FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7

for

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. COMN		, that the following ite RICHMENT COMMIT		eived, filed and referred to the
a.	Regional Ass	ets on Buffalo's East S	Side.	(Intro. 13-9) Brown & Williamson Tobacco Settlement for Present as Ex-Officio Member.
2.	RESOLVED, that the following items are hereby received and filed.			
a.	City of Buffa	lo.		(Intro. 18-11) DER: Sharing State Medicaid Relief with Present as Ex-Officio Member.
b.	Medicaid Rel	ief with City of Buffal	lo.	(Comm. 20M-2) Copy of Certified Resolution Re: Sharing of Present as Ex-Officio Member.
c.	WEINSTEIN	N & CUSACK: Trans	fer of Necessar	(Intro. 20-7) WIK, MARINELLI, FISHER, DALE, y Funding for North Jefferson Library. Present as Ex-Officio Member.
d.				(Comm. 25E-1) Corgiveness of NYS Medicaid Loan. Present as Ex-Officio Member.
e.			•	(Comm. 25E-3) ney Re: Risk Retention Fund. Present as Ex-Officio Member.
f.	24E-14 (2003	3)).		(Comm. 1E-8) e-Engineering County Services (Comm. Present as Ex-Officio Member.

Item Page -2004 (Intro. 4-17) HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & g. WROBLEWSKI: Erie County's 2004 Pension Costs. (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member. Item -2004 (Comm. 7E-9) Page h. **DEBENEDETTI:** Copy of Appropriation & Expenditure Details on Tobacco Settlement Funds as Provided by Budget Director. (4-0) Legislator Weinstein absent. -2004 Item Page (Comm. 8E-7) **DEBENEDETTI:** Letter to Personnel Department Re: County's Effort to Offer Municipalities i. Access to Labor Management Health Care Coalition. (4-0) Legislator Weinstein absent. Item -2004 (Comm. 9E-1) Page **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 3/04. j. (4-0) Legislator Weinstein absent. Item Page -2004 (Intro. 9-12)

AS AMENDED

3. Item Page -2004 (Intro. 11-8)

MARINELLI & DEBENEDETTI

(4-0) Legislator Weinstein absent.

WHEREAS, it is productive to consistently examine new ways of doing business and providing services in Erie County,

SWANICK: Request for Further Investigation of Furniture Purchases.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the tough fiscal times the City of Buffalo is facing and is interested in considering the following approaches:

- Takeover of the water authority
- Takeover of the Olmsted Parks
- Further maintenance and cooperation efforts with City branch libraries
- Earmark a determined amount of tobacco funds over the next three years
- Takeover of certain border roads, especially Kenmore Avenue, since none of the 1,200 miles of county roads are in the cities
- Relieve Buffalo of cultural funding and fast track the Regional Assets Fund

and be it further

k.

RESOLVED, that this Honorable Body commits itself to examining these options for County-City collaboration, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Buffalo Mayor Anthony Masiello, the New York State Delegation of State Representatives, the Buffalo Common Council, Erie County Comptroller Nancy Naples, and Director of the Buffalo & Erie County Public Library Michael Mahaney.

(5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

AS AMENDED

4. Item Page -2004 (Comm. 1D-21)
DIRECTOR OF BUDGET, MANAGEMENT & FINANCE OPEN ITEM:

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204183 through 204194 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2004 Petition No. 204183

ASSESSOR Cancel \$147.07

S-B-L 88.83-7-5 **140200 BUFFALO**

Acct. No. 112 \$147.07 County

Acct. No. 132 \$0.00 Town/SpecialDist/School

Charge To: 140200 BUFFALO \$0.00

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 35,000 AND SHOULD BE 3,600 . PARCEL IS VACANT LAND. RPTL 550(2)A

FISCAL YEAR 2004 Petition No. 204184

ASSESSOR Refund \$403.52

S-B-L 174.00-2-9 142289 AURORA

Acet. No. 112 \$0.00 County

Acct. No. 132 \$403.52 Town/SpecialDist/School

<u>Charge To:</u> 142289 AURORA \$403.52

Relevy School \$403.52 146001 ORCH PARK CENTRAL

REFUND - CLERICAL ERROR, THE RELEVY SCHOOL HAS TO BE ADJUSTED. THIS PARCEL WAS OWNED BY THE FEDERAL GOVNT TIL 12/2003. RPTL 550(2)E CHECK FOR: THOMAS & MICHELLE WORTHINGTON

