THE ERIE COUNTY LEGISLATURE

Session No. 15
SEPTEMBER 12, 2024

April N.M. Baskin
Chair

Timothy J. Meyers
Majority Leader

John J. Mills
Minority Leader

Olivia M. Owens
Clerk of the Legislature

ROLL CALL

INVOCATION: Mr. Greene

PLEDGE OF ALLEGIANCE: Mr. Gilmour

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING: Meeting No. 14

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

BASKIN	In Remembrance of Congressman Henry J. Nowak
BASKIN	Acknowledging and Honoring the 716 Music Awards
GILMOUR	Recognizing Douglas & Wende House - Celebrating Their 60th Wedding Anniversary
GILMOUR	Congratulating and Honoring Herbert L. Greenman, Esq on His Illustrious and Legendary Career in Law
GILMOUR	Honoring the Many Years of Sincere, Dedicated and Exemplary Service to the Residents of Erie County Provided by Tammie Scruggs
DUPRE & BASKIN	Celebrating and Remembering Marlon Gerard Holt Sr.

LOCAL LAWS:

LL INTRO. 2-1 (2024)	LORIGO	The Tax Dollar Disclosure Act	Finance & Management
LL INTRO. 3-1 (2024)	LORIGO	The Meetings Transparency Act	Finance & Management

LL INTRO. 5-1 (2024)	BARGNESI	Amending the Erie County Charter in Relation to Term Lengths and Term Limits	Government Affairs
LL INTRO. 5-2 (2024)	BARGNESI	Amending the Erie County Charter in Relation to Term Lengths and Term Limits	Government Affairs

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LEGISLATOR RESOLUTIONS:

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

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COMM. 15E-1	COMPTROLLER	Certificate of Determination - Bond Sale	Finance & Management
COMM. 15E-2	COUNTY EXECUTIVE	Department of Health - Personnel Adjustment	Finance & Management
COMM. 15E-3	COUNTY EXECUTIVE	ECSD No. 8 - East Aurora WRRF Sand Filters Replacement Project	Energy & Environment
COMM. 15E-4	COUNTY EXECUTIVE	ECSD No. 6 - Lackawanna Open Cut Excavation Sanitary Sewer Replacements	Energy & Environment
COMM. 15E-5	COUNTY EXECUTIVE	ECSD Nos. 1-6 & 8 - 2025 User Charges	Energy & Environment
COMM. 15E-6	COUNTY EXECUTIVE	Retention of CHA Companies Engineering Services for Design Phases	Economic Development
COMM. 15E-7	COUNTY EXECUTIVE	Transfer of Funds - Operating Budget	Finance & Management
COMM. 15E-8	COUNTY	PILOT Agreement for 875	Economic

	EXECUTIVE	Lafayette - Affordable Housing Development	Development
COMM. 15E-9	COUNTY EXECUTIVE	PILOT Agreement for Playter Gardens - Affordable Housing Development	Economic Development
COMM. 15E-10	COUNTY EXECUTIVE	Appointment to the Buffalo & Erie County Public Library	Community Enrichment
COMM. 15E-11	COUNTY CLERK	Amended Resolution to Authorize Entry into Contract with Tyler Technologies	Immediate Consideration Requested
COMM. 15E-12	COUNTY EXECUTIVE	2024 Mid-Year Budget Hearings	Finance & Management
COMM. 15E-13	COMPTROLLER	Support for Updated Software for the Registrar Division	Finance & Management
COMM. 15E-14	COMPTROLLER	EC Comptroller's Office - Audit of the Bureau of Weights & Measures Overtime and Compensatory Time Procedures	Finance & Management
COMM. 15E-15	COMPTROLLER	Interim Financial Report of Erie County - 2nd Quarter 2024	Finance & Management
COMM. 15E-16	LORIGO	Information Request	Finance & Management
COMM. 15E-17	COMPTROLLER	Department of Law Risk Retention Fund Spending - May & June 2024	Finance & Management
COMM. 15E-18	COMPTROLLER	EC Comptroller's Office - Audit of Electronic Payments	Finance & Management
COMM. 15E-19	COMPTROLLER	2024 Bond Sale	Finance & Management
COMM. 15E-20	COUNTY EXECUTIVE	ECSD No. 3 - 2024 Budget Transfer	Energy & Environment
COMM. 15E-21	COUNTY EXECUTIVE	ECSD No. 3 - Blasdell Sewage Treatment Plant Decommissioning Project	Energy & Environment
COMM. 15E-22	COUNTY EXECUTIVE	Notice of Public Hearing - ECSD 2024 Assessment Rolls (2025 Levy)	Energy & Environment
COMM. 15E-23	COUNTY EXECUTIVE	ECSD No. 3 - Engineering Term Contract Agreement	Energy & Environment

COMM. 15E-24	COUNTY EXECUTIVE	ECSD No. 2 - Engineering Term Contract Agreement	Energy & Environment
COMM. 15E-25	COUNTY EXECUTIVE	Appointment of Member of EC Board of Ethics	Government Affairs
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COMM. 15E-27	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Explore & More Children's Museum	Finance & Management
COMM. 15E-28	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Amherst Symphony Orchestra Association, Inc.	Finance & Management
COMM. 15E-29	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Theodore Roosevelt Inaugural Site Foundation	Finance & Management
COMM. 15E-30	COUNTY EXECUTIVE	Authorization to Increase Department of Law Budget for Additional Risk Retention Needs	Immediate Consideration Requested
COMM. 15E-31	COUNTY EXECUTIVE	Trailblazing Women Monument Project - Budget Adjustment for Site Design & Construction	Community Enrichment
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COMM. 15E-34	COUNTY EXECUTIVE	Amendment of Professional Design Engineering Services Agreement - Borden Rd., Cheektowaga	Economic Development
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COMM. 15E-36	COUNTY EXECUTIVE	Intermunicipal Cooperation Agreement with City of Buffalo Garbage Pick-Up	Economic Development
COMM. 15E-37	COUNTY EXECUTIVE	Acceptance of State Aid for YEP	Finance & Management
COMM. 15E-38	COUNTY	Transfer of Funds - Operating	Finance &

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COMM. 15E-39	COUNTY EXECUTIVE	Department of Social Services - Personnel Adjustment	Finance & Management
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COMM. 15E-41	COUNTY EXECUTIVE	Appointment of Member of the Fire Advisory Board	Public Safety
COMM. 15E-42	COMPTROLLER	Department of Law Risk Retention Fund Spending - July 2024	Finance & Management
COMM. 15E-43	COMPTROLLER	Comptroller's Office Accounting Division Personnel Adjustments	Immediate Consideration Requested
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COMM. 15E-45	DISTRICT ATTORNEY	Traffic Safety Resource Prosecutor Grant	Immediate Consideration Requested

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 15D-1	COMMISSIONER OF PUBLIC ADVOCACY	Response to Draft Audit of Bureau of Weights & Measures Overtime and Compensatory Time Procedures	Finance & Management
COMM. 15D-2	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report	Government Affairs
COMM. 15D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 15D-4	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report	Government Affairs
COMM. 15D-5	DEPUTY COMPTROLLER FOR AUDIT & CONTROL	EC Comptroller's Office - Audit of County Owned Vehicles	Finance & Management
COMM. 15D-6	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report	Government Affairs
COMM. 15D-7	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 15D-8	DIRECTOR OF	June 2024 Budget Monitoring	Finance &

	BUDGET & MANAGEMENT	Report	Management

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 15M-1	LEGAL AID BUREAU	Bi-Annual Report of the Legal Aid Bureau of Buffalo, Inc.	Government Affairs
COMM. 15M-2	PRESIDENT & CEO OF VBN AND BCC	VBN & BCC Second Quarter Reports and Financial Statements	Government Affairs
COMM. 15M-3	ASSIGNED COUNSEL PROGRAM	Financial Statements & Audit Reports	Government Affairs
COMM. 15M-4	NYS DEC	Public Notice of Brownfield Cleanup Program Application	Energy & Environment
COMM. 15M-5	NYS DEC	Public Meeting Notice - Air State Facility Permit Modification	Energy & Environment
COMM. 15M-6	ASSEMBLYMAN PAT BURKE	Request to Present Proposal on Energy Costs	Energy & Environment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

BASKIN	In Remembrance of Congressman Henry J. Nowak

Attachments

24PROC. 15-1

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 1, 2024

EC LEG AUG 1 '24 AM10:46

In Remembrance of Congressman Henry J. Nowak

WHEREAS, Almighty God, in His infinite wisdom, on July 21st, 2024, removed from our midst, ***Henry Nowak,*** in whose death we have lost a loving husband, cherished father, grandfather, leader, valued, and respected citizen, and whose family has lost a leader, and a kind and devoted member; and

WHEREAS, ***Henry Nowak,*** devoted father and a native of Buffalo, New York, graduate from Riverside High School and would go on to Canisius College where he became a basketball star, graduating in 1957 as the school's all-time scoring leader; and

WHEREAS, even though he was drafted by the St. Louis Hawks of the National Basketball Association that year, Nowak instead joined the U.S. Army and, amid two stints in the military, earned a law degree from the University of Buffalo in 1961; and

WHEREAS, prior to his time in office, Henry was admitted to the New York bar in 1963 and would become an assistant Erie County district attorney a year later; and

WHEREAS, that same year, he became Erie County comptroller, a post he held for a decade before his 1974 election to Congress; and

WHEREAS, during his 18 years of service in government, Henry was known as a low-key, self-effacing lawmaker who rose in seniority on the little-noticed Public Works Committee; and

WHEREAS, his impact throughout Western New York under his tenure as Congressman has been consistent, exceptional and supportive; and

WHEREAS, Nowak brought nearly $1 billion in federal infrastructure aid to the Buffalo area during his tenure; and

WHEREAS, he also won Buffalo its first grants to begin revitalizing the Outer Harbor, along with the funding that helped build Interstate 990 and a four-lane Route 219; and

WHEREAS, many of his tasks accomplished during his 18 years in Congress involved changing the way others viewed the City of Buffalo in revitalizing and improving the quality of life in Western New York; and

WHEREAS, Henry Nowak knew and understood the importance of growing and protecting our community and remains dedicated to assist and support the needs of the our community; and

WHEREAS, Henry will be remembered as a champion for change and advocate for Public Works in our community and having a distinguished career in local and federal government; and

WHEREAS, after 89 fruitful and joyous years on this Earth, Henry now rests peacefully with the Lord; and

WHEREAS, his legacy will continue to blossom on Earth through his loved ones including his wife of 58 years, the former Rose SantaLucia; a son, Henry Nowak Jr; a daughter, Diane Kent; and six grandchildren; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of ***Henry Nowak,*** whose lifelong dedication to God, family, government and community are an inspiration to be admired, emulated and honored.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of ***Henry Nowak*** and pauses in its deliberations to recognize his praiseworthy life, his love for the Lord, his leadership, his family and for his commitment and devotion to the betterment of our community; and be it further

RESOLVED, that the Erie County Legislature express its sympathy and condolences to the Nowak family and to his many friends, knowing full well that he has received his eternal and glorified reward in Heaven.

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

BASKIN	Acknowledging and Honoring the 716 Music Awards

Attachments

24PROC. 15-2

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 27, 2024

EC LEG JUL 26 '24 PM 3:5

Acknowledging and Honoring the 716 Music Awards

WHEREAS, 716 Music Awards is a celebration of the achievements of artists, producers, engineers and videographers in Erie County that inspires greatness amongst our communities; and

WHEREAS, throughout our community, music continues to show its presence by way of local musical talent and professional influences, who have shown the dynamic worthy of such recognition and praise today; and

WHEREAS, the 716 Music Awards is presented by D&A Events With A Purpose which includes Abigail Baez, Demeca Evans and Lit City Buffalo which is owned by Ra Maat; and

WHEREAS, this event has become a significant highlight on our community's calendar through a City Proclamation in Buffalo as well as Niagara Falls; and

WHEREAS, today's event serves a passionate and determined purpose to expose the great talent and music in Western New York; and

WHEREAS, over the years, we have witnessed artists being signed, going on tours, gaining news presence, and achieving remarkable milestones; and

WHEREAS, the 716 Music Awards is a catalyst for positive change, transforming mindsets and bringing forth a new era of possibilities for our community; and

WHEREAS, through this event, we have not only brought exposure to our city but also created countless opportunities for artists to showcase their talents and connect with industry professionals; and

WHEREAS, today, this Honorable Body would like to acknowledge and celebrate the Annual 716 Music Awards and recognize all local talent including singers, producers, engineers, and those individuals who paved the way for today's nominees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the 716 Music Awards team and extend a well-deserved applause to those who contributed their time to provide our community with an exceptional event to lift up our local talent; and be it further

RESOLVED, the Erie County Legislature gives its best wishes to all nominees on their musical ambitions and congratulate them on today's recognition.

