.


Also, pursuant to Budget Resolution No. 79 of the 2022 Erie County Budget as Amended the organization is to provide a budget showing how the funds allocated in the 2022 Budget will be spent and a strategic plan with measurable goals and outcomes for 2022 to the Clerk of the Erie County Legislature no later than **February 8, 2022**.

In addition **Quarterly Reports and updates** on the outcomes or results of each of measurable goals identified in the respective strategic plans are to be filed with the Clerk of the Erie County Legislature.

A copy of the Budget Resolution is enclosed for your reference.

The requested information can be sent to Clerk of the Erie County Legislature, Old County Hall – 4th Floor, 92 Franklin Street, Buffalo, New York 14202.

Sincerely,



Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Ms. Diane Held
Executive Director
Cornell Cooperative Extension Service of Erie County
21 South Grove Street
East Aurora, New York 14052

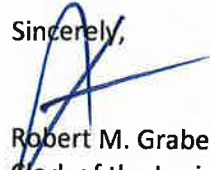
Dear Ms. Held,

The Erie County Legislature on December 2, 2021 allocated funds to the Cooperative Extension Service of Erie County in the 2022 Erie County Budget as Amended.

The Legislature also passed Budget Resolution No. 80 that requires a copy of your budget showing how the funds allocated will be spent to the Clerk of the Erie County Legislature by **February 8, 2022**. A copy of the Resolution is enclosed for your reference.

The requested information can be sent to Clerk of the Erie County Legislature, Old County Hall – 4th Floor, 92 Franklin Street, Buffalo, New York 14202 or emailed to the Clerk of the Legislature

Sincerely,


Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Mr. Mark Gaston
District Field Manager
Erie County Soil & Water Conservation District
50 Commerce Way
East Aurora, New York 14052

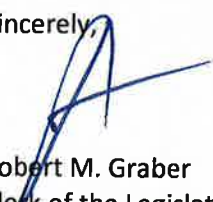
Dear Mr. Gaston,

The Erie County Legislature on December 2, 2021 allocated funds to Erie County Soil and Water District in the 2022 Erie County Budget as Amended.

The Legislature also passed Budget Resolution No. 80 that requires a copy of your budget showing how the funds allocated will be spent to the Clerk of the Erie County Legislature by **February 8, 2022**. A copy of the Resolution is enclosed for your reference.

The requested information can be sent to Clerk of the Erie County Legislature, Old County Hall – 4th Floor, 92 Franklin Street, Buffalo, New York 14202 or emailed to the Clerk of the Legislature.

Sincerely,



Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Commissioner Timothy R. Hogues
Erie County Department of Personnel
95 Franklin Street
Buffalo, New York 14202

Dear Commissioner Hogues:

The Erie County Legislature on December 2, 2021 passed Budget Resolution No. 85 in the 2022 Erie County Budget as Amended.

The Resolution requests that Quarterly Reports identifying all vacant funded positions be filed with the Clerk of the Legislature. The reports are to include a Summary Page listing the date each vacancy was last filled, its associated salary, its source of funding and the County's share of the funding for each position. A copy of the Resolution is enclosed for your reference.

Please file the requested information at the Office of the Clerk of the Legislature.

Sincerely,

A handwritten signature in blue ink, appearing to be "R. Graber", with a long horizontal line extending to the right.

Robert M. Graber
Clerk of the Legislature

Enclosure



January 27, 2022

Mr. Robert Keating
Director of Budget and Management
95 Franklin Street
Buffalo, New York 14202

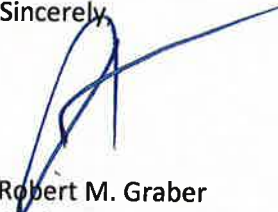
Dear Director Keating

The Erie County Legislature on December 2, 2021 passed Budget Resolution No. 85 in the 2022 Erie County Budget as Amended.

The Resolution requests that Quarterly Reports identifying all vacant funded positions be filed with the Clerk of the Legislature. The reports are to include a Summary Page listing the date each vacancy was last filled, its associated salary, its source of funding and the County's share of the funding for each position. A copy of the Resolution is enclosed for your reference.

Please file the requested information at the Office of the Clerk of the Legislature.