FISCAL YEAR 2004 Petition No. 204185

ASSESSOR Refund \$4,070.45

S-B-L 174.00-2-10 142289 AURORA

Acct. No. 112 \$0.00 County

Acct. No. 132 \$4,070.45 Town/SpecialDist/School

<u>Charge To:</u> 142289 AURORA \$4,070.45

Relevy School \$4,070.45 146001 ORCH PARK CENTRAL

REFUND- CLERICAL ERROR, THE RPTL 520 NEEDS TO BE ADJUSTED. PREVIOUS OWNER WAS THE FEDERAL GOVNT. 12/2003. RPTL 550(2)E CHECK FOR: THOMAS & MICHELLE WORTHINGTON

FISCAL YEAR 2002 Petition No. 204186

ASSESSOR **Refund** \$45.53

S-B-L 56.12-3-4 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$45.53 Town/SpecialDist/School

<u>Charge To:</u> 142289 AMHERST \$45.53

REFUND - CLERICAL ERROR, THE WATER DIST & STORM WATER DRAIN IS INCOORRECT DUE TO INOCORRECT GALLONAGE FIGURES. RPTL 550(2)E CHECK FOR: CAROL WEATHER

FISCAL YEAR 2003 Petition No. 204187

ASSESSOR **Refund** \$46.42

S-B-L 56.12-3-4 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$46.42 Town/SpecialDist/School

<u>Charge To:</u> 142289 AMHERST \$46.42

REFUND - CLERICAL ERROR, THE WATER & STORM WATER TAX IS INCORRECT DUE TO INCORRECTL GALLONAGE FIGURES. RPTL 550(2)E.

CHECK FOR: CAROL WEATHER

FISCAL YEAR 2001 Petition No. 204188

ASSESSOR Refund \$656.40

S-B-L 80.14-6-33 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$656.40 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$656.40

Charge To: 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIS STAR IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

CHECK FOR: RONALD & CAROL ADLER

FISCAL YEAR 2002 Petition No. 204189

ASSESSOR Refund \$662.64

S-B-L 80.14-6-33 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$662.64 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$662.64

<u>Charge To:</u> 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THIS PARCEL IN ERROR. RPTL 550(2)C CHECK FOR: RONALD & CAROL ADLER

FISCAL YEAR 2003 Petition No. 204190

ASSESSOR Refund \$672.27

S-B-L 80.14-6-33 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$672.27 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$672.27

<u>Charge To:</u> 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C CHECK FOR: RONALD & CAROL ADLER AMHERST CENTRAL

FISCAL YEAR 2004 Petition No. 204191

ASSESSOR Cancel \$198.36

S-B-L 330.00-2-9.4 **143601 COLLINS**

Acet. No. 112 \$117.80 County

Acct. No. 132 \$80.56 Town/SpecialDist/School

Charge To: 143601 GOWANDA \$80.56

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTIONS IN THE AMOUNT OF 20,685 (15%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204192

ASSESSOR Refund \$235.00

S-B-L 219.16-1-9.11 **144489 EVANS**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$235.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$235.00

Charge To: 144489 EVANS \$0.00

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR 2 UNITS OF SEWER . SINGLE FAMILY HOME SHOULD BE ONE UNIT. RPTL 550(2)E CHECK FOR: EDWARD CONBOY JR & CHRISTINE RACZYK

FISCAL YEAR 2003 Petition No. 204193

ASSESSOR Refund \$334.99

S-B-L 23.08-2-13

144600 GRAND ISLAND

Acct. No. 112 \$199.98 County

Acct. No. 132 \$135.01 Town/SpecialDist/School

Charge To: 144600 GRAND ISLAND \$135.01

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 25,875 (50%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C CHECK FOR: JANE POPOWICH GRAND ISLAND CENTRAL

FISCAL YEAR 2003 Petition No. 204194

ASSESSOR Refund \$849.26

S-B-L 23.08-2-13

144600 GRAND ISLAND

Acct. No. 112 \$0.00 County

Acct. No. 132 \$849.26 Town/SpecialDist/School

<u>Charge To:</u> 144600 GRAND ISLAND \$849.26

Relevy School \$849.26 144601 GRND ISLN CENTRAL

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION FOR 34,500 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

CHECK FOR: JANE POPWICH

(6-0) Chairman Holt Present as Ex-Officio Member.