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT	
GILMOUR	Recognizing Douglas & Wende House - Celebrating Their 60th Wedding Anniversary

Attachments

24PROC. 15-3

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 27, 2024

LEG JUL 25 '24 AM10:12

Recognizing Douglas & Wende House
Celebrating their 60th Wedding Anniversary

WHEREAS, there is no greater success in life than a marriage and family life that endure the test of time and grow stronger with each passing year; and

WHEREAS, the long-lasting love and support of a spouse is unmatched in its importance and cannot be overestimated; and

WHEREAS, on December 26, 2024, Douglas and Wende House will be celebrating their 60th wedding anniversary; and

WHEREAS, Doug and Wende are both lifelong residents from the Town of Hamburg; and

WHEREAS, Wende's father, Charles W. Goodier Sr., proudly served as Mayor of Blasdell from 1951 to 1953; and

WHEREAS, Douglas served in the United States Army, stationed in Killeen, TX as a ballistic meteorologist.

WHEREAS, Douglas was also an Ironworker at Local 6, graduating top of his apprenticeship class; and

WHEREAS, Wende grew up as a homemaker, becoming the true matriarch and glue to the family household; and

WHEREAS, during a long and productive lifetime, Wende has demonstrated in countless ways her dedication to the welfare of others and has earned the love and affection of people from all walks of life and all ages; and

WHEREAS, by God's blessing and approval, Doug and Wende continue to be married, loved, and supported dearly by one another and together, they have blessed to be the proud parents to seven outstanding children: Ruth Reed, Darleen Spiegel, Esther Hollingworth, Beverly Stiefler, Annette Poole, Douglas House Jr. and Carolyn Palmer; and

WHEREAS, Douglas and Wende are also devoted and loving grandparents to 25 grandchildren and soon to be great-grandchild; and

WHEREAS, Douglas served as an elder at the Blasdell Gospel Chapel at 88 Arthur Avenue for decades before being a founding elder of Springbrook Bible Chapel in West Seneca and later Gateway Bible Chapel; and

WHEREAS, Wende has taught Sunday School in all the above churches; and

WHEREAS, their commitment to one another over the past sixty years is to be revered and serves as an inspiration to both family and friends; and

WHEREAS, this Honorable Body appreciates, recognizes and expresses their congratulations to these two special Western New Yorkers on reaching the milestone of their sixtieth wedding anniversary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in our deliberations to honor and recognize ***Douglas and Wende House*** on their ***60th wedding anniversary*** and extend best wishes for much continued happiness and fulfillment in the days ahead

Hon. John J. Gilmour
Erie County Legislator, 9th District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT	
GILMOUR	Congratulating and Honoring Herbert L. Greenman, Esq on His Illustrious and Legendary Career in Law

Attachments

24PROC. 15-4

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 21, 2024

Congratulating and Honoring
Herbert L. Greenman, Esq
On his Illustrious and Legendary Career in Law

WHEREAS, by protecting the rights of those who are innocent until proven guilty, a defense attorney plays as important a role in the criminal justice system as any police officer or judge; and

WHEREAS, widely acknowledged as one of the most respected criminal defense attorneys in New York State and as the dean of Buffalo's drug defense attorneys, ***Herbert L. Greenman, Esq.*** has garnered the attention and respect of his colleagues and many others throughout Erie County, New York State and across the United States; and

WHEREAS, Herb Greenman is a graduate of Buffalo's Riverside High School; and

WHEREAS, Herb Greenman originally planned to become a Buffalo Public School teacher, but decided to venture into Law; and

WHEREAS, Herb Greenman graduated from the University at Buffalo School of Law in 1972; and

WHEREAS, prior to his career as a distinguished defense attorney, Herb Greenman began his career as an Assistant District Attorney for Erie County, prosecuting drug felonies from 1973 to 1974; and

WHEREAS, Herb Greenman became a respected criminal prosecutor, often working on major drug cases that involved complex investigations and search warrants; and

WHEREAS, Herb Greenman was an instructor from 1979 to 1999 with the University at Buffalo School of Law's Trial Techniques Program for Second- and Third-year Law Students; and

WHEREAS, Herb Greenman decided years ago to specialize in defending drug cases because he feels harsh changes in state and federal laws have stacked the cards against defendants; and

WHEREAS, during his time as a Senior Partner in the Buffalo firm of Lipsitz Green Scime Cambria LLP, Herb Greeman has been called upon repeatedly to represent not only the rich and powerful, but has also never turned away from helping the less fortunate among us with much less significant matters; and

WHEREAS, Herb Greenman and another attorney made headlines by winning acquittals for two Vietnamese immigrants charged with importing 20 pounds of heroin in the biggest drug-smuggling trial ever conducted in Western New York; and

WHEREAS, Herb Greenman has earned numerous awards and distinctions throughout his career, including the Thurgood S. Marshall Award for Outstanding Criminal Practitioner from the New York State Association of Criminal Defense Lawyers (2015), has been named "Lawyer of the Year" in Buffalo for Criminal Defense (2014), and has received the New York State Bar Association's Charles F. Crimi Memorial Award (2001), which annually recognizes the most outstanding criminal defense practitioner in all of New York State; and

WHEREAS, outside the courthouse, Herb Greenman enjoys attending many Buffalo Bills games with his family and playing golf with his friends and colleagues; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as ***Herbert L. Greenman, Esq.*** an extraordinary father and attorney who has enhanced, represented, and bettered our community through his actions in devoting his time to defend those in their times of need, along with his leadership roles and well-deserved accolades and achievements.

NOW, THEREFORE, BE IT

RESOLVED, it is with great honor that this this Legislative Body hereby applauds and recognizes ***Herbert L. Greenman, Esq.*** for his exceptional accomplishments through his career in the City of Buffalo and throughout Erie County; and be it further

RESOLVED, that the Erie County Legislature congratulates ***Herbert L. Greenman, Esq.*** on his legendary career in Law and wishes him the very best wishes on his retirement and commends him for his strong service to, and leadership in our community.

Hon. John J. Gilmour
Erie County Legislator, 9th District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT	
GILMOUR	Honoring the Many Years of Sincere, Dedicated and Exemplary Service to the Residents of Erie County Provided by Tammie Scruggs

Attachments

24PROC. 15-5

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 2, 2024

Honoring the Many Years of Sincere, Dedicated and Exemplary Service to the Residents of Erie County Provided by Tammie Scruggs

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to individuals that enrich our community, and attendant to such concern and in full accord with its long-standing traditions of service to our community; and

WHEREAS, this Legislative Body is justly proud to recognize ***Tammie Scruggs***, a woman who through over three decade at Erie County Medical Center (ECMC), has served with distinction and excellence in the capacity of aiding and assisting residents; and

WHEREAS, ***Tammie Scruggs,*** born and raised in the City of Lackawanna and daughter to Charmaine and Charles Washington, has gone above and beyond to proudly represent Erie County; and

WHEREAS, after graduating Lackawanna High School in 1980, Tammie would receive her nursing diploma from Buffalo General nursing program in 1983; and

WHEREAS, immediately after, Tammie worked as a nursing home supervisor and in June (1985), she would begin an extensive 38-year career at ECMC, accepting a position on the medical-surgical floor; and

WHEREAS, eventually, Tammie would find her home in psychiatry; and

WHEREAS, Tammie transferred from the floors in 2001 to utilization review where she would remain there until she officially retired in March (2024); and

WHEREAS, there is a reason for Tammy and her successful tenure as an extraordinary employee at ECMC – she truly cares about people, serving them, helping residents, both young and old navigate through various phases of life; and

WHEREAS, Tammie left her impact at ECMC which also included both of her daughters, Ashley and Chrstina to follow in her footsteps; and

WHEREAS, Tammie's ability to instill hope in everyone and provide opportunities for many others makes her a natural born leader in our community; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as ***Tammie Scruggs***, who enhance, represent, and serve their community.

NOW, THEREFORE, BE IT

RESOLVED, that with admiration, respect, and the utmost appreciation, this Honorable Body recognize and congratulate ***Tammie Scruggs*** for her exceptional work ethic, her enthusiasm and service from ECMC, and wishes her the very best in retirement, filled with family, joy, and good health.

Hon. John J. Gilmour
Erie County Legislator, 9th District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

DUPRE & BASKIN	Celebrating and Remembering Marlon Gerard Holt Sr.

Attachments

24PROC. 15-6

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 24, 2024

Celebrating and Remembering Marlon Gerard Holt Sr.

WHEREAS, ***Marlon Gerard Holt Sr., a beloved community activist and environmental enthusiast,*** was born and raised in the City of Buffalo; and

WHEREAS, Marlon Sr. attended St. Ann's Elementary School and Bishop Turner High School; and

WHEREAS, after attending formerly known school, Villa Maria College and the University at Buffalo, he would go to serve in the Air Force in the Vietnam War; and

WHEREAS, after his stint in the Air Force, Marlon Sr. grew a deep passion to inspire and change the world through social activism; and

WHEREAS, he was a leader in Earth Day demonstrations in Buffalo and worked on beautification projects that included the renovation of inner city playgrounds and the installation of historical markers at important sites in Buffalo jazz; and

WHEREAS, Marlon Sr. not only captured the attention of many with his unconditional and uplifting love to serve our community, but also he devoted time being an exceptional role model to his family and friends; and

WHEREAS, Marlon Sr. dedicated his life to uplifting our community through his tireless efforts and left a legacy of service and commitment to social causes that resulted in having a profound impact on our community; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of ***Marlon Gerard Holt Sr.*** whose lifelong dedication to God, family and community are an inspiration to be admired, emulated and honored

WHEREAS, today, August 24, 2024, this Honorable Body would like to acknowledge and celebrate the life of ***Marlon Gerard Holt Sr.*** and the occasion of today's heartfelt event for his devotion to generations of youth, commitment to the community, and the betterment of the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby honor the life and legacy of ***Marlon Gerard Holt Sr.*** and extend a well-deserved applause to his wife Dawn, his children, family members and those community leaders who contributed their time to provide our community with an exceptional event for such an icon that Marlon Sr. was to the City of Buffalo and Erie County.

Hon. Lawrence J. Dupre
Erie County Legislator, 1st District

Hon. April N.M Baskin
Erie County Legislator, 2nd District

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

LL INTRO. 2-1 (2024)	LORIGO	The Tax Dollar Disclosure Act

Attachments

LL INTRO. 2-1 (2024)

EC LEG APR 30 '24 AM11:00

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 2-1 - 2024
LOCAL LAW – NO. _____ - 2024

A LOCAL LAW requiring transparent, searchable databases for expenditures accessible and available to the public.

SECTION 1. Title

This law shall be entitled and known as "The Tax Dollar Disclosure Act."

SECTION 2. Legislative Intent

The Erie County Legislature recognizes that taxpayers should have easy access to details on how the county is spending their tax dollars and what performance results are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Erie County Comptroller to create and maintain a searchable budget database website detailing where, for what purpose, and what results are achieved for all taxpayer investments in county government.

SECTION 3. Definitions

AGENCY

A county department, division, office, bureau, board, commission, committee, or unit. This includes individual county agencies and programs, as well as those programs and activities that cross agency lines. "County agency" includes all elective offices in Erie County government.

AUDIT OR REPORT

Shall include any audit or report issued by the state, county, legislature, legislative committee, comptroller or executive body relating to the entity or recipient of funds or the budget program/activity or agency.

COMPTROLLER

The Erie County Comptroller.