Sincerely,



Robert M. Graber
Clerk of the Legislature

Enclosure



Real Attorneys
Professional Defenders

ASSIGNED COUNSEL PROGRAM

EC LEG JAN 25 '22 PM 3:42

Michelle Parker, Director/Chief Defender

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

Phone (716) 856-8804
Fax (716) 856-0424

Officers 2022

Catherine E. Nagel
President

James DeMarco III
Vice President

Anne Joynt
Secretary

Ayoka Tucker
Treasurer

January 20, 2022

Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Resolution 233 of May 6, 1975

First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

Mark A. Worrell
Deputy for Quality Assurance

David Heraty
Deputy for Litigation Support
And Appellate Bureau

Deputy for Legal Education
Director of the
John R. Nuchereno
Center for Legal Excellence

Amber Poulos
Deputy of Forensic Practice
Group

Dear Mr. Graber,

Pursuant to the above-referenced Resolution, I am enclosing a financial report, cash basis, for the period 7/1/21-12/31/21, along with a list of attorneys who are currently on our panel. I am also enclosing copies of the minutes of each meeting of our Board of Directors that has been held within that six month period.

Thank you.

Very truly yours,

Michelle Parker
Director/Chief Defender

MP:hpk
Encs.

Mission Statement

We strive to help those who cannot help themselves; who face steep odds against the power of the State; and who struggle with poverty, mental issues, helplessness, and dread. We save lives and we save families. We are the first line of defense for the freedoms granted to us by the U.S. Constitution and the Bill of Rights.

Assigned Counsel Panel

Active

As Of December 31, 2021

JEFFREY	ABATE	KENNETH	FARRELL
ANTHONY	ABBARNO	NOEMI	FERNANDEZ
FLORINA	ALTSHIER	M. KREAG	FERULLO
FRANCIS	AMENDOLA	GREGORY	FINA
ELENA	ANCONA	ANDREW	FISKE
RYAN	ANDERSON	ROBERT	FLYNN
HEATHER	ANDERSON	CORTNEY	FRANK
JOHN	ANGE	KATHRYN	FRIEDMAN
SARA LEE	ANTHIS	TIMOTHY	GALLAGHER
JAMES	AURICCHIO	PATRICK	GARRITY
ARIEL	BAUERLE	GIOVANNI	GENOVESE
JEFFREY	BAUMANN	KENNETH	GIBBONS
JOHN	BEDASKA	KEVIN	GIBBONS
DEBRA	BENDER	MICHAEL	GIOIA
CATHERINE	BERCHOU	REBECCA	GIOIA
SCOTT	BERNARD	ROBERT	GOLDSTEIN
CATHERINE	BILLANTI	CHARLES	GREENBERG
ASHLEY	BLAHOWICZ	ALVIN	GREENE
FRANK	BOGULSKI	JOHN	GRENELL
ADAM	BOJAK	DANIEL	GRIEBEL
GAIL	BREEN	IAN	HARRINGTON
WILLIAM	BRODERICK JR	JEFFREY	HARRINGTON
MATTHEW	BROOKS	KEVIN	HARRIS
TIMOTHY	BROOKS	TIMOTHY	HENNESSY
ANGELO	BUFFOMANTE	KAREN	HENSLEY
IAN	CANTERBURY	MARISSA	HILL
ANTONIO	CARDARELLI	KAITLYN	HOERNER
CATHERINE	CAREY	ALAN	HOFFMAN
RYAN	CARNEY	FRANK	HOUSH
ANTHONY	CHABALA	STEPHEN	HUGHES
MARY	CHAN	FRANK	IERACI
MICHAEL	CIMASI	JUSTIN	JABLONSKI
JAMES	CIMINELLI	ROBERT	JOHNSON
RICHARD W.	COLE	KEVIN	KANE
MICHAEL	CONROY	KELLY	KAPPERMAN
CINDY	COOPER	SUSAN	KARALUS
WILLIAM	CURTIN	SEAN	KELLY
ROBERT	CUTTING	DENIS	KITCHEN
SAMUEL	DAVIS	MICHAEL	KOBIOLKA
PAUL G.	DELL	MARK	KOTNIS
JAMES	DEMATTEO	JEFFREY	KRAJEWSKI
GINA	DEPRIMA	PAUL	KULLMAN
LAWRENCE	DESIDERIO	JESSICA	KULPIT
BARRY	DOLGOFF	ANTHONY	LANA
ANTHONY	DOMENICO	RICHARD	LEFF
ALAN	DONATELLI	CLAYTON	LENHARDT
CECILE	DORLIAE	DEAN	LILAC
CONNOR	DOUGHERTY	FRANK	LONGO
DANIEL	DUBOIS	KATRINA	LOSS
JASON	EVANS	BRIAN	MACDONALD
ELIAS	FARAH	PARKER	MACKAY
JENNIFER	FARRELL	JAMES	MALONEY

