

October 28, 2004

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WROBLEWSKI.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 15E-56)
CHASE: Proposed Changes to the Erie County Legislature's 2004 Rules of Order.
(4-0) Legislator Wroblewski absent.
 - b. Item Page -2004 (Intro. 15-4)
CHASE: Proposed Rule Change to the Erie County Legislature's 2004 Rules of Order.
(4-0) Legislator Wroblewski absent.
 - c. Item Page -2004 (Comm. 19E-32)
DEBENEDETTI: Letter to Comptroller Re: Comm. 17E-14.
(4-0) Legislator Wroblewski absent.
 - d. Item Page -2004 (Comm. 20E-1)
COMPTROLLER: Letter to Legislator DeBenedetti Re: Comm. 17E-14.
(4-0) Legislator Wroblewski absent.
 - e. Item Page -2004 (Comm. 21E-2)
DEBENEDETTI: Copy of Letter to Budget Director Re: Lawrence W. Smith (Comm. 17E-14).
(4-0) Legislator Wroblewski absent.
 - f. Item Page -2004 (Comm. 22E-5)
COMPTROLLER: Memo to All Elected Officials & Department Heads – Meeting/Meal Reimbursement Policy.
(4-0) Legislator Wroblewski absent.

AS AMENDED

2. Item Page -2004 (Comm. 17E-14)
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Budget, Management & Finance has completed an initial assessment of the County's current accounts receivable management process, and

WHEREAS, the Division of Budget, Management & Finance has identified accounts receivable management and collections as an opportunity to improve processes, increase revenue and provide enhanced collection services to county departments as well as cities, towns and villages located in the County, and

WHEREAS, the County of Erie is desirous of having access to a professional consultant with expertise in analyzing, assessing and developing accounts receivable management programs that are designed to maximize revenue opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement for an amount not to exceed \$ 120,000 at \$185 per billable hour plus per diem expenses not to exceed \$50, with Lawrence W. Smith, for the purpose of consulting with the Division of Budget, Management & Finance in order to develop a recommended solution for improving the County's accounts receivable management situation, and be it further

RESOLVED, that funds in the amount of \$120,000 are hereby transferred from cost center 14010, account 402190, to cost center 10210, Division of Budget, Management and Finance, account 516020, Professional Services Contracts and Fees, and be it further

RESOLVED, that effective after the passage of this item, the Office of Budget, Management and Finance shall provide to the legislature, on a quarterly basis, a detailed report showing all activities of Lawrence W. Smith, including all outstanding accounts receivable in each department, and the amount of money collected by the County through Mr. Smith's efforts, and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of the resolution to the County Executive, the Director of the Division of Budget, Management & Finance and the County Comptroller.

(3-1) Legislator Wroblewski absent. Legislator McCarville in the negative.

AS AMENDED

3. Item Page -2004 (Intro. 19-3)

WEINSTEIN, MARINELLI, McCARVILLE & CHASE

WHEREAS, a Special Grand Jury was empanelled on October 20, 2003, to examine alleged abuses in the Department of Public Works, and

WHEREAS, the Special Grand Jury recently released their report titled, "Matters Relating to the Practices and Behaviors of the Highway Division of the Erie County Department of Public Works", and

WHEREAS, it is stated in Section IX of the Special Grand Jury Report that:

"The employee who received the photographs [of alleged wrongdoings] gave them to a county legislator, explaining that he did not believe that the executive branch would fairly investigate the matter. In early August, 2001, the legislator gave the photographs to the DPW commissioner and to the Deputy Commissioner for Highways. The commissioner told the deputy commissioner to look into it" (p. 71-72)

WHEREAS, The Special Grand Jury Report recommends in relation to the alleged abuses and the involvement of the Legislature that:

“Under Article II § 201(h) of the Charter, the legislature has the authority to investigate matters it deems to be in the best interest of the County. The Grand Jury recommends that the legislature formalize a procedure for following up on allegations of misconduct that come to the attention of any legislator. A legislator who refers a matter to a department in the executive branch should insist on a written report detailing how the matter was addressed. That report should then be forwarded to the appropriate legislative committee. If no report is received, the legislature should consider conducting its own investigation. The legislature is not disciplinary arm of the executive branch. Nevertheless, it must deal with matters that come to its attention” (p.112-113)

WHEREAS, while the report did not find any abuses on the part of legislators, it did conclude that protocols should be implemented,

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Erie County Legislature will refer this issue to an existing committee or create an Ad Hoc Committee to formulate a policy for the proper handling of allegations.

Fiscal Impact: None

(4-0) Legislator Wroblewski absent.

4. Item Page -2004 (Comm. 22E-37)

COUNTY EXECUTIVE

WHEREAS, on July 1, 1999, this Legislature enacted a resolution (Comm. 12E-14) approving of a lease (hereinafter "Lease") with 43 Court Street Realty Company (hereinafter "43 Court St.") for 31,040 square feet of office space located at 43 Court Street in Buffalo for use by the Department of Social Services (hereinafter "Social Services"); and

WHEREAS, the Lease was signed by the County Executive and dated as of October 20th 1999; and

WHEREAS, the term of the Lease is five years, commencing on July 13, 2000 and expiring on July 12, 2005; and

WHEREAS, as a condition of the Lease, 43 Court St. has spent approximately \$1 million in renovating the office space to the satisfaction of Social Services; and

WHEREAS, Social Services desires to renew the Lease for an additional five year term, commencing on July 13, 2005 and expiring on July 12, 2010; and