ENTITY/AND OR RECIPIENTS

A. a corporation,

B. an association,

C. a union,

D. a limited liability company,

E. a limited liability partnership,

F. any other legal business entity including non-profits,

G. grantees,

H. contractors, and

I. a county, city, or other local government entity.

J. "Entity/and or recipients" does not include an individual recipient of public assistance.

FUNDING SOURCE
The account from which the expenditure is appropriated, inclusive of all budgeted accounts.

FUNDING ACTION OR EXPENDITURE
Shall include details on the type of spending (grant, contract, appropriations, etc.). This includes tax exemptions or credits. Where possible, a hyperlink to the actual expenditure document (in a format that is, at a minimum, as searchable as a searchable PDF format) shall be provided.

LEGISLATURE
The Erie County Legislature.

SEARCHABLE BUDGET DATABASE WEBSITE
A website that allows the public, at no cost, to:

A. Search and aggregate information for the following:

1. the name and principal location or residence of the entity/and or recipients of funds,

2. the amount of funds expended,

3. the funding or expending agency,

4. the funding source of the revenue expended,

5. the budget program/activity of the expenditure,

6. a descriptive purpose for the funding action or expenditure,

7. the expected performance outcome for the funding action or expenditure,

8. the past performance outcomes achieved for the funding action or expenditure,

9. any audit or report relating to the entity or recipient of funds or the budget program/activity or agency,

10. and any other relevant information specified by the Comptroller.

B. Programmatically search and access all data in a serialized machine-readable format (such as XML) via a web-services application programming interface.

SECTION 4. Searchable Budget Database Website Created

By October 1, 2024, the Comptroller shall develop and make publicly available a single, searchable budget database website including the required data for the most recent county budget. The website shall be given a unique and simplified website address. Each county agency that maintains a generally accessible Internet site or for which a generally accessible Internet site is maintained shall include a link on the front page of the agency's Internet site to the budget database website.

SECTION 5. Updates

The Comptroller shall provide guidance to agency heads to ensure compliance with this section. The searchable budget database website shall be updated as new data becomes available, if feasible, but no later than 30 days upon receipt of data from the agency.

The Comptroller shall ensure that all data added to the searchable budget database website remains accessible to the public for a minimum of six years.

SECTION 6. Compliance with the Act

The Comptroller shall not be considered in compliance with this act if the data required for the searchable budget database website is not available in a searchable and aggregate manner and/or the public is redirected to other government websites, unless each of those sites has information from all agencies and each category of information required can be searched electronically by field in a single search.

SECTION 7. Severability

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in

its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Erie hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 8. Repealer

All ordinances, local laws, and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued, or acquired, or penalty, charge, liability, forfeiture, or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Erie local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

SECTION 9. Effective Date

This Local Law shall take effect on October 1, 2024.

Sponsor: Legislator Lorigo

Co-Sponsors:

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

LL INTRO. 3-1 (2024)	LORIGO	The Meetings Transparency Act

Attachments

LL INTRO. 3-1 (2024)

EC LEG NOV 7 '24 AM9:53

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 3-1 - 2024
LOCAL LAW – NO. _____ - 2024

A LOCAL LAW requiring meetings of Erie County Boards and Advisory Committees to provide access to information to the public.

SECTION 1. Title

This law shall be entitled and known as "The Meetings Transparency Act."

SECTION 2. Legislative Intent

The Erie County Legislature recognizes that taxpayers should have easy access to details discussed and acted upon at public meetings. The Erie County Legislature prepares an agenda which it posts prior to session, streams and has available for replay video of the meeting and posts the minutes of meeting for review. Readily available technology should be used to increase access to similar discussions and actions of commissions and boards.

SECTION 3. Definitions

BOARD

Any government board, commission, council, committee, advisory committee, panel or similar group that is created pursuant to the Erie County Charter, Code or Local Law.

SECTION 4. Meeting Minutes

Boards shall keep written minutes summarizing all official actions, discussions, public comments, and votes taken at each meeting.

Draft minutes shall be made available to the public within 10 business days after each meeting.

Minutes shall be officially approved at the board's next public meeting and a final version posted publicly online within 5 business days after approval. The minutes also must be submitted to the Clerk of the Legislature to be included in the official record.

SECTION 5. Notice and Agendas

Boards shall give public notice at least 7 calendar days prior to any regular meeting by prominently posting the date, time, location, and agenda on the general Erie County website, as well as the website of the Erie County Legislature.

For special or emergency meetings, notice should be provided as soon as is practicable.

Meeting agendas shall include a list of topics to be discussed, a list of invited speakers, and indicate if any votes or official actions are anticipated.

SECTION 6. Broadcast and Recording of Meetings

To the extent feasible, boards should also provide a live stream of meetings for public viewing. Erie County is required to make appropriate accommodation for each board to make this possible. If a live stream is not possible, meetings should at minimum be video recorded and the recording should be posted on the general Erie County website.

SECTION 7. Public Access to Records

Boards shall maintain information to be posted on Erie County's website providing access to board member information, past meeting minutes, agendas, recordings, reports, resolutions, and other official documents.

Upon public request, boards shall provide copies or electronic access to such records in a timely manner as allowable by public records laws.

SECTION 8. Public Comment

Boards should provide reasonable opportunities for public comment at each meeting.

Any restrictions on public comment shall be viewpoint-neutral and clearly stated in the board's policies.

SECTION 9. Compliance

Originating governmental bodies shall establish procedures to monitor and ensure compliance with this law.

SECTION 10. Severability

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Erie hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 11. Effective Date

This Local Law shall take effect on September 1, 2024.

Sponsor: Legislator Lorigo

Co-Sponsors:

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

LL INTRO. 5-1 (2024)	BARGNESI	Amending the Erie County Charter in Relation to Term Lengths and Term Limits

Attachments

LL INTRO. 5-1 (2024)

EC LEG JUN 18 '24 PM12:57

COUNTY OF ERIE

LOCAL LAW INTRO. NO. ____-2024

LOCAL LAW NO. ____-2024

A Local Law amending Local Law 1-1959, constituting the Erie County Charter, as amended, in relation to the amending of Section 202.2 for the purpose of setting the terms of legislative office to four (4) years and limiting the number of consecutive terms for that can be held to three (3) consecutive four-year terms for all elected officials.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT

The intent of this legislation is to amend the terms of office for the Erie County of Legislature to a term of four (4) years and to limit the number of consecutive terms for all elected officials that can be served to three (3) consecutive four-year terms.

Section 2. CHANGING THE TERM OF LEGISLATIVE OFFICE AND LIMITING THE NUMBER OF CONSECUTIVE TERMS FOR ALL ELECTED OFFICIALS

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended as follows:

> Article 2, Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected County legislators shall hold their respective offices for a term of two years; provided, that legislators elected in the year two thousand twenty-six and in subsequent years shall hold their offices for four years. No person shall be eligible to be elected to or serve as County legislator if that person had previously held such office for three or more consecutive four-year terms.
>
> Article 3, Section 301. The County Executive; election; term; qualifications. The executive branch of County government shall be administered by the County Executive who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years, except that the term of the County Executive elected in nineteen hundred sixty shall be for three years. No person shall be eligible to be elected to or serve as County Executive if that person had previously held such office for three or more consecutive four-year terms. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office, except as provided in section three hundred seven hereof.

Article 18, Section 1801. Election; Comptroller's Act repealed. There shall be a County Comptroller who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years. No person shall be eligible to be elected to or serve as County Comptroller if that person had previously held such office for three or more consecutive four-year terms. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office. The Erie County Comptroller's Act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Article 19, Section 1901. Election. There shall be a County Clerk who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as County Clerk if that person had previously held such office for three or more consecutive four-year terms. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Article 20, Section 2001. Election. There shall be a District Attorney who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as District Attorney if that person had previously held such office for three or more consecutive four-year terms. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Article 21, Section 2101. Election. There shall be a Sheriff who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as Sheriff if that person had previously held such office for three or more consecutive four-year terms. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 3. EFFECTIVE DATE

This Local Law shall take effect the first day of the first fiscal year after receiving an affirmative vote of a majority of the qualified electors of the County of Erie in a manner consistent with the provisions of New York State Municipal Home Rule Law Section 3 and upon its subsequent filing with the New York Secretary of State.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor:

John J. Bargnesi

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

LL INTRO. 5-2 (2024)	BARGNESI	Amending the Erie County Charter in Relation to Term Lengths and Term Limits

Attachments

LL INTRO. 5-2 (2024)

EC LEG JUL 22 '24 PM12:19

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 5-2 -2024

LOCAL LAW NO. ____-2024

A Local Law amending Local Law 1-1959, constituting the Erie County Charter, as amended, in relation to the amending of Section 202.2 for the purpose of setting the terms of legislative office to four (4) years and limiting the number of terms for that can be held to three (3) four-year terms for all elected officials.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. LEGISLATIVE INTENT

The intent of this legislation is to amend the terms of office for the Erie County of Legislature to a term of four (4) years and to limit the number of terms for all elected officials that can be served to three (3) four-year terms.

Section 2. CHANGING THE TERM OF LEGISLATIVE OFFICE AND LIMITING THE NUMBER OF TERMS FOR ALL ELECTED OFFICIALS

Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended as follows:

Article 2, Section 202.2. Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected County legislators shall hold their respective offices for a term of two years; provided, that legislators elected in the year two thousand twenty-six and in subsequent years shall hold their offices for four years. No person shall be eligible to be elected to or serve as County legislator if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof.

Article 3, Section 301. The County Executive; election; term; qualifications. The executive branch of County government shall be administered by the County Executive who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years, except that the term of the County Executive elected in nineteen hundred sixty shall be for three years. No person shall be eligible to be elected to or serve as County Executive if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or

her office and shall hold no other public office, except as provided in section three hundred seven hereof.

Article 18, Section 1801. Election; Comptroller's Act repealed. There shall be a County Comptroller who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years. No person shall be eligible to be elected to or serve as County Comptroller if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office. The Erie County Comptroller's Act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Article 19, Section 1901. Election. There shall be a County Clerk who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as County Clerk if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof . At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Article 20, Section 2001. Election. There shall be a District Attorney who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election, and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as District Attorney if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Article 21, Section 2101. Election. There shall be a Sheriff who shall be elected from the County at large. His or her term of office shall begin with the first day of January next following his or her election and shall be for four years except as otherwise provided in this Charter. No person shall be eligible to be elected to or serve as Sheriff if that person had previously held such office for three or more four-year terms. For the purpose of establishing the term limit, term of office shall be calculated beginning the first day of his or her first full term of office after the effective date hereof. At the time of his or her election and throughout his or her term of office he or she shall be a qualified elector of

the County. He or she shall devote his or her whole time to the duties of his or her office and shall hold no other public office.

Section 3. EFFECTIVE DATE

This Local Law shall take effect the first day of the first fiscal year after receiving an affirmative vote of a majority of the qualified electors of the County of Erie in a manner consistent with the provisions of New York State Municipal Home Rule Law Article 3 and upon its subsequent filing with the New York Secretary of State.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor:

John J. Bargnesi

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

INTRO. 15-1	MAJORITY & MINORITY CAUCUSES	Legislature Personnel Budget Authorization

Attachments

24INTRO. 15-1 SUSPENSION

SUSPENSION

EC LEG SEP 10 '24 PM3:09

A RESOLUTION TO BE SUBMITTED BY
THE MAJORITY & MINORITY CAUCUSES
OF THE ERIE COUNTY LEGISLATURE

RE: Legislature Personnel Budget Authorization

WHEREAS, Article II, Section 202.4 of the Erie County Charter, as amended by Local Law No. 1-2017, addresses the procedure for the allocation of funds for the Erie County Legislature; and

WHEREAS, it states that "the fund appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, shall be allocated to the majority and minority in the proportion that the majority members of the Legislature will bear to the total number of legislators, provided that the majority will not receive more than 65 percent of the funds appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, and the proportion that the minority members of the Legislature will bear to the total number of legislators, provided that the minority will not receive less than 35 percent of the funds appropriated for the County Legislature in the annual budget, exclusive of the funds for the Office of the Clerk of the County Legislature, as of the commencement of the fiscal year for which the budget is adopted;" and

WHEREAS, in order to keep the Legislature's annual departmental budget in accordance with the Erie County Charter, the Legislature needs the authority to hire staff at a variable minimum.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is authorized to fill the following positions at a variable minimum up to and including step 5:

- JG10 – First Administrative Assistant (Legislature) - (Cost Center 1003030)
- JG11 – Senior Admin Clerk (Legislature) – (Cost Center) 1003030)

and be it further

RESOLVED, the original date of County service will be used for calculating future increments;

and be it further

RESOLVED, that certified copies of this resolution be presented to the Chairperson of the Erie County Legislature, the Minority Leader of the Erie County Legislature, Commissioner of Personnel, and the Director of Budget & Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-1	COMPTROLLER	Certificate of Determination - Bond Sale

Attachments

24COMM. 15E-1

EC LEG JUL 30 '24 PM1:17

CERTIFICATE OF DETERMINATION OF THE COUNTY COMPTROLLER RELATIVE TO THE TERMS, FORM AND DETAILS OF THE SALE AND ISSUANCE OF $44,290,000 PUBLIC IMPROVEMENT SERIAL BONDS, SERIES 2024A OF THE COUNTY OF ERIE, NEW YORK, AND PROVIDING FOR THEIR PRIVATE SALE.