5. Item Page -2004 (Intro. 6-18)

DEBENEDETTI

WHEREAS, the County of Erie is facing significant fiscal constraints and challenges in 2004 and for the foreseeable future, and

WHEREAS, one way that the County can help address these pressing fiscal demands is through reducing spending and cutting back on purchases, particularly of discretionary items such as vehicles, and

WHEREAS, in 2000, Erie County purchased 44 vehicles at a cost of \$1.1 million, including a new \$34,000 SUV for the County Executive, and new passenger cars for his two deputies and a new passenger car for his budget director, as well as new SUVs or top-end pick-up trucks for certain department heads, and

WHEREAS, the County Executive also hired his brother-in-law to supervise the vehicle fleet at an annual salary of \$43,096, with that family member now paid \$69,757 in 2004 as deputy director of fleet services, and

WHEREAS, in 2001, Erie County purchased 50 vehicles at a cost of \$1.2 million, and

WHEREAS, in 2002, Erie County purchased 88 vehicles at a cost of \$2.6 million, including 33 pick-up trucks, 24 cars and 10 SUVs, and

WHEREAS, in 2003, after the November 2002 hiring of a new director of fleet operations/services at an annual salary of \$71,069 (now, paid \$77,225 in 2004) Erie County purchased 95 vehicles at a cost of \$3.44 million, including 26 cars, 35 pick-ups and 8 SUVs, and

WHEREAS, thus far, in 2004, the County has purchased 4 vehicles at a cost of \$98,406, including another new, \$35,000 SUV for the County Executive, and

WHEREAS, there are concerns that many of these vehicles may have been purchased independently by the County from automobile dealers without using the state bid process, resulting in vehicle purchases at higher cost than the state bid, and

WHEREAS, the Erie County Legislature is constitutionally required to supervise, monitor, and approve the Executive Branch's appropriations and expenditures, and

WHEREAS, the County administration and elected officials have not requested or received specific or individual approval from the Legislature for any vehicle purchase, including the \$8.44 million in vehicle purchases,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns regarding the process by which the County purchases vehicles without prior explicit legislative approval or oversight, particularly in these difficult fiscal times, and be it further

RESOLVED, that this Honorable Body expresses its desire that effective immediately, all purchases of all motor vehicles must be approved by the County Legislature through the submission of a transmittal letter, accompanying resolution, and purchase order(s) for all new vehicles by the County Executive, department heads, or other elected officials, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Purchase, Director of Fleet Services, Director of the Division of Information and Support Services, County Attorney, Erie County Sheriff, Erie County Clerk, Erie County Comptroller and Erie County District Attorney.

Fiscal Impact: Positive for Erie County Taxpayers. (5-0) Legislator Weinstein absent. Chairman Holt Present as Ex-Officio Member.

6. Item Page -2004 (Intro. 8-20)

HOLT & DEBENEDETTI

WHEREAS, according to a local newspaper, between January 2000 and September 2003, out of a total of \$2.3 million in total County furniture purchases, Erie County has purchased \$1.95 million

worth of office furniture from a local company with close personal and political ties to the County Executive, and

WHEREAS, a 2002 audit by Comptroller Nancy Naples found that the County Executive had improperly charged a Department of Social Services account \$145,000 for new office furniture from the previously-mentioned company for his offices, and

WHEREAS, that same firm has separately received contracts from other County entities worth \$1.3 million, and

WHEREAS, of all County furniture purchases between January 2000 and September 2003, that company has received \$3.3 million of the \$4.6 million spent by the County – or 72% of all furniture purchases, and

WHEREAS, the County has maintained no formal competitive bidding process, thus enabling such questionable purchases, and

WHEREAS, the County purchases were made without using the New York State contract – which almost always provides lower prices to the taxpayers, and