**Assigned Counsel Panel
Active
As Of December 31, 2021**

CORINNE	MANFREDI	LAWRENCE	SCHWEGLER
MINDY	MARRANCA	DEBORAH	SCINTA
RACHEL	MARRERO	JOSEPH	SCINTA
JENNIFER	MCCANN	SETH	SEEGERT
STEPHEN	MCCANN	MARC	SHATKIN
KATHLEEN	MCDONALD	KRISTOPHER	SIGETI
JAMES	MCIVER	CARA	SMITH
MICHAEL	MCKEATING	VICTORIA	SMITH
BONNIE	MCLAUGHLIN	JENNIFER	SMITH
PATRICK	MCLAUGHLIN	KEVIN	SPITLER
PAUL	MICHALEK JR	KRISTEN	SPULECKI
TARA	MIDLIK	MICHAEL	STACHOWSKI
SAMUEL	MISERENDINO	JOSEPH	STADLER
JOSEPH	MUSCATO	ROBERT	STEINHAUS
LOUIS	MUSSARI	DOUGLAS	STILLER
TERENCE	NEWCOMB	MATTHEW	SWERDLIN
SAMUEL	NEWMAN	CELIA	SZCZUR
ANN	NICHOLS	ANDREW	TABASHNECK
BARBARA	O'NEILL	DANIEL	TARRANTINO
EVELYNE	O'SULLIVAN	JOSEPH	TERRANOVA
MAYADA	OSMAN	FRANCIS	TESSEYMAN JR
ASHLEA	PALLADINO	PAMELA	THIBODEAU
DAVID	PAJAK	DELREASE	TOTA-NEAL
RYAN	PARISI	BRIAN	TOWEY
BRIAN	PARKER	EMILY	TROTT
KIM	PAUL	LANA	TUPCHIK
TIMOTHY	PAWARSKI	JOSEPH	TURNER
BRITTANY LEE	PENBERTHY	GINA	VALLONE-BACON
MARY	PENN	PETER	VASILION
MARK	PESZKO	CATHARINE	VENZON
FREDRICK	PETERSEN	JESSICA	VESPER
KATHLEEN	PLATZER	LOUIS	VIOLANTI
MICHAEL	PORETTA	JEFFREY	VOELKL
TODD	POTTER	DANIEL	WARD
ARTHUR	PRESSMAN	PIETER	WEINRIEB
DEAN	PULEO	CRYSTAL	WENTZ
PATRICK	QUINLIVAN	DANIEL	WHORLEY
ANDREW	RADACK	WALLACE	WIENS
SCOTT	RIORDAN	DAVID	WILSON
LINWOOD	ROBERTS	THOMAS	WOJTAN
NORA	ROBSHAW	MICHAEL	ZOSH
MARIA	ROSCIGLIONE		
DEBRA	ROUGEUX		
BRIAN	RUFFINO		
LISSETTE	ROUTOLO		
KAREN	RUPP		
MARK	SACHA		
BRENT	SALEVSKY		
SALVATORE	SANFILIPPO		
SABBY	SANTARPIA		
JEFFREY	SANTORO		
DAVID	SARKOVICS		
DANIEL	SCHAUS		
JEFFREY	SCHERER		
SAMANTHA	SCHULTZ		

**ECBA AIP
Assigned Counsel Program**

Report to the Clerk of Erie County Legislature

Period 7/1/21-12/31/21

Source of Funds:

County of Erie:	\$4,408,694
NYS: ILS (2021)	103,066
Donation - Training Restricted	5,977

Total:	\$4,517,737
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Program Expenditures:

Attorney Fees	4,156,332
Transcripts	19,730
Experts	116,190
Investigators	29,936

Total:	0
Total:	\$4,322,188

Administration:

Personnel (Wages, Hosp, FICA, Unemploy, Disability, Work. Comp & Pension)	1,749,004
Util/Telephone	21,937
Space Rental	79,585
Office Supplies	13,324
Postage	705
Travel/Conferences	5,768
Vehicle Lease (ILS/NYS approved)	2,584
Insurance	11,319
Legal/accounting (Accountant)	10,050
Dues & Assoc. Membership Fees	155
Office Printing/copying (Reproduction)	4,463
Training	65,231
Equipment Purchase	22,309
Computer Maintenance	37,968
Legal Publications	6,416
Temp/Recruiting	2,089
Consultants	30,392
Payroll Service	3,481
Bank Charges	320
Online Billing Software fees	24,018
Misc (Misc & Misc Volunteer Support)	2,489

Total:	\$2,093,609
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Grand Total:	\$6,415,797
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MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
August 11, 2021

Present: Hon. John J. Aman; James C. DeMarco III, Esq.; Hon. Craig D. Hannah; Hon. Michael E. Hudson; Anne Joynt; Matthew J. Kibler; Hon. Sharon M. LoVallo; Rashied McDuffie; Catherine E. Nagel; Hon. JaHarr S. Pridgen; Nora Robshaw; Hugh M. Russ III; Joseph Terranova; Ayoka Tucker; Michelle M. Parker, Hope Keilman and Amy Brown (guest).

Excused: Hon. Christopher J. Burns

1. A quorum being present, Administrator Michelle Parker called the meeting to order at 12:17 p.m.
2. Approval of Board Minutes from June 16, 2021. No comments: motion to approve by Anne Joynt; seconded by Terence Newcomb. Unanimous.
3. Approval of Board Executive Session from June 16, 2021. No comments: motion to approve by Terence Newcomb; seconded by Catherine Nagel. Unanimous.
4. Administrator Report to the Board:

Communication to the panel: We have continued to issue a weekly Constant Contact each Friday to update the panel on issues of law, process, and local court operations.

Training: We will partner with the National Federation for Justice Communities to develop a series of CLEs in 2022: Cultural Competency:

1. Trauma-informed cultural competency;
2. Clients from a background of poverty;
3. Clients with mental health or substance abuse issues;
4. Clients are African-American; - NFJC
5. Clients who are Somali-American; - NFJC
6. Clients who are Burmese-American; - NFJC
7. Clients who are Asian-American; - NFJC
8. Clients who are Native-American; - NFJC
9. Clients who are Hispanic-American; - NFJC
10. Clients in a cycle of domestic violence;
11. Clients from the LGBTQA community.

We had an initial conference; this is tee'd up for Tim Franczyk, the Deputy for Training/CLE, to develop further for monthly lunch-time conferences in 2022.

Honors – our Program responded to the request by the Genesee County PD's Office for a nomination for the 2021 Kevin M. Andersen Memorial Award for the annual NYSDA

Chief Defender Convening. Our Criminal Team developed a written and video nomination as to panel member Kelly Kapperman. Another nominee was chosen as this year's recipient.

Staff

Diversity: The Program Executive Team has continued to provide an end-of-quarter report with respect to diversity data.

Job Descriptions – the Program Executive Team and clerical supervisors provided me with job descriptions for each of their staff. We are assessing these to develop a workable process for how the Program controls job descriptions.

Remote: we continue to have members of the professional and clerical staff who are working remotely.

Training: New – Screening and Interviewing Candidates for Employment: In the course of having a supervisor and manager conduct the 1st round of interviews for the investigator positions, it emerged that there was little experience or training in this regard. We have worked with TripleTrack HR Partners, a women-owned local business, who will conduct a training seminar on Tuesday, September 21. This is the same company that did our annual Sexual Harassment training.

Training: New: Annual Workplace Violence Prevention training - TripleTrack HR Partners is performing this staff training for us on December 7, 2021. This is a new program.

Leadership Training - Prior to my tenure, the Program had invested about \$900 to purchase access to management training through the Disney Leadership Institute. It's a 3-4 hour video presentation that results in a certificate. The persons for whom access was purchased completed this training on July 2. The feedback was not glowing; it was described as "not dynamic....[s]ince Disney is an entertainment powerhouse, I expected to be entertained as well as informed." That it was "geared more towards the multinational corporate world rather than to our world...more appropriate for the entertainment industry and not the legal profession." Going forward, we'll look to spend locally on training resources.

Client Eligibility – Effective June 30, Judge Feroletto rescinded the March 2020 suspension of eligibility screenings; that had meant that all applicants for assigned counsel were deemed eligible regardless of ability to pay for counsel.