I, KEVIN R. HARDWICK, the County Comptroller of the County of Erie, New York (the "County"), HEREBY CERTIFY that pursuant to the powers and duties delegated to me as the chief fiscal officer of the County pursuant to the Bond Resolutions that were duly adopted and amended by the County Legislature and are referred to in the attached Appendix A which are hereby made a part hereof, and subject to the limitations prescribed in those Bond Resolutions, I have made the following determinations:

1. Authorization, Principal Amount, Maturity Schedule, Issue Date and Designation: (a) Bonds of the County (the "Bonds") in the respective principal amounts as set forth in the attached Appendix A, for each purpose as set forth in such Appendix, shall be issued pursuant to various bond resolutions that were duly adopted and amended by the County Legislature, on their respective dates as set forth in such Appendix, and shall mature in the respective principal amounts on September 15 in each of the years as set forth in such Appendix.

(b) All of the serial bonds hereinabove referred to in Appendix A (the "Bonds") shall be in the aggregate principal amount of $44,290,000, and shall be designated "PUBLIC IMPROVEMENT SERIAL BONDS, SERIES 2024A." The Bonds shall be dated August 1, 2024 and shall mature, with substantially level or declining annual debt service, on September 15 in various years, as set forth in Appendix A.

2. Issue Date. The Bonds shall be dated their date of delivery. The date of each Bond shall appear on the face thereof under the caption "Date of Original Issue," and each Bond shall bear interest from such date.

3. Interest Rate, Dates and Medium of Payment. The Bonds shall bear interest from their date at the rate(s) per annum as set forth in Section 1 hereof, payable March 15, 2025, September 15, 2025 and semi-annually thereafter on each March 15 and September 15 to maturity (or earlier redemption, if applicable), payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest thereon will be payable by wire transfer or in clearinghouse funds by the Fiscal Agent, on each interest payment date, to the registered owners thereof (at their addresses as they appear on the registration books of the County maintained by the Fiscal Agent or at such other address as may be furnished in writing by any of such registered owners to the Fiscal Agent) at the record date/time for the Bonds, which is the last business day of the month preceding each interest payment date, at the close of business.

4. Bonds Subject to Prior Redemption. The Bonds maturing on or before September 15, 2033 will not be subject to redemption prior to maturity. The Bonds maturing on or after September 15, 2034 will be subject to redemption prior to maturity at the option of the County on any date on or after September 15, 2033, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the price equal to 100% of the par amount of the Bonds to be redeemed, plus accrued interest to the date of redemption. The County may select the maturities of the Bonds to be redeemed prior to maturity and the amount to be redeemed of each maturity selected, as the County shall determine to be in the best interest of the County at the time of such redemption. If less than all of the Bonds

of any maturity are to be redeemed prior to maturity, the selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with procedures established by The Depository Trust Company ("DTC") which will act as securities depository for the Bonds. If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of $5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{\text{(principal to be redeemed) x (principal amount owned by owner)}}{\text{(principal amount outstanding)}}$$

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the County will cause notice of redemption to be given only to DTC as registered owner. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days, nor more than sixty (60) days, prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

5. Denominations, Numbers and Letters. The Bonds maturing in each year shall be issued as fully registered bonds in denominations of $5,000 or any integral multiple thereof not exceeding the aggregate principal amount of Bonds maturing in such year.

The Bonds shall be lettered R, and shall be numbered one (1) consecutively upward in the order of their issuance. All of the Bonds shall be transferable and exchangeable as provided herein.

6. Book Entry System. The Bonds when issued shall be (i) registered in the name of Cede & Co., as nominee of DTC and (ii) deposited with DTC to be held in trust until maturity. Only one Bond will be initially issued for each maturity in the aggregate principal amount of such maturity. DTC is an automated depository for securities and clearinghouse for securities transactions, and will be responsible for establishing and maintaining a book-entry system for recording the ownership interests of its participants, which include certain banks, trust companies and securities dealers, and the transfers of the interests among its participants. The DTC participants will be responsible for establishing and maintaining records with respect to the beneficial ownership interests of individual purchasers in the Bonds. Individual purchases of beneficial ownership interests in the Bonds may only be made through book entries (without certificates issued by the County) made on the books and records of DTC (or a successor depository) and its participants, in the denominations of $5,000 or integral multiples thereof. Beneficial owners of the Bonds will not receive certificates representing their interest in the Bonds. Principal of and interest on the Bonds will be payable by the County or its agent by wire transfer or in clearinghouse funds to DTC or its nominee as registered owner of the Bonds pursuant to the Blanket Letter of Representations between the County and DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for payments by DTC to its participants or by DTC participants to beneficial owners or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

7. Discontinuance of Book Entry System. In the event that (a) DTC determines to discontinue providing its service with respect to the Bonds by giving notice to the County and discharging its responsibilities with respect thereto under applicable law, and the County fails to appoint a successor securities depository for the Bonds, or (b) the County determines to discontinue the system of book-entry transfers through DTC (or a successor securities depository), then bond certificates shall be delivered to each of the beneficial owners upon registration of the Bonds held in such beneficial owners' names. After such registration the beneficial owners shall become the registered owners of the Bonds. In such event, the County Comptroller of the County shall execute a Supplemental Certificate of Determination which will set forth the terms, form and details of issuance of such bond certificates.

8. Fiscal Agent. U.S. Bank Trust Company, National Association, New York, New York is hereby appointed as the Fiscal Agent for the Bonds pursuant to, and to act in accordance with, applicable provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

9. Execution of Bonds. The Bonds shall be executed in the name of the County by the manual signature of the County Comptroller, and shall have the corporate seal of the County, or a facsimile thereof, affixed, impressed, imprinted, engraved or otherwise reproduced thereon.

10. Transfer of Bonds. Each Bond shall be transferable only upon the books of the County which shall be kept for such purpose at the office of the Fiscal Agent, by the registered owner thereof in person or by its attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer or exchange satisfactory to the Fiscal Agent duly executed by the registered owner or its duly authorized attorney. Upon transfer of any such Bond,

the County shall issue in the name of the transferee or the registered owner a new Bond or Bonds of the same aggregate principal amount and maturity as the surrendered Bond. The Fiscal Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the County as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon its order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Fiscal Agent shall be affected by any notice to the contrary.

11. Regulations With Respect to the Exchanges and Transfers. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and deliver Bonds in accordance with the provisions hereof. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Fiscal Agent. For every such exchange or transfer of bonds, the Fiscal Agent may make a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, and may charge a sum sufficient to pay the cost of preparing each new bond issued upon such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obliged to make any such exchange or transfer of Bonds between the close of business on the last business day of the month preceding an interest payment date and such interest payment date.

12. Sale of Bonds. The Bonds are hereby sold at private sale to FHN Financial Capital Markets, a division of First Horizon Bank ("FHNCM"), as the book-running senior manager, with co-managers Ramirez & Co., Inc., TD Securities, and Oppenheimer & Co. Inc., all of New York, New York, as the Underwriters listed in the Contract of Purchase dated July 23, 2024 between the Underwriters and the County, for the purchase price of $48,618,405.71 plus accrued interest, if any, from the date of the Bonds (August 1, 2024) to the date of delivery of and payment for the Bonds. The aggregate initial offering price for the Bonds will be $48,731,839.60 plus accrued interest, if any. Pursuant to Section 54.50 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws for the State of New York, as amended, the terms and conditions of such sale are subject to the approval of the State Comptroller. Delivery of the Bonds to the purchasers thereof shall be effected on or about August 1, 2024, upon (i) receipt by the County of the purchase price of the Bonds and (ii) deposit of the Bonds with DTC to be held in trust until maturity.

13. Form of Bonds. The Bonds shall be in substantially the form set forth in Appendix B hereto.

14. SEC Rule 15c2-12. In order to assist the Underwriters of the Bonds in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission, and as part of the County's contractual obligation arising from its acceptance of the Underwriters' proposal, at the time of the delivery of the Bonds the County will provide an executed copy of its "Undertaking to Provide Continuing Disclosure" in substantially the form set forth in Exhibit D hereto. The Undertaking will constitute a written agreement or contract of the County for the benefit of holders of and owners of beneficial interests in the Bonds, to provide to the Electronic Municipal Market Access ("EMMA") System implemented by the Municipal Securities

Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of such Board contemplated by the Undertaking, the annual financial information and timely notice of the occurrence of certain events, as enumerated in the Rule 15c2-12.

[Remainder of this page intentionally left blank]

(Signature Page for Certificate of Determination)

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Bonds hereinabove described and referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as of 23rd day of July, 2024.

County Comptroller

APPENDIX A

Public Improvement Serial Bonds, Series 2024A

Debt Service Schedule Purposes of Financing Bond Resolutions

BOND DEBT SERVICE

County of Erie, NY
Public Improvement Serial Bonds, Series 2024A

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2025	1,655,000	5.000%	2,287,930.55	3,942,930.55
12/31/2026	1,995,000	5.000%	1,956,000.00	3,951,000.00
12/31/2027	2,095,000	5.000%	1,856,250.00	3,951,250.00
12/31/2028	2,195,000	5.000%	1,751,500.00	3,946,500.00
12/31/2029	2,305,000	5.000%	1,641,750.00	3,946,750.00
12/31/2030	2,420,000	5.000%	1,526,500.00	3,946,500.00
12/31/2031	2,540,000	5.000%	1,405,500.00	3,945,500.00
12/31/2032	2,670,000	5.000%	1,278,500.00	3,948,500.00
12/31/2033	2,805,000	5.000%	1,145,000.00	3,950,000.00
12/31/2034	2,945,000	5.000%	1,004,750.00	3,949,750.00
12/31/2035	3,090,000	5.000%	857,500.00	3,947,500.00
12/31/2036	3,245,000	4.000%	703,000.00	3,948,000.00
12/31/2037	3,375,000	4.000%	573,200.00	3,948,200.00
12/31/2038	3,510,000	4.000%	438,200.00	3,948,200.00
12/31/2039	3,650,000	4.000%	297,800.00	3,947,800.00
12/31/2040	3,795,000	4.000%	151,800.00	3,946,800.00
	44,290,000		18,875,180.55	63,165,180.55

BOND RESOLUTION DATED JULY 30, 2015. BOND RESOLUTION AUTHORIZING THE ISSUANCE OF $5,655,912.55 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS $9,000,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 3 TO SAID COUNTY.

BOND RESOLUTION DATED JANUARY 26, 2017. BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF $6,000,000 BONDS OF THE COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 4; STATING THE ESTIMATED MAXIMUM COST THEREOF IS $6,000,000, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 4 TO SAID COUNTY.

BOND RESOLUTION DATED MAY 12, 2022. BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2022 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS $56,122,222, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF $17,758,254 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND $927,854 IN CURRENT FUNDS, AND AUTHORIZING THE ISSUANCE OF $37,436,114 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

BOND RESOLUTION DATED APRIL 13, 2023. BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2023 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE $46,459,500, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF $8,647,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO $37,812,170 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE THE BALANCE OF SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

BOND RESOLUTION DATED MARCH 21, 2024. BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2024 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE $50,825,000, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF $9,842,385 OF STATE AND FEDERAL AID) THE ISSUANCE OF UP TO $40,982,615 OF BOND OR OTHER OBLIGATIONS OF THE COUNTY (THE "OBLIGATIONS") TO FINANCE THE BALANCE OF THE MAXIMUM ESTIMATED COST OF SUCH PROJECTS, ADDRESSING CERTAIN RELATED MATTERS, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH OBLIGATIONS.