WHEREAS, a local newspaper's investigation of County furniture purchases found that in a departure from traditional practices, the County administration has chosen not to put such purchases out to bid, has not invited competing firms to make presentations (and potentially charge less), has not formally evaluated options, and has not made recommendations to the decision makers, and

WHEREAS, that newspaper investigation found that Erie County has overpaid at least \$550,000 for such office furniture and related installation expenses since January 2000, with the local company in question billing Erie County at "higher rates than it charged other government customers despite bid specifications requiring vendors to give the county the lowest prices offered others," and

WHEREAS, in response to the newspaper investigation, Comptroller Nancy Naples launched an audit of County furniture purchases in December 2003 that is yet to be released, and she called the pricing a "potential abuse," and

WHEREAS, on February 6, 2004, the Comptroller stated that her preliminary review of furniture purchases showed "there are policy and procedure deviations and pricing discrepancies between New York State bid contracts and County bid contracts that, at a minimum, raise questions regarding due diligence by the County's purchasing agents to ensure that the County is obtaining the best possible price," and

WHEREAS, in a significant shift from the County administration's furniture purchase practices, the Comptroller also recommended on February 6, 2004 that "all County purchases of furniture be made using existing New York State furniture contracts exclusively," and

WHEREAS, also in response to the newspaper investigation, the Director of Purchase has stated that he has stopped using the County contract to purchase office furniture, and he will use the

state contract to receiving better pricing, and he has also stated that he has placed on hold another \$170,000 in awarded contracts to the local company, and

WHEREAS, Erie County Medical Center Corporation officials have stated that they will stop using their own purchasing list and purchase furniture off of the state contract for the time being,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its deep concerns regarding the County administration's furniture purchases and practices – practices and policies that have resulted in greater cost to the taxpayers, and be it further

RESOLVED, that effective immediately, the Director of Purchase is hereby required to submit quarterly reports to the Legislature annually on or by March 1st, June 1st, September 1st, and December 1st, detailing all County furniture purchases to all County departments, entities and offices, and that report shall include specific information including the name of the manufacturer, name of vendor selling the furniture, the specific products being sold, the cost of each product, the name of the County department and office receiving the new furniture, and the date of order, delivery and installation, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Budget, Management and Finance, Director of Purchase, and the Comptroller.

Fiscal Impact: Positive for Erie County taxpayers. (6-0) Chairman Holt Present as Ex-Officio Member.

AS AMENDED

7. Item Page -2004 (Intro. 9-5)

DEBENEDETTI

WHEREAS, since January 1, 2001 the County of Erie has purchased \$3.25 million worth of office furniture, exclusive of hundreds of thousands of dollars of purchases at the medical center and community college, and

WHEREAS, according to the Erie County Comptroller, during a three-year period, \$2.5 million, or 77% of those County purchases were made from a single private company, Buffalo Office Interiors (BOI), and

WHEREAS, after an October 2003 investigation by a local newspaper and after 2 ½ years of periodic articles in that same newspaper detailing these purchases, in December 2003 the Erie County Comptroller initiated an audit of the Erie County Division of Purchase's policies and procedures for purchasing, including particularly reviewing furniture purchases, and

WHEREAS, in December 2003, the current Director of Purchase stated that the local newspaper's investigation illuminated information that he was not aware of, and he said he was not sure that the County, and thus, the taxpayers, received the lowest or best price for the office furniture, and

WHEREAS, immediately following the start of that audit, the local newspaper's investigation showed that the current County administration uses a County purchasing list rather than the State list for purchasing office furniture from BOI, resulting in higher prices for the taxpayers of Erie County, and

WHEREAS, that investigation also showed that BOI officials were allowed to attend and speak at weekly County meetings concerning office furniture purchasing and planning – meetings that other County furniture vendors and bidders on county contracts have not been allowed to attend, and

WHEREAS, on February 12, 2004, the County Comptroller presented her initial findings and recommendations for office furniture practices and stated that the County should immediately stop using the County list and should instead use the State list for purchasing of furniture – a recommendation that the current Director of Purchase immediately agreed to, and