ILS –

1. Family Court – As previously reported, we applied for the ILS 3-year \$2.5M grant to improve parental representation. This was awarded to Monroe County. This morning we had an opportunity to debrief with ILS' Jami Blair and Angela Burton. They

advised there was a consensus that the Erie County submission was thoughtful; it was easy to read (which meant it tracked the RFP), and it scored very well. Items for consideration next time:

- a. show how the pre-petition work would conform to the ILS standards as to caseload limits;
 - b. show how the proposal contemplated pre-petitions referrals other than from DSS/CPS (i.e., from community hotlines or direct requests from people in the community);
 - c. more specificity re: community education and outreach; and
 - d. more specificity re: training; how technical issues and training would be assessed; how ILS standards would be used to identify issues.
2. At a Chief Defenders meeting last week, Director Patricia Warth indicated that ILS would be issuing this week smaller RFPs for upstate counties – in the amount of \$160,000. We await the RFP.

Marketing – We met with the Deputy Directors (Dan Grasso and Yvonne Vertlieb) to brainstorm about how to raise the visibility of our program among lawyers and law students. One of the ideas will be discussed in Executive Session.

1. UB Law Career Development Office - Yvonne will reach out to the law school's CDO to see about promoting through that office.
2. BAEC Committees – MMP to develop a list of our committees and meeting dates and we will split those up internally to have somebody present at a meeting to promote our program.
3. Newly Admitted Attorneys - Dan will reach out to the Appellate Division to find out about how to learn about the identity of newly admitted attorneys.
4. New Members of the BAEC - Dan has the list of new members of the BAEC from the summer edition of the BAEC Bar Bulletin; he will develop a mailing list and draft letter to send to those individuals.
5. BAEC Bar Bulletin Article – MMP to reach out to the BAEC Marketing Director to see about having articles; we can work from material Tim has already drafted. The Bulletin editor has indicated an interest in publishing a series of such articles.
6. Large Firm Retirement – MMP to draft a letter that will go out to the big firms re attorneys who are retiring or transitioning out of full-time practice who may be interested in continuing to work on matters for the public good, including for the ACP.
7. The next meeting is Tuesday, September 14 at 2 pm; if there's any Board members interested in the topic of how we promote our program please let me know and we'll

include you or feel free to pass along any ideas. POST MEETING EDIT: the next meeting is Wednesday, September 15 at 2 p.m.

Audit – The Auditors have completed their report which will be the subject of a motion in this meeting.

State Legislation – Prior to the adoption of the state budget, we sent letters of support to each of the Erie County members of the state delegation – Assembly and Senate – regarding the bills: 1) to allow appellate review of excessive sentences and suppression ruling regardless of a plea deal; 2) to streamline assignment of appellate counsel by permitting poor-person status to continue on appeal by attorney certification (instead of an onerous defendant application process).

Article 18-B – We alerted our panel attorneys to the lawsuit brought by the Assigned Counsel Association of NYS, et al, against the State and NYC re: the failure to increase the 18-B rate has deprived clients of the effective assistance of counsel. We alerted the leaders of several local bar organizations to ask for their support and advocacy as to the lawsuit:

- BAEC president Hugh Russ will raise it with his Board at the 8/20 meeting.
- John Gaughan, president of the DTLA, forwarded the request to Senators Sean Ryan and Tim Kennedy, to make them aware and to ask them to become ambassadors for this cause. We were copied on Senator Ryan’s response, which indicated that he is “a big fan of the Program and was a panel Attorney for many years.” We responded to thank him.

Annual Report – I did not locate an Annual Report in our Program records. Once the 2020 Audit is finalized, we will draft an Annual Report to incorporate that information and Progress successes.

5. Chief Financial Officers Report to the Board:

Hope Keilman issued an oral report on Program Finances:

- i. June 2021-Under budget by \$600,000 due to lack of 2020 cases.
- ii. June 2021-Cases increased first-half of 2021. We are 20% over compared to 2020.
- iii. June 2021-Vouchers are down 31%. August payment, which is \$650,000, is up around our average monthly attorney voucher payments, it is going back up.
- iv. June 2021-Interpreters have increased, there is a need for refuge and Spanish speaking interpreters.
- v. June 2021-Administrative line expenses are flat compared to 2020.
- vi. June 2021-Unemployment is up 270% due to stimulus.