APPENDIX B
Bond Form

© GOES 340

REGISTERED
NO. R -1

PRINCIPAL SUM
$1,655,000

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF ERIE

PUBLIC IMPROVEMENT SERIAL BOND, SERIES 2024A

MATURITY DATE	**INTEREST RATE**	**DATE OF ORIGINAL ISSUE**
September 15, 2025	5.00%	August 1, 2024

REGISTERED OWNER: CEDE & CO. **CUSIP:** 295084 XB8

PRINCIPAL SUM: ONE MILLION SIX HUNDRED FIFTY-FIVE THOUSAND DOLLARS AND NO CENTS ($1,655,000)

The County of Erie, a municipal corporation of the State of New York (the "County"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER (named above), or registered assigns, on the MATURITY DATE (stated above), the PRINCIPAL SUM (stated above) upon presentation and surrender of this bond at the corporate trust office of U.S. Bank Trust Company, National Association, New York, New York, New York, as fiscal agent ("Fiscal Agent"), or any successor thereto, and to pay interest on such principal sum from August 1, 2024 or from the most recent interest payment date to which interest has been paid, or unless interest on this bond shall be in default, in which event this bond shall bear interest from the date to which interest has been paid in full, at the INTEREST RATE (stated above), payable on March 15, 2025, September 15, 2025 and semi-annually thereafter on March 15 and September 15 in each year until maturity (or earlier redemption). Interest hereon will be payable by wire transfer or in clearinghouse funds by the Fiscal Agent, on each interest payment date, to the registered owners thereof (at their addresses as they appear on the registration books of the County maintained by the Fiscal Agent or at such other address as may be furnished in writing by any of such registered owners to the Fiscal Agent) at the record date/time for the Bonds, which is the last business day of the month preceding each interest payment date, at the close of business. The principal of and interest on this bond are payable in any coin or currency of the United States of America which, at the date of payment, is legal tender for the payment of public and private debts; provided, however, that interest on this fully-registered bond shall be paid by wire transfer or clearinghouse funds as set forth above.

The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

Litho In U.S.A.

© GOES 340

County of Erie, New York
Public Improvement Serial Bond, Series 2024A

This bond is one of an authorized issue, the principal amount of which is $44,290,000, and is issued pursuant to (i) the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), (ii) various bond resolutions that were duly adopted and amended by the Legislature of the County on their respective dates, authorizing the issuance of bonds of the County to provide funds required to finance various capital improvements in the County and (iii) a Certificate of Determination executed by the County Comptroller as of July 23, 2024 determining the terms, form and details of issuance of the bonds (the "Bonds") and providing for their private sale (the "Certificate of Determination").

The Bonds are issuable in the form of registered bonds without coupons in denominations of $5,000 or any integral multiple thereof, not exceeding the aggregate principal amount of the Bonds maturing in any year.

This bond is transferable or exchangeable, as provided in the Certificate of Determination, only upon the books of the County which shall be kept for that purpose at the office of the Fiscal Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer or exchange satisfactory to the County duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new bond or bonds, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the registered owner in exchange therefor as provided in the Certificate of Determination and upon the payment of the charges, if any, therein prescribed.

The Bonds maturing on or before September 15, 2033 will not be subject to redemption prior to maturity. The Bonds maturing on September 15, 2034 and thereafter will be subject to redemption prior to maturity, at the option of the County, on September 15, 2033 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at a price equal to the par amount, plus accrued interest to the date of redemption.

The County may select the maturities of the Bonds to be redeemed and the amount to be redeemed of each such maturity selected, as the County shall determine to be in the best interests of the County at the time of such redemption. If less than all of the Bonds of any maturity are to be redeemed prior to maturity, the selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with procedures established by The Depository Trust Company ("DTC") which will act as securities depository for the Bonds. If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of $5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{\text{(principal to be redeemed)} \times \text{(principal amount owned by owner)}}{\text{(principal amount outstanding)}}$$

Litho in U.S.A.

© GOES 340

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the County will cause notice of redemption to be given only to DTC as registered owner. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days, nor more than sixty (60) days, prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of such State.

[SIGNATURE PAGE FOLLOWS]

Litho in U.S.A.

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IN WITNESS WHEREOF, the County has caused this bond to be executed in its name by the manual signature of its County Comptroller and its corporate seal (or a facsimile thereof) to be affixed, impressed, imprinted, engraved, or otherwise reproduced hereon.

COUNTY OF ERIE

SPECIMEN

By:_____
County Comptroller

(Seal)

Litho In U.S.A.

© GOES 340

ASSIGNMENT

FOR VALUE RECEIVED the Undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

_____

_____

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS INCLUDING POSTAL ZIP CODE OF ASSIGNEE

_____

the within bond and does hereby irrevocably constitutes and appoint

_____

_____, Attorney to transfer the bond on the books kept for registration of the bond, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: Signature(s) must be acknowledged or proved, or in the alternative, certified by an officer of a bank or trust company located and authorized to do business in New York State.

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

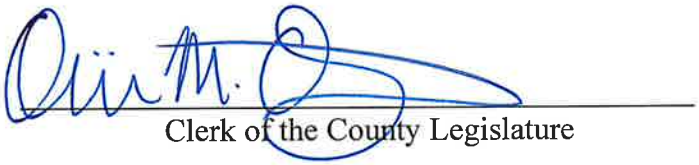
Litho In U.S.A.

CLERK'S CERTIFICATE

I, OLIVIA M. OWENS, Clerk of the County Legislature of the County of Erie, New York, HEREBY CERTIFY that I have compared the foregoing copy of the Certificate of Determination executed by the County Comptroller and the same is a true and complete copy of the Certificate filed with the County in my office as Clerk of the County Legislature on or before August 1, 2024; and

I FURTHER CERTIFY that no resolution electing to reassume any of the powers or duties mentioned in the Certificate and delegated to the County Comptroller by the resolutions cited in the Certificate has been adopted by the County Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the County as of the 1st day of August, 2024.



Clerk of the County Legislature

(SEAL)

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-2	COUNTY EXECUTIVE	Department of Health - Personnel Adjustment

Attachments

24COMM. 15E-2

EC LEG AUG 30 '24 PM12:24

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

August 30, 2024

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

RE: Department of Health – Personnel Adjustment

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Erie County Health Department requesting authorization to upgrade the Environmental Chemist from a job grade 11 to a job grade 12.

Should your Honorable Body require further information, I encourage you to contact Joseph Abdulla Deputy Health Commissioner. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/et
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Department of Health – Personnel Adjustment
Date: August 30, 2024

SUMMARY

The Erie County Department of Health (ECDOH) is requesting to upgrade JG-11 Environmental Chemist to JG-12 Environmental Chemist.

FISCAL IMPLICATIONS

There are adequate funds in the CDC Public health Infrastructure Grant (Fund 281, Funds Center 12710) 127SPHI2227 to cover the $3,858 increase in salary for the remainder of the year.

Annualized Salary

Environmental Chemist (JG-12, Step 0)	$66,277
Environmental Chemist (JG-11, Step 0)	($62,419)
Net Increase	$ 3,858

Increased Salary for Balance of Year: $3,858
Funding Source: 100% Grant

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The Erie County Department of Health is seeking to fill this position and is not able to fill at the current job grade. ECDOH would benefit greatly from the upgrade of this position to accomplish the grant activities and provide services to Erie County.

CONSEQUENCES OF NEGATIVE ACTION

The position would remain vacant.

STEPS FOLLOWING APPROVAL

The position will be reclassified from a JG-11 to JG-12.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

RE: Department of Health – Personnel Adjustment

WHEREAS, the Erie County Department of Health has identified a need to upgrade its existing Environmental Chemist (JG-11) to Environmental Chemist (JG-12); and

WHEREAS, the upgrade from a JG-11 to JG-12 would result in an increase of $3,858, with sufficient funding in the CDC Public health Infrastructure Grant (Fund 281, Funds Center 12710) 127SPHI2227 to accommodate this increase; and

WHEREAS, the complexities and responsibilities within the Erie County Department of Health Public Health Lab have increased, justifying the need for a change to JG 12 to better reflect the scope of work and responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the full-time Environmental Chemist (JG-11, CSEA) to a Environmental Chemist (JG-12, CSEA) (B100 # 14479) effective October 5, 2024; and be it further

RESOLVED, that sufficient funding exists within the CDC Public Health Infrastructure Grant (Fund 281, Funds Center 12710) 127SPHI2227 to cover the cost increase of this personnel adjustment; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Personnel, Department of Health, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-3	COUNTY EXECUTIVE	ECSD No. 8 - East Aurora WRRF Sand Filters Replacement Project

Attachments

24COMM. 15E-3

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG AUG 30 '24 PM12:24

August 30, 2024

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

RE: Erie County Sewer District No. 8
East Aurora WRRF Sand Filters Replacement Project
Professional Engineering Services
Request for Proposals

Honorable Members:

The Department of Environment and Planning, Division of Sewerage will be reviewing responses to a Request For Proposals for the Erie County Sewer District No. 8 East Aurora Water Resource Recovery Facility, Sand Filters Replacement Project.

We respectfully request this item be placed on the agenda of the Energy and Environment Committee. After final selections are made, the Department will provide the necessary ranking tabulations, recommendations to award, and a suggested resolution for review and consideration.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mp
cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-4	COUNTY EXECUTIVE	ECSD No. 6 - Lackawanna Open Cut Excavation Sanitary Sewer Replacements

Attachments

24COMM. 15E-4

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG AUG 30 '24 PM12:24

August 30, 2024

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

Re: Erie County Sewer District No. 6
Lackawanna Open Cut Excavation Sanitary Sewer Replacements
Bid Opening – Contract No. 68

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 6 Contract No. 68 Lackawanna Open Cut Excavation Sanitary Sewer Replacements.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

cc: J. Fiegl – Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-5	COUNTY EXECUTIVE	ECSD Nos. 1-6 & 8 - 2025 User Charges

Attachments

24COMM. 15E-5

EC LEG AUG 30 '24 PM12:24

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

August 30, 2024

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

RE: Erie County Sewer District Nos. 1-6 & 8
User Charges - 2025

Honorable Members:

The Department of Environment and Planning's Division of Sewerage Management is in the process of developing the Erie County Sewer District 2025 user charge rates for Erie County Sewer Districts.

In order to adopt these rates after completion of the required procedures, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. The Department will provide the necessary suggested resolution for your review and approval after completion of the necessary steps.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas

Cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-6	COUNTY EXECUTIVE	Retention of CHA Companies Engineering Services for Design Phases

Attachments

24COMM. 15E-6

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

LEG AUG 30 '24 PM 12:24

August 30, 2024

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

RE: Retention of CHA Companies Engineering Services for Design Phases for Rehabilitation of Culvert PK-22 Chestnut Ridge Park Town of Orchard Park

Dear Honorable Members:

The accompanying resolution requests authorization for the County Executive to execute a contract with CHA Companies for engineering services for the design and construction phases of the above noted capital project.

Should your Honorable Body require further information, I encourage you to contact Commissioner Troy Schinzel of the Department of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kc
Enclosure

cc: Troy Schinzel, Commissioner - Department of Parks, Recreation & Forestry

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Parks, Recreation & Forestry
Re: Retention of CHA Companies Engineering Services for Design Phase for Rehabilitation of Culvert PK-22 Chestnut Ridge Park Town of Orchard Park
Date: August 30, 2024

SUMMARY

The accompanying resolution requests authority for the County Executive to enter into an agreement with CHA Companies for engineering services for the design phase of the above noted project. CHA Companies was selected through the County's RFP consultant selection process to provide On-Call/Emergency Bridge and Culvert Engineering Services. This selection was approved by your Honorable Body via COMM. 12E-8 (June 22, 2023).