WHEREAS, on April 19, 2004, the County Comptroller presented her audit to the Erie County Legislature, reporting that the Division of Purchase "did not exercise adequate due diligence in ensuring County purchases of office furniture from BOI were made at the most favorable prices available," and that the County "overpaid a total of \$513,810 for the purchase of office furniture," and

WHEREAS, the County Comptroller's audit found that had the County administration utilized the State list, the BOI furniture purchases would have cost the taxpayers \$802,463 less than what the County actually paid BOI, and

WHEREAS, the County Comptroller's audit found that the County paid BOI \$196,641 for furniture, carpets and tile "without valid purchasing bid contracts existing for these items," and

WHEREAS, the County Comptroller's audit further stated: "there was a failure by the Division of Purchase to ensure taxpayer dollars were spent in a cost effective manner... equally significant, there was a failure by BOI to honor the terms of their bid contracts," and

WHEREAS, the County Comptroller's audit also reported that there was a failure of County purchasing procedures and guidelines, including the lack of legislative approval for the de facto standardization of County office furniture, and

WHEREAS, the County Comptroller's audit recommended that the Director of Purchase and County Attorney initiate steps to "recoup overpayments made to BOI" and "create and implement review procedures to ensure the County is paying the best possible price for materials," and

WHEREAS, following the release of the County Comptroller's audit, the County Attorney and the Director of Purchase disputed the audit's findings and stated that the County administration would not seek to collect the overpayments to BOI, with the Director of Purchase stating "we do not agree with your conclusion that we were overcharged," and insisting that "proper protocols regarding bidding and award were followed," and

WHEREAS, the highest duty of the Erie County Legislature is to protect the interest of the taxpaying public, this Honorable Body's role as fiscal guardian demands that this body review the policies and procedures concerning purchases made by the County, and

WHEREAS, the Legislature is generally not equipped to conduct a legal investigation, nor conduct a full and complete inquiry into the overpayments made to a vendor, and

WHEREAS, the retention of outside counsel by the County to conduct such an investigation would require the expenditure of funds which is neither necessary nor prudent in this matter at this time until the ongoing independent state investigations are completed and they are reviewed with the County Comptroller and this Body, and

WHEREAS, there are investigatory units in state government already equipped to handle such an independent investigation and prepared to begin the inquiry,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concern regarding the Erie County Division of Purchase and its procedures and practices for purchases, particularly of furniture from BOI, and be it further

RESOLVED, that this Honorable Body calls upon the Chair of the Legislature to direct an inquiry, through the creation of a special committee, into the policies and procedures for the County's purchases, and be it further

RESOLVED, that this Honorable Body expresses its support for the efforts of the New York State Attorney General to initiate an independent, full and thorough legal investigation and review of all furniture purchases by the County of Erie for the period 2000-2004, including the recoupment of overpayments to vendors, and requests a report of his findings and recommendations be provided to this body as soon as possible, and be it further

RESOLVED, that this Honorable Body welcomes the Office of New York State Comptroller to conduct an independent investigation into purchasing policies and procedures, including all purchases made by the County, and report those findings and recommendations for new purchasing procedures and protocols for all County purchasing to this body as soon as possible, and be it further

RESOLVED, that rather than retaining outside legal counsel at significant expense to the taxpayers, the Erie County Legislature expresses its intention to provide any necessary or requested assistance to the Erie County Comptroller, the New York State Attorney General, and New York State Comptroller to investigate and reform County purchasing practices, and be it further

RESOLVED, that this Honorable Body further expresses its intention to work with the County Comptroller and the Administration to create a set of procedures and policies, and potential changes to the Erie County Charter and Erie County Administrative Code to reform the Division of Purchase so as to benefit the taxpayers of this County, and be it further

RESOLVED, that, as per the findings and recommendations of the County Comptroller's audit, the Erie County Legislature expresses its support for efforts to collect any and all overpayments made by the County of Erie to Buffalo Office Interiors, and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, County Comptroller, County Attorney, Director of the Division of Information and Support Services, Director of Purchase, New York State Attorney General, and New York State Comptroller.

Fiscal Impact: Positive for Erie County taxpayers. (4-0) Legislator Weinstein absent.

ALBERT DEBENEDETTI CHAIRMAN