- vii. June 2021-Voucher Case Management system is up due to currently not charging the fee.
- viii. June 2021-Down on equipment purchases.
- ix. We are good with cash-flow, Erie County paid through September.

6. Unfinished Business:

Report of the By-Law Committee: Michelle Parker explained to the Board that upon its approval, the next step is to go to the Bar Association of Erie County; the change that affects the BAEC is for a 3-year term of the President or their designee in place of the current 1-year term. Hon. John Aman complimented the work of the By-Laws Committee. Motion to approve by Catherine Nagel; seconded by Terence Newcomb; 1 abstention; approved.

7. New Business:

- i. Hon. John Aman requested that all Board members introduce themselves at each meeting.
- ii. Nora Robshaw was introduced to the Board as the new Co-Chair of the BAEC Criminal Committee which she co-chairs with Daniel Grasso; he cannot sit on this Board since he is an employee of Assigned Counsel Program.
- iii. Hugh Russ was welcomed by the Board for his first meeting.
- iv. 2022 Budget: Two-page document was given to the Board. No comments: motion to approve by Terence Newcomb; seconded by Robert Goldstein. Unanimous.
- v. Audit – The auditor’s Review, Report and 990 Form were sent upon receipt to President Catherine Nagel and Treasurer Ayoka Tucker; also circulated to the Board members with the agenda materials for this meeting. There were no comments. Motion to approve by Ayoka Tucker, seconded by Robert Goldstein. Unanimous.

8. Motion to Executive Session:

- i. Michelle Parker volunteered to take Executive Session notes. Motion to go into Executive Session by Anne Joynt; seconded by Hon. Michael Hudson. Unanimous. Hope Keilman and Amy Brown exited the meeting.

9. Adjourned at 1 p.m.; the next meeting is the third Wednesday in November: November 17, 2021, at 12:15 p.m.; virtual and in-person.

MINUTES
Meeting of the Board of Directors
Eric County Bar Association Aid to Indigent Prisoners Society, Inc.
Regular Meeting Called by President
November 17, 2021 (Draft)

Board Members present: Catherine E. Nagel; Hon. John J. Aman; Catherine Nagel; Richard J. Barnes, Hon. Christopher J. Burns; James DeMarco III; Robert M. Goldstein; Hon. Michael E. Hudson; Anne Joynt; Terence Newcomb; Hon. JaHarr S. Pridgen; Nora Robshaw; Hugh Russ III; Hon. Jennifer P. Stergion; Joseph Terranova; Emily Trott; Ayoka Tucker; Peter Vasilion; Michelle Parker.

Excused: Hon. Sharon M. Lovallo.

Not present: Hon. Craig D. Hannah; Hon. Kevin Carter; Matthew Kibler.

Guests present: Hope Keilman, CFO; Amy Brown, Executive Administrative Assistant

1. A quorum being present, Terence B. Newcomb called the meeting to order at approximately 12:20 p.m.
2. Approval of the Board minutes from August 11, 2021; no comments; motion to approve by Peter Vasilion; seconded by Robert Goldstein. Passed; no nays; one abstention by Hon. Jennifer P. Stergion.
3. Approval of the Board minutes of Executive Session from August 11, 2021; no comments; motion to approve by Peter Vasilion; seconded by Robert Goldstein. Passed; no nays; one abstention by Hon. Jennifer P. Stergion.
4. Administrator's Report:

Communication to the panel: We have continued to issue a weekly Constant Contact each Friday to update the panel on issues of law, process, and local court operations. The real reason is to promote the in-house programs available to support the panel attorneys – social workers, investigators, and in-house attorney support.

Cultural Competency: We are finalizing our contract with National Federation for Justice Communities re: our partnership to develop a series of CLEs in 2022: Cultural Competency. We have brought it to the attention of the Family Court Improvement Project, to the BAEC leadership and DEI Committee, to Legal Aid, and to the 8th Judicial District.