The subject project is to design a rehabilitation for Culvert PK-22 within Chestnut Ridge Park. The rehabilitation will include removal and replacement of the deteriorating fascia concrete on both sides of the culvert. New railing over the culvert will also be designed. The replacement of a smaller drainage pipe just to the west of this location will also be included in the design, along with the paving this area of the roadway.

FISCAL IMPLICATIONS

The estimated cost of the design and construction phase engineering services required is $50,000. Funding is available in Project A.24008 – 2024 Culvert Rehabilitation, Fund 410, Fund Center 164.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

This project is anticipated to be designed and built in a relatively short period of time. It is desired to have this designed in 2024, let in early 2025, with construction in the summer of 2025.

CONSEQUENCES OF NEGATIVE ACTION

If the contract is not approved the culvert fascia will continue to deteriorate and fall apart. The culvert would also continue to function without proper railing, which is a safety hazard to vehicles, pedestrians, and bicyclists travelling over the culvert.

STEPS FOLLOWING APPROVAL

A contract will be executed with CHA Companies for design engineering services for the rehabilitation of Culvert PK-22.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there is sufficient funding.

8/13/24

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Fund 410
Fund Center 164
A.24008
CHA Companies

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PARKS, RECREATION & FORESTRY

Re: Retention of CHA Companies Engineering Services for Design Phase for Rehabilitation of Culvert PK-22 Chestnut Ridge Park Town of Orchard Park

WHEREAS, Culvert PK-22 in Chestnut Ridge Park has fascia concrete that is deteriorating and railing which do not meet current standards, causing a potential safety hazard for the travelling public; and

WHEREAS, it is desired to rehabilitate Culvert PK-22; and

WHEREAS, CHA Companies was selected via the County's RFP process and approved via COMM. 12E-8 (June 22, 2023) for the provision of On-Call/Emergency Bridge and Culvert Engineering Services; and

WHEREAS, it is desired to execute a contract with CHA Companies for the design phase of the Project in the amount of $50,000; and

WHEREAS, the funding required is available in Capital Project A.24008 – 2024 Culvert Rehabilitation, Fund 410, Funds Center 164.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with CHA Companies for the design phase of culvert rehabilitation in Chestnut Ridge Park in an amount not to exceed $50,000; and be it further

RESOLVED, that funding for this project is available in Capital Project A.24008 – 2024 Culvert Rehabilitation, Fund 410, Funds Center 164; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Parks, Recreation & Forestry, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	CHA Companies
2.	AMOUNT OF CONTRACT	$50,000
3.	PROJECT NUMBER	A.24008
4.	PROJECT TITLE	Culvert PK-22 Rehabilitation
5.	DEPARTMENT CONTACT	Funding questions: Kathy Carbone x6514 Letter pickup: Kathy Carbone x6514

COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$525,000
7.	PERFORMED BY	

Date Sent to Comptroller's Office: August 12,2024

[55 compt_10]

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-7	COUNTY EXECUTIVE	Transfer of Funds - Operating Budget

Attachments

24COMM. 15E-7

EC LEG AUG 30 '24 PM12:24

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

August 30, 2024

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

RE: Transfer of Funds – Operating Budget

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Public Works requesting authorization to transfer funds between accounts within the 2024 Operating Budget for the Division of Highways Sign Shop. We are requesting this transfer to purchase the necessary equipment to produce traffic signs.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/gmw
Enclosure

cc: William E. Geary, Commissioner of the Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Transfer of Funds – Operating Budget
Date: August 30, 2024

SUMMARY

The Department of Public Works requests authorization to transfer funds between accounts within the 2024 Operating Budget to the Division of Highways Sign Shop. This transfer is to purchase a large format color street sign printer for sign manufacturing and installation.

FISCAL IMPLICATIONS

This resolution results in no increase to the Budget. Funds are available in the adopted 2024 Operating Budget.

REASON/BACKGROUND INFORMATION

The transfer of funds will allow the Division of Highways to purchase the Sign Shop equipment needed in the production of street signs along the 1,200 centerline miles of County roads. The funds will be used to purchase a large format color plotter which will allow for specialty signs similar to the Purple Heart Community signs and specialty signs needed for the Erie County Parks Department. The large format printer purchase will include set-up and installation of the printer/cutter, ink, and accessories as well as software and technical support through a public bidding process.

CONSEQUENCES OF NEGATIVE ACTION

The Division of Highways Sign Shop will be unable to procure equipment needed to produce and install quality signs.

STEPS FOLLOWING APPROVAL

The Division of Highways will initiate the transfer of funds in coordination with the Division of Budget and Management.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

Re: Transfer of Funds – Operating Budget

WHEREAS, the Department of Public Works needs to purchase a large format color street sign printer for sign manufacturing and installation through a public bid; and

WHEREAS, this purchase requires a transfer funds between the appropriate budget line items; and

WHEREAS, funding for the needed transfers is available in Funds Center 1232060, Fund 210, Account 506400, Highway Supplies, in the 2024 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Division of Highways to modify its 2024 Operating Budget (Fund 210, Funds Center 1232060) as follows:

2024 Road Fund Budget
Division of Highways
Fund 210, Funds Center 1232060

ACCOUNT	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506400 Highway Supplies	$ 459,610.00	($ 29,000.00)	$ 430.610.00
561410 Lab & Tech Equipment	$ 0.00	$ 29,000.00	$ 29,000.00
TOTAL	$ 459,610.00	$ 0.00	$ 459,610.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-8	COUNTY EXECUTIVE	PILOT Agreement for 875 Lafayette - Affordable Housing Development

Attachments

24COMM. 15E-8

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

ECC LEG AUG 30 '24 PM12:25

August 30, 2024

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for 875 Lafayette, City of Buffalo – Affordable Housing Development

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for 875 Lafayette project. The resolution authorizes the County Executive to execute an agreement with 875 Housing Development Fund Company, Inc., 875 Lafayette LLC, and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jw
Enclosure

cc: Daniel R. Castle, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement 875 Lafayette Project, City of Buffalo– Affordable Housing Project
Date: August 30, 2024

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with 875 Housing Development Fund Company, Inc., 875 Lafayette LLC, and the City of Buffalo.

The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for 875 Lafayette project shall be based on a payment of $37,742.55 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The City of Buffalo supports the PILOT and on July 23, 2024, the Common Council of the City of Buffalo approved the 875 Lafayette PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project is located at 630 Linwood Avenue in the City of Buffalo, zip code 14209. The project consists of the adaptive reuse of a portion of the former Millard Fillmore Gates Circle Hospital and provides eighty (80) apartment units. Of those 80 units, nineteen (19) are for households at or below 30% average median income (AMI), sixteen (16) are for households at or below 50% AMI, thirty-seven (37) for those at or below 60% AMI, and eight (8) are for households with incomes at or below 80% AMI. The total project cost is projected to be $34,888,598.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for 875 Housing Development Fund Company, Inc., and/or 875 Lafayette LLC to operate the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive or Deputy County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for 875 Lafayette, City of Buffalo – Affordable Housing Project

WHEREAS, 875 Lafayette consists of the adaptive reuse of vacant buildings providing 80 affordable rental units at 630 Linwood Avenue, City of Buffalo, NY; and.

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for 875 Housing Development Fund Company, Inc., 875 Lafayette LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with 875 Housing Development Fund Company, Inc., 875 Lafayette LLC, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller, and the Department of Law.

PILOT Payments

SCHEDULE A

Year	PILOT Year	Total	City	County
2024-2025	1	$ 37,742.55	$ 28,306.91	$ 9,435.64
2024-2026	2	$ 38,874.83	$ 29,156.12	$ 9,718.71
2024-2027	3	$ 40,041.07	$ 30,030.80	$ 10,010.27
2024-2028	4	$ 41,242.30	$ 30,931.73	$ 10,310.58
2024-2029	5	$ 42,479.57	$ 31,859.68	$ 10,619.89
2024-2030	6	$ 43,753.96	$ 32,815.47	$ 10,938.49
2024-2031	7	$ 45,066.58	$ 33,799.93	$ 11,266.64
2024-2032	8	$ 46,418.58	$ 34,813.93	$ 11,604.64
2024-2033	9	$ 47,811.13	$ 35,858.35	$ 11,952.78
2024-2034	10	$ 49,245.47	$ 36,934.10	$ 12,311.37
2024-2035	11	$ 50,722.83	$ 38,042.12	$ 12,680.71
2024-2036	12	$ 52,244.52	$ 39,183.39	$ 13,061.13
2024-2037	13	$ 53,811.85	$ 40,358.89	$ 13,452.96
2024-2038	14	$ 55,426.21	$ 41,569.66	$ 13,856.55
2024-2039	15	$ 57,088.99	$ 42,816.74	$ 14,272.25

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-9	COUNTY EXECUTIVE	PILOT Agreement for Playter Gardens - Affordable Housing Development

Attachments

24COMM. 15E-9

EC LEG AUG 30 '24 PM12:25

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

August 30, 2024

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Playter Gardens, City of Buffalo – Affordable Housing Development

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Playter Gardens. The resolution authorizes the County Executive to execute an agreement with Playter Gardens Housing Development Fund Corporation, Playter Gardens LLC, and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jw
Enclosure

cc: Daniel R. Castle, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement Playter Gardens Project, City of Buffalo– Affordable Housing Project
Date: August 30, 2024

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Playter Gardens Housing Development Fund Corporation, Playter Gardens LLC, and the City of Buffalo.

The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for Playter Gardens project shall be based on a payment of $21,844.22 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The City of Buffalo supports the PILOT and on July 09, 2024, the Common Council of the City of Buffalo approved the Playter Gardens PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project is located on Playter Street in the City of Buffalo, within the Broadway-Fillmore District. The project consists of the new construction of seventy-three (73) units with one hundred percent (100%) of those units to occupants earning no more than 60% area median income (AMI), thirty-six units will be at or below 60% AMI and 37 units will be at or below 50% AMI. The total project cost is projected to be $25,948,556.00.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for Playter Gardens Housing Development Fund Corporation and/or Playter Gardens LLC to operate the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive or Deputy County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Playter Gardens, City of Buffalo – Affordable Housing Project

WHEREAS, Playter Gardens consists of the new construction of eleven (11) buildings, containing a total of seventy-three (73) units of rental housing in the City of Buffalo on Playter Street, City of Buffalo, NY; and.

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Playter Gardens Housing Development Fund Corporation, Playter Gardens LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Playter Gardens Housing Development Fund Corporation, Playter Gardens LLC, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller, the Department of Law.

SCHEDULE A
PILOT Payments

YEAR	PILOT "B"	CITY	COUNTY
1	$ 21,844.22	$ 16,383.17	$ 5,461.06
2	$ 22,499.55	$ 16,874.66	$ 5,624.89
3	$ 23,174.54	$ 17,380.90	$ 5,793.63
4	$ 23,869.77	$ 17,902.33	$ 5,967.44
5	$ 24,585.87	$ 18,439.40	$ 6,146.47
6	$ 25,323.44	$ 18,992.58	$ 6,330.86
7	$ 26,083.15	$ 19,562.36	$ 6,520.79
8	$ 26,865.64	$ 20,149.23	$ 6,716.41
9	$ 27,671.61	$ 20,753.71	$ 6,917.90
10	$ 28,501.76	$ 21,376.32	$ 7,125.44
11	$ 29,356.81	$ 22,017.61	$ 7,339.20
12	$ 30,237.51	$ 22,678.14	$ 7,559.38
13	$ 31,144.64	$ 23,358.48	$ 7,786.16
14	$ 32,078.98	$ 24,059.23	$ 8,019.74
15	$ 33,041.35	$ 24,781.01	$ 8,260.34

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-10	COUNTY EXECUTIVE	Appointment to the Buffalo & Erie County Public Library

Attachments

24COMM. 15E-10

EC LEG AUG 30 '24 PM12:25

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

August 30, 2024

Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Re: Appointment to the Buffalo & Erie County Public Library

Dear Honorable Members,

Pursuant to Section 2204 of the Erie County Charter, I hereby appoint and submit for your confirmation the following individual to the Buffalo and Erie County Public Library Board of Trustees per the recommendation of the City of Buffalo Mayor Byron Brown.