WHEREAS, in consideration for the County's renewal of the Lease at this time, 43 Court St. has agreed that the rental rate in year one of the renewal term will remain at the same rate of the preceding year of the original term (\$12 per square foot), and the rent will increase by only \$.50 per square foot in years two and three of the renewal term (\$12.50 per square foot) and \$1.00 per square foot in years four and five of the renewal term (\$13.00 per square foot); and

WHEREAS, as further consideration for the County's renewal of the Lease at this time, 43 Court St. will provide an upgrade allowance for improvements to the Social Services office space and will make several improvements to the public areas, including increased security, passenger elevator upgrades and renovation of the lobby; and

WHEREAS, Social Services would prefer to renew the Lease rather than move elsewhere due to the inconvenience and added cost such a move would generate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to renew the Lease with 43 Court St., and execute all documents related thereto, for 31,040 square feet of office space located at 43 Court Street in Buffalo for use by Social Services; and be it further

RESOLVED, that such renewal shall commence on July 13, 2005 and expire on July 12, 2010; and the rental rate shall be \$12 per square foot in year one of the renewal, \$12.50 per square foot in years two and three of the renewal, and \$13 per square foot in years four and five of the renewal; and be it further

RESOLVED, that the terms and conditions of the original Lease, dated October 20, 1999, shall remain substantially the same for the renewal period, unless the County Attorney deems that the interests of the County will best be served by amending or modifying such terms and conditions; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Commissioner of Social Services, Comptroller, Director of Budget, Management and Finance and County Attorney.

(4-0) Legislator Wroblewski absent.

AS AMENDED

5. Item Page -2004 (Comm. 22E-38)

COUNTY EXECUTIVE

WHEREAS, for several years, the Law Department has leased office space at 69 Delaware Avenue, Suite 300 in Buffalo (hereinafter "69 Delaware"); and

WHEREAS, the latest lease, which was dated January 1, 1995, was extended for a two-year term in 1998 and since 2000, the lease has been extended on a year-to-year basis; and

WHEREAS, the County Attorney now desires to renew the lease at 69 Delaware for a three-year term, commencing January 1, 2005 and expiring on December 31, 2007; and

WHEREAS, as an incentive for the Law Department's renewal of the lease for a three-year term, 69 Delaware Avenue Associates LLC, the landlord of 69 Delaware (hereinafter "Landlord") has agreed to keep the rental rate the same for 2005 as what was charged in 2004, increase the rental rates in 2006 and again in 2007 by only \$500 per month for each year, limit the "additional rent" adjustments for increased property taxes and operating expenses to \$2,000 per year, and perform a certain amount of painting and carpet cleaning each year; and

WHEREAS, the Law Department shall also be given the option, but not the obligation, to renew the lease for an additional two-year term (January 1, 2008 to December 31, 2009), upon ninety (90) days written notice to the Landlord prior to the expiration of the first renewal term, and the rent will be increased in 2008 and again in 2009 by only \$500 per month for each year; and

WHEREAS, the Law Department has researched the lease rates of other suitable office sites and has determined that these rates are equal to or greater than the rates that will be charged by the Landlord in the lease renewal; and

WHEREAS, the Law Department would prefer to renew the Lease rather than move elsewhere due to the inconvenience and added cost that such a move would generate.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is hereby authorized to renew the lease with the landlord for Suite 300 at 69 Delaware, and execute all documents related thereto, for 12,600 square feet of office space for use by the law Department for a cost of \$13.33 per square foot; and be it further

RESOLVED, that such renewal shall commence on January 1, 2005 and expire on December 31, 2007; and the rental rate shall be \$14,000 per month in year one of the renewal (2005), \$14,500 per month in year two of the renewal (2006), and \$15,000 per month in year three of the renewal (2007); and be it further

RESOLVED, that at the County Executive's/Law Department's option, the lease may be renewed for an additional two-year term, commencing January 1, 2008 and expiring on December 31, 2009, upon ninety (90) days written notice to the Landlord prior to the expiration of the first renewal term, and the rental rate shall be \$15,500 per month in 2008 and \$16,000 per month in 2009; and be it further

RESOLVED, that as further conditions of the lease renewal, the "additional rent" adjustments for increased property taxes and operating expenses shall not exceed \$2,000 per year, and a certain amount of painting and carpet cleaning shall be performed by the Landlord during each year of the lease renewal, and be it further

RESOLVED, that the other terms and conditions of the original lease, dated January 1, 1995, shall remain substantially the same for the renewal period, unless the County Attorney deems that the interests of the County will best be served by amending or modifying such terms and conditions; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget, Management and Finance, and County Attorney.
(4-0) Legislator Wroblewski absent.

6. Item Page -2004 **AS AMENDED**
(Intro. 22-16)
RANZENHOFER, MINORITY CAUCUS:

WHEREAS, the current practice of filing for mileage reimbursement for Legislators' work on County business has been a long-established and accepted practice, and

WHEREAS, the tough fiscal times facing the County require that all parties make sacrifices and concessions,

NOW, THEREFORE, BE IT

RESOLVED, that given the current fiscal environment in Erie County, the County Legislature hereby ends the policy of allowing legislators to file for mileage reimbursement, and be it further

RESOLVED, that certified copies of this resolution be presented to the County Executive and the County Comptroller.

(4-0) Legislator Wroblewski absent.

LYNN M. MARINELLI
CHAIRPERSON