- i. DEI Awareness and Anti-Bias
- ii. Poverty and Its Social Impact
- iii. Representing Clients Who Have Experienced Trauma

- iv. Eliminating Bias When Representing Black, Indigenous Persons of Color (BIPOC)/African-American Clients
- v. Eliminating Bias When Representing Asian and Pacific Island (API) Clients
- vi. Representing Client with Mental Health Issues/Needs/Challenges
- vii. Eliminating Bias When Representing Immigrant, Refugee and “New Americans” Clients
- viii. Eliminating Bias When Representing Latino/a/x Clients
- ix. Representing Clients with Addiction Issues
- x. Representing Middle Eastern Clients
- xi. Representing LGBTQ+ Clients
- xii. Representing Client Who Are Involved with Domestic Violence

Staff

Remote: we continue to have members of the professional and clerical staff who are working remotely.

Expansion: We are in the process of moving the Investigation Unit to the neighboring suite, #215. We negotiated for the first month to be rent-free; in November, a wall was knocked down to connect the suite to our main office. We also negotiated for \$2,000 for improvements; we’ve earmarked this for an expansion to 2nd Deputy Yvonne Vertlieb’s office.

Diversity: The Program Executive Team has continued to provide an end-of-quarter report with respect to diversity data.

Training: Screening and Interviewing Candidates for Employment: TripleTrack HR Partners, a women-owned local business, conducted a training seminar on Tuesday, September 21 for all supervisors and managers. TripleTrack will also conduct a seminar for all employees on December 7 on Workplace Violence Prevention.

ILS –

- i. Family Court – As previously reported, ILS selected our Program as one of 5 upstate counties of 24 that applied to receive a 3-year \$500,000 grant to improve parental representation.
 - The plan is to expand our AOD program with an Attorney on Call (AOC) program to provide legal advice to individuals facing CPS investigations at all times of the day or night;
 - the ILS funding would be used to expand the AOD program to include an AOC program wherein attorneys would be on call when Court was

not in session to provide legal advice to clients facing a CPS investigation;

- hire an LSMW for assignment to pre-petition families where appropriate. The LSMW would make immediate contact with the subject family to assess their needs in light of any CPS recommendations. The LSMW's role will be to provide assistance and support to the family, including working through the very challenging issue of housing when necessary. Finally, the LSMW would work with the client and CPS where services are recommended and monitor compliance where an agreement is reached between the client and CPS for pre-petition services.
- Presently, the Department of Social Services (DSS) has agreed to work collaboratively with ACP in pre-petition matters involving educational neglect, children with mental health issues, children living at Compass House (a runaway and homeless youth shelter), and mothers who test positive for a controlled substance or non-prescription drugs. In those types of cases CPS would advise the client that legal advice is available.
- For all other child welfare matters we would rely upon our outreach campaign to get the word out.

- ii. Budget – The Year 3 and Year 4 budgets for Erie County have not been finalized by ILS. It's important to note that these budgets contemplate both programs for mandated representation in Erie County: ACP and the Legal Aid Bureau of Buffalo. We are already in Year 4, so it's not ideal for this to still be up in the air. The holdup is Legal Aid; they have construction costs that they are incurring and it's a matter of managing that allocation with ILS. We observed a powerful lesson: while the ILS reps we talk to regularly – the ones closer to the ground – may indicate an assent to certain spending, it does not mean that is a “yes” when it comes to the ILS Director. A lesson we're relieved to learn from afar. That is why we have not finalized the posting for the position of Deputy for Diversity, Equity and Inclusion.
- iii. Virtual Arraignment Parts – The 8th Judicial District returned to in-person arraignments by September 13. This was largely due to pressure by ILS. Many of the local village and town justices were fine with virtual appearances and slowing the 8th JD's efforts to return to normal operations. ILS considered anything short of in-person contact between defense counsel and the client, and the judge and client, to lend itself to poor quality of representation and poor outcomes. ILS worked with OCA; and our First Deputy Dan Grasso worked with the 8th JD to make it clear

that eventually ILS could potentially stop paying for AOD appearances at arraignment. Eventually matters returned to in-person.