Nathaniel W. Barnes
Buffalo Public Schools
712 City Hall, 65 Niagara Square
Buffalo, NY 14202

Enclosed please find a copy of the recommendation sent to my office from Mayor Brown. If you have any questions about this matter, please feel free to contact my office at 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Appointee
John Spears, Library Director (spearsj@buffalolib.org)
MCP/nn

CITY OF BUFFALO
OFFICE OF THE MAYOR

BYRON W. BROWN
MAYOR

July 9, 2024

Honorable Mark C. Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Re: Reappointments to the Board of Trustees of the Buffalo and Erie County Public Library

Dear County Executive Poloncarz:

Pursuant to Section 6212 of the Unconsolidated Laws, being Chapter 768, Section 2 of the Laws of 1953, transmitted herewith is a list of three nominees designated by me as eligible for appointment to the Board of Trustees of the Buffalo and Erie County Public Library.

The names of the appointees were sent to the Common Council for their confirmation and approved at the March 9, 2024 meeting. Mr. Nathaniel W. Barnes's term would begin January 1, 2024 and expires December 31, 2027. Your appointment of Mr. Nathaniel Barnes to the Board of Trustees would be greatly appreciated.

Sincerely,

Byron W. Brown

Byron W. Brown
Mayor, City of Buffalo

RECEIVED
JUL 12 2024
Office of the County Executive

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-11	COUNTY CLERK	Amended Resolution to Authorize Entry into Contract with Tyler Technologies

Attachments

24COMM. 15E-11

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

IMMEDIATE CONSIDERATION REQUESTED

August 26, 2024

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

Re: Amended Resolution to Authorize Entry into Contract with Tyler Technologies, Inc. Pursuant to RFP #2024-023VF

Dear Honorable Members:

The attached proposed Resolution is an amended copy of COMM. 12E-12, previously filed with this Honorable Body on June 13, 2024. The proposed amended Resolution incorporates the requested revisions and recommendations from the Finance & Management Committee as well as the Erie County Division of Budget & Management concerning funding for the new software system in 2024.

It is my understanding that it has already been conveyed to this Honorable Body that the proposed amended Resolution is supported by both the Administration and the Erie County Comptroller's Office.

With these revisions now incorporated, it is respectfully requested that the original item be moved out of Committee to the full Legislature, and that immediate consideration and approval of the amended Resolution be granted.

The text of the cover letter to the original Resolution is duplicated below for convenience:

The attached proposed Resolution seeks authorization for the Erie County Executive to execute a contract with Tyler Technologies, Inc. as the winning bidder of RFP #2024-023VF for recordkeeping software services at the Erie County Clerk's Office.

Enclosed please find the proposed Resolution referenced above as well as a memorandum of support. A full record of the RFP selection process can be made available if desired.

Thank you for your consideration of this matter. If your Honorable Body requires further information, kindly contact the Erie County Clerk's Office.

Respectfully submitted,

Michael P. Kearns

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

IMMEDIATE CONSIDERATION REQUESTED

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Michael P. Kearns, Erie County Clerk
RE: Amended Resolution COMM. 12E-12; RFP #2024-023VF – Recordkeeping Software Services Contract
Date: August 26, 2024

SUMMARY

The Erie County Clerk's Office is requesting authorization to enter into a contract with Tyler Technologies, Inc. as the winning bidder of a Request for Proposal ("RFP") for recordkeeping software services at the Erie County Clerk's Office, specifically RFP #2024-023VF.

The attached proposed Resolution is an amended version of COMM. 12E-12, previously filed with this Honorable Body on June 13, 2024 and sent to the Finance & Management Committee. Following a meeting at the Erie County Clerk's Office on July 24, 2024 between representatives of Tyler Technologies, the Erie County Legislature, and the Erie County Comptroller, and collaboration with the Division of Budget & Management, COMM. 12E-12 was duly amended.

The proposed amended Resolution incorporates the requested revisions and recommendations from the Finance & Management Committee as well as the Erie County Division of Budget & Management concerning funding for the new software system in 2024.

It is my understanding that it has already conveyed to this Honorable Body that the proposed amended Resolution is supported by both the Administration and the Erie County Comptroller's Office.

With these revisions now incorporated, it is respectfully requested that the original item be moved out of Committee to the full Legislature, and that immediate consideration and approval of the amended Resolution be granted.

FISCAL IMPLICATIONS

The terms of the contract, subject to continued negotiations and approval by the County Attorney, will be for a term of five (5) years, with the first year payment not to exceed approximately $600,000. This amount includes a one-time service fee, one-time hardware fee, estimated on-site training expenses, and annual SaaS (software-as-a-service) fees. The total amount of the contract for the five-year period is not to exceed $2,005,811.00.

The Division of Budget & Management confirmed that sufficient funding exists to cover the approximate $600,000 initial payment (inclusive of a one-time service fee, one -time hardware fee, estimated on-site training expenses and an annual software-as-as-service fee) within the Clerk's Office Registrar Division's 2024 Budget (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees.

IMMEDIATE CONSIDERATION REQUESTED

REASONS FOR RECOMMENDATION

The findings by the Comptroller's Office in 2023 and 2024 revealed the numerous errors and visual bugs within the current system, many of which were acknowledged by the software provider itself. In addition, the Clerk's Office was made aware that the existing recordkeeping software, known as RecordsNG, is being phased out within the next few years. As such, it is incontrovertible that the Clerk's Office needs new software. Transitioning all of the recordkeeping duties from one system to another could take as long as eight months to one year, with an additional six months of staff training to understand the new system. The RFP process was placed on hold so that the Comptroller's Office could complete its audits. With those audits completed, the time is now to approve and begin the transition to new software.

The Clerk's Office took the recommendations of the Comptroller's Office seriously and did not rush to release the RFP. Following the June 2023 Audit, the Clerk's Office met with an adjacent county clerk's office and potential software vendors to discuss both improvements to the existing software and the feasibility of acquiring new software. Then, following the February 2024 Audit, the Clerk's Office met with the Division of Information and Support Services ("DISS") on drafting an RFP, and obtained approval from DISS on the content for such an RFP. As to the RFP process itself, a member of DISS sat on the selection committee, which unanimously voted in favor of Tyler Technologies.

If approved, the software provided by Tyler Technologies is expected to increase the efficiency and productivity of the Clerk's Office with integrated solutions such as eRecording, Bi-directional support with the Unified Court System, Intelligent OCR indexing, self-serving public access, and POS payment processing, in addition to featuring robust financial reporting, fee management, and automated data extracts that make it possible for the Clerk's Office to achieve GAAP compliance.

CONSEQUENCES OF NEGATIVE ACTION

The Clerk's Office will continue to rely on outdated software with acknowledged visual bugs and errors in reporting, affecting the hundreds of thousands of transactions that take place every year and likely leading to additional errors.

STEPS FOLLOWING APPROVAL

The Clerk's Office will work with the County Attorney and Division of Budget and Management to enter into a contract with the vendor.

AMENDMENTS

The following amendments were proposed by the Division of Budget and Management and have already been incorporated into the proposed Amended Resolution. The list of amendments is included here for convenience:

IMMEDIATE CONSIDERATION REQUESTED

AN AMENDMENT SUBMITTED BY:
THE ERIE COUNTY CLERK

RE: Amendment to COMM. 12E-12 (2024)

DELETE the first four (4) resolve clauses and INSERT the following in COMM. 12E-12 (2024):

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of $600,000 in previously unbudgeted interest earnings revenue in Countywide Budget Accounts – Comptroller (Fund 110, Funds Center 17000) Account 445030 – Interest & Earnings General Investments Revenue and the appropriation of a like amount of funding into the Clerk's Office Registrar Division (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees as follows:

2024 Budget
Fund 110, Funds Center 17000
Countywide Budget Accounts - Comptroller

REVENUES	**CHANGE**
445030 Interest & Earnings General Investments	$600,000
TOTAL	$600,000

2023 Budget
Fund 110, Funds Center 11310
Clerk's Office Registrar Division

APPROPRIATIONS	**CHANGE**
516020 Professional Services, Contracts & Fees	$600,000
TOTAL	$600,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into a five-year contract with Tyler Technologies, Inc. in an amount not to exceed $[total contract value] for the purposes of transitioning to and maintaining a recordkeeping software system at the Erie County Clerk's Office; and be it further

RESOLVED, that sufficient funding exists to cover the approximate $600,000 initial payment (inclusive of a one-time service fee, one -time hardware fee, estimated on-site training expenses and an annual software-as-as-service fee) within the Clerk's Office Registrar Division's 2024 Budget (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees; and be it further

RESOLVED, that sufficient funding will be included in subsequent operating budgets to cover the remaining annual payments; and be it further

*REQUEST FOR IMMEDIATE PASSAGE

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NEW YORK

A Resolution Submitted by the Erie County Clerk
Re: Recordkeeping Software Services for Erie County Clerk's Office

WHEREAS, the Erie County Clerk is responsible for recording, filing, and maintaining a central repository of legal documents, court filings, and records affecting property titles, including land and real estate transactions, in its Registrar Division; and

WHEREAS, NewVision Systems Corporation ("NewVision") has been the provider of recordkeeping software services in the Erie County Clerk's Office since 2004; and

WHEREAS, the Erie County Comptroller released an audit in June 2023 of the Erie County Clerk's Office, Registrar Division Operating Budget Revenues (23COMM. 14E-28); and

WHEREAS, the Erie County Comptroller found in the June 2023 Audit that numerous "errors were detected in NewVision system reports that could not be explained", and advised the Erie County Clerk's Office to "assess NewVision and the system's ability to meet the specific needs of the Clerk's Office in providing adequate and reliable financial reporting"; and

WHEREAS, it was noted in the June 2023 Audit that "NewVision does not interface with the County's accounting software system (SAP), and the company which administers NewVision, Catalis, LLC, has not created a translation tool which would facilitate the transfer of financial data from NewVision to SAP"; and

WHEREAS, the Erie County Comptroller further recommended in the June 2023 Audit that, if the current software system could not be updated to ensure accurate financial information, the system should be replaced with "a system capable of providing financial data consistent with the Clerk's obligations under § 1904 of the Erie County Administrative Code"; and

WHEREAS, the current software provider acknowledged the presence of "system error" and "visual bugs" in its response to the findings by the Erie County Comptroller's Office published by the Erie County Clerk's Office in September 2023 (23COMM. 18E-1); and

WHEREAS, following the June 2023 Audit, the Erie County Clerk's Office met with an adjacent county clerk's office and potential software vendors to discuss both improvements to the existing software and the feasibility of acquiring new software; and

WHEREAS, the Erie County Comptroller released an audit in February 2024 of the Erie County Clerk's Office, Registrar Division Mortgage Tax Collection and Distribution (24COMM. 4E-6); and

WHEREAS, the Erie County Comptroller again found issues with the current recordkeeping software, noting that "reports generated by the Clerk's NewVision Cashiering

System are routinely inconsistent and show discrepancies in the financial information being reported"; and

WHEREAS, the Erie County Clerk's Office is grateful to the Erie County Comptroller's Office for the long-overdue audits that highlighted the need for new software; and

WHEREAS, it is incontrovertible that the current recordkeeping software no longer meets the myriad needs of the Erie County Clerk's Office nor the taxpayers of Erie County; and

WHEREAS, the current recordkeeping software is set to be phased out in the next 2-3 years, making a transition to new software not only essential to perform the duties of the Erie County Clerk's Office but unavoidable; and

WHEREAS, transitioning all of the recordkeeping duties from one system to another could take as long as eight months to one year; and

WHEREAS, the Erie County Clerk's Office advised this Honorable Body of the need and potential costs of new software via correspondence filed March 4, 2024 (24Comm. 5E-35); and

WHEREAS, the Erie County Clerk's Office consulted with the Division of Information and Support Services ("DISS") on drafting a Request for Proposals ("RFP") for new software, and obtained approval from DISS on the content for such an RFP; and

WHEREAS, on April 10, 2024, the Erie County Clerk's Office issued RFP #2024-023VF seeking proposers for recordkeeping software services, published online through the Erie County Division of Purchase and posted on other government bidding sites; and

WHEREAS, a selection committee, including a member of DISS, received, reviewed, and scored the two (2) proposals that were submitted in response to the RFP and unanimously determined that Tyler Technologies, Inc. submitted the best proposal and that their organization was the most technically qualified and best-positioned to perform the services requested; and