Recruitment/Marketing – We have continued to meet with the Recruitment Committee: this now includes Board members John Aman and Terry Newcomb, as well as Deputies Dan Grasso and Yvonne Vertlieb. Since the time of our last report, we met on 9/15, 10/14 and 11/17:

1. Yvonne and Dan attended the UB Law Career Fair held remotely on Friday, 10/29 from 1 pm to 5 pm. This went very well. Seven people requested admittance to their “room”; one was an admitted attorney who has now signed on to be a Family Court appellate attorney.
2. The barriers: the low-pay, the expense of health care, and the student loan forgiveness available to public interest jobs.
3. Yvonne has the ACP listed on the UB Law Career Development Office list of jobs and will continue to monitor and renew.
4. Items specific to the Family Court panel –
 - a. 3rd quarter – 3 people joined
 - b. 4th quarter – 2 people have joined in the last ten days
 - c. Yvonne to check with the law school about future attorneys in the joint-degree JD/MSW program.
 - d. Yvonne presented to Family Court clinic run by Judith Olin in the fall semester; thanks to Judge Aman. Looking forward to doing it again in the Spring (Yvonne will reach out for the Spring semester.)
5. Items specific to the Criminal Court panel –
 - a. 3rd quarter – 10 people joined the criminal panel;
 - b. 4th quarter – on pace for 7 attorneys to join;
 - c. UB Criminal Law clinic – Dan to reach out to Deputy – CLE Judge Franczyk to see about developing contacts to do a presentation.
 - d. Dan will look into developing law student internship opportunities.

6. New admittees – Dan obtained info from BAEC about new admittees; will develop an email to reach out to them to see about interest in ACP work.
 - a. Dan to see about getting ACP involved with the Life After Law School presentation to new admittees.
7. Bar Association of Erie County –
 - a. Bar Bulletin – Tim Franczyk put an article in the Bulletin to raise the profile of the program.
 - b. MMP followed-up with BAEC ED Anne Noble to see about being listed every Friday in the Friday missive: we can be listed once a month.
8. Next Meeting of the Recruitment Committee: Tuesday, January 11 pm at 12:30 here at our office or via Zoom.

Annual Report – I will draft an Annual Report this month to incorporate the audit information and Progress successes into a report.

5. CFO Report - Hope Keilman, CFO reported that cash flow is in an excellent position.
 - a. We will be collecting more money from ILS for 1st-4th quarters, we are waiting for *Hurrell-Harring* budget to be approved.
 - b. We were under budget by \$1 million dollars at the end of September 30, but we just received the bank statement for October, and we will be under budget by \$400,000. We are up 8% in attorney fees over 2020.
 - c. We are under budget in hospitalization costs and over budget on unemployment by 300%, due to rates going up.
 - d. We are currently banking with Citizens Bank; we propose to move to Evans Bank, a local bank, due to convenience for the Program and for the panel attorneys. A switch to Evans Bank will permit us to rely on electronic fund transfer for payment of attorney vouchers, so they will have direct deposit from our program.
 - e. The current accounting system will be saved in cloud and no longer on the server; this change will take place when the banking changes.

6. New Business:

- a. Resolution re: banking - CFO Hope Keilman advanced a resolution to change the bank to Evans Bank and to identify signatories (the President, the Treasurer, and the Director.) A motion was made by Terence Newcomb; seconded by Hon. Michael E. Hudson; passed; no abstentions; no “nay” votes.
- b. RFP for an Auditor: CFO Hope Keilman issued an RFP to 7 firms; we received 3 responses. One firm does not have the manpower to take on new clientele, the second was Lumsden McCormick and the third was EFPR Group, our current auditor. EFPR Group came in with the lowest bid and CFO Keilman recommended that the Program continue to rely on their services for the audits for 2021 – 2023. A motion to this effect was made by Terence Newcomb; seconded by Ayoka Tucker; motion passed; unanimous; no abstentions.

7. Unfinished Business and General Orders:

- a. In respect to the change in By-Laws: A BAEC director, Krista Gottlieb, has been in touch re: questions and concerns and Michelle Parker will respond. Parker will reach out to the By-Laws committee once there is informal approval by the BAEC through Ms. Gottlieb. Once formally approved again by the ACP Board, Michelle then will submit the proposed revisions to the bylaws to the BAEC for board approval.

8. Executive Session

- a. Michelle Parker volunteered to take Executive Session notes; motion to go into Executive Session by Emily Trott; seconded by Peter Vasilion; unanimous; no abstentions; no “nay votes.” CFO Hope Keilman and Amy Brown exited the meeting.
9. Adjourned at 1:20 p.m., with the Board’s thanks to the Hon. Christopher J. Burns, who has served on this board since 2016 in his capacity as Supervising Judge for the 8th JD Criminal Courts; Justice Burns will be retiring as of the end of this year.

The next meeting is the third Wednesday in February: February 16, 2022, at 12:15 p.m., virtual and in-person.

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