WHEREAS, the software provided by Tyler Technologies is expected to increase the efficiency and productivity of the Clerk's Office with integrated solutions such as eRecording, Bi-directional support with the Unified Court System, Intelligent OCR indexing, self-serving public access, and POS payment processing, in addition to featuring robust financial reporting, fee management, and automated data extracts that make it possible for the Clerk's Office to achieve GAAP compliance; and

WHEREAS, the Erie County Clerk's Office held a meeting with representatives of Tyler Technologies and representatives of the Erie County Legislature and the Erie County Comptroller on July 24, 2024 to further discuss the software integration process; and

WHEREAS, the Administration and the Erie County Comptroller's Office have communicated their support of this new software system and Resolution; and

WHEREAS, the Division of Budget & Management confirmed sufficient funding exists to cover the $600,000 initial payment (inclusive of a one-time service fee, one -time hardware fee, estimated on-site training expenses and an annual software-as-as-service fee) within the Clerk's Office Registrar Division's 2024 Budget (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees; and

WHEREAS, the Erie County Clerk's Office has reported a significant surplus of funds every year since 2018, with the most recent surplus in 2023 totaling approximately $2,387,636.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of $600,000 in previously unbudgeted interest earnings revenue in Countywide Budget Accounts – Comptroller (Fund 110, Funds Center 17000) Account 445030 – Interest & Earnings General Investments Revenue and the appropriation of a like amount of funding into the Clerk's Office Registrar Division (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees as follows:

2024 Budget
Fund 110, Funds Center 17000
Countywide Budget Accounts - Comptroller

REVENUES	**CHANGE**
445030 Interest & Earnings General Investments	$600,000
TOTAL	$600,000

2023 Budget
Fund 110, Funds Center 11310
Clerk's Office Registrar Division

APPROPRIATIONS	**CHANGE**
516020 Professional Services, Contracts & Fees	$600,000
TOTAL	$600,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into a five-year contract with Tyler Technologies, Inc. in an amount not to exceed $2,005,811.00 for the purposes of transitioning to and maintaining a recordkeeping software system at the Erie County Clerk's Office; and be it further

RESOLVED, that sufficient funding exists to cover the approximate $600,000 initial payment (inclusive of a one-time service fee, one-time hardware fee, estimated on-site training expenses and an annual software-as-as-service fee) within the Clerk's Office Registrar Division's 2024 Budget (Fund 110, Funds Center 11310) Account 516020 – Professional Services, Contracts & Fees; and be it further

RESOLVED, that sufficient funding will be included in subsequent operating budgets to cover the remaining annual payments; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; the Director of the Division of Budget and Management; the Erie County Comptroller; and the Erie County Clerk.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-12	COUNTY EXECUTIVE	2024 Mid-Year Budget Hearings

Attachments

24COMM. 15E-12

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG AUG 30 '24 PM12:25

August 30, 2024

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: 2024 Mid-Year Budget Hearings

Dear Chair Baskin:

I am in receipt of your July 19, 2024, letter formally requesting the participation of the Administration and each of my department heads in mid-year budget hearings to be held by the Legislature on September 11-12, 2024.

As you are aware, mid-year budget hearings have traditionally been held in early-July and included several days of meetings with various department heads and independently elected officials. This year, in what I understood to have been discussed and agreed upon weeks in advance by both the Majority and Minority Leaders, an abridged version of these hearings was held with the Division of Budget and Management ("Budget Office") and Comptroller's Office as part of a meeting of the Finance and Management Committee on July 18, 2024. It was only at that meeting that members of the Minority Caucus decided to express their dissatisfaction with the format change. None the less, the Comptroller and Budget Director engaged in a thorough discussion with Legislators on the status of the 2024 Budget for several hours.

While I respect the prerogative of this Honorable Body to determine how and when the Legislature performs its important oversight function, I cannot support the reconvening of mid-year budget hearings in mid-September after the Legislature's August recess.

First, as you may or may not be aware, many department heads will be attending the New York State Association of Counties' ("NYSAC") Annual Fall Seminar in Sullivan County, which is being held the same week. Those department heads made arrangement to attend this important conference months ago and will not be changing their plans.

Second, and most importantly, this Administration is well into preparations for the release of 2025 Proposed Erie County Budget. The Erie County Charter (Section 2506) mandates that I submit to the Comptroller a report of all major revenue and expenditure estimates used in determining the budget by October 1st and to your Honorable Body the proposed budget and accompanying four-year plan by October 15th. The Budget Office is singularly focused on this particularly painstaking and meticulous

process, and I cannot in good conscience insist they put those preparations on hold, jeopardizing their ability to meet these Charter mandated deadlines, to, instead, prepare for and participate in mid-year budget discussions for a second time.

While I believe that the formal 2025 Proposed Budget hearings that will be likely scheduled just a few weeks later in mid-November will provide you with ample opportunity to ask independent Elected Officials, the Budget Director and department heads any follow up questions about the status of the 2024 Budget you may still have, I have asked the Budget Office to both prepare the July Budget Monitoring Report as soon as possible and include with it the traditional mid-year budgetary reports (through the most recently closed month of July) before September 11th for your review.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc

cc: Hon. Kevin Hardwick, Ph.D., Erie County Comptroller
Hon. Michael Keane, Esq, Erie County Acting District Attorney
Hon. John Garcia, Erie County Sheriff
Hon. Michael Kearns, Erie County Clerk
Jeremy Zellner, Erie County Commissioner of Elections
Ralph Mohr, Erie County Commissioner of Elections
John Spears, Director, Buffalo and Erie County Public Library

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-13	COMPTROLLER	Support for Updated Software for the Registrar Division

Attachments

24COMM. 15E-13

EC LEG SEP 4 '24 PM2:22

ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

September 4, 2024

Hon. Michael P. Kearns
Erie County Clerk
92 Franklin Street, First Floor
Buffalo, New York 14202

Re: Support for Updated Software for the Registrar Division

Dear Clerk Kearns:

I want to thank you and your staff for engaging with my team regarding your request to the Erie County Legislature (COMM. 12E-12) for an updated software suite from Tyler Technologies on July 24, 2024. I hope you all found it as productive as I did.

I am writing you today to formally express my support for these upgrades in your current and subsequent yearly budget requests. During the course of our recent audits, it became clear that your office needs a better system for the large volume of transactions processed every day. I am confident that the new system will make the end user experience easier and more efficient. This will serve to accomplish our shared goal of making Erie County government work better for the taxpayers we mutually serve.

To that end, and in order to expedite your entrance into such a contract, I have been in conversations with the Division of Budget & Management. I see no reason to wait until next year to begin deploying these desperately needed changes and would propose using a portion of the unanticipated interest revenue my office has realized this year as a source of funds for the initial payment to Tyler Technologies. This would, of course, be pursuant to your contract negotiations and approval from the Law Department and Administration.

Sincerely,

K. R. Hardwick

Kevin R. Hardwick
Erie County Comptroller

CC: Mark Cornell, Budget Director
Hon. Mark C. Poloncarz, County Executive
Erie County Legislature

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-14	COMPTROLLER	EC Comptroller's Office - Audit of the Bureau of Weights & Measures Overtime and Compensatory Time Procedures

Attachments

24COMM. 15E-14

EC LEG JUL 23'24 PM12:12

July 2024

Erie County Comptroller's Office
Audit of the Bureau of Weights and Measures
Overtime and Compensatory Time Procedures
January 1, 2023, through December 31, 2023

KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

July 23, 2024

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

Dear Honorable Members:

The Erie County Comptroller's Office has completed an audit of the Bureau of Weights and Measures' overtime and compensatory time procedures during the period January 1, 2023, through December 31, 2023.

The Auditor's objectives were to determine (1) whether employees were eligible for overtime hours entered, whether those hours were approved in advance, accurately calculated, properly recorded, and adequately monitored; and (2) whether practices regarding overtime and compensatory time complied with Erie County policies and the Civil Service Employees Association, Inc. (CSEA) Collective Bargaining Agreement (CBA). The Auditor believes that the evidence obtained provides a reasonable basis for the findings and conclusions described herein based on audit objectives.

The Division of Audit's responsibility is to express an opinion based on the facts obtained during the course of the audit. The Auditor conducted this audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS). Those standards require the Auditor to plan and perform the audit in a manner that is designed to obtain sufficient, appropriate evidence that will provide a reasonable basis for the results of the audit and present conclusions based on stated audit objectives. The Division of Audit believes that based on those objectives, the evidence obtained provides a reasonable basis for the results, findings, comments, and recommendations contained herein.

AUDITOR'S OPINION

In the Auditor's opinion, the internal controls over granting, approving, and monitoring overtime and compensatory time within the Bureau of Weights and Measures are adequately designed and operate effectively when controls are consistently enforced. While the Auditor found a small number of recording and compensation errors, measures were identified that can be taken to reduce those risks. These errors were likely the result of misinterpretation of the Collective Bargaining Agreement which allowed certain employees premium pay benefits they were not entitled to. The greatest cause for concern identified by the Auditor was compliance with certain County policies and the CBA with CSEA and the limitations with the County's Accounting System. The Auditor found no evidence that the issues resulted from deliberate misconduct as alleged by several whistleblower complaints.

In addition, the Auditor determined that certain issues were outside the control of the Bureau of Weights and Measures and fell under the responsibility of the Department of Personnel. It is the responsibility of the Department of Personnel to understand and interpret the CBA requirements and to implement those requirements as written.

Background

On February 7th, 2024, the Erie County Comptroller's Office Division of Audit issued an engagement letter to the Erie County Department of Public Advocacy regarding our intent to audit the overtime and compensatory time procedures, otherwise known as "comp time", within the Erie County Bureau of Weights and Measures.

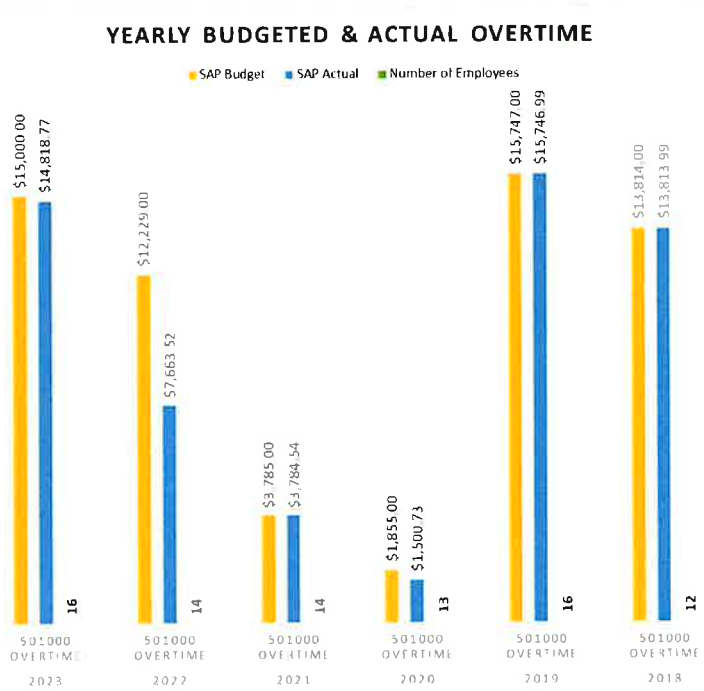
In 2023, the Office of Comptroller's whistleblower hotline received complaints alleging that employees in the Erie County Bureau of Weights and Measures were abusing the system of paid leave. In sum, the complaints accuse certain employees of abusing sick time and violating several Erie County policies relating to time and attendance. In addition, the Comptroller's Office received other allegations outside the whistleblower hotline alleging that employees in Weights and Measures improperly claimed overtime on Saturdays when they were ineligible to do so.

Weights & Measures

The Bureau of Weights and Measures is established by Article XVI of the New York Agriculture and Markets Law. Every county is required to have a "Director of Weights and Measures". The Director was formally known as the "County Sealer." The Director is responsible for administering the Bureau, calibrating standards, keeping records and facilitating inspections, along with weighing and measuring a wide variety of commodities essential to the daily lives of Erie County residents.

The Erie County Bureau of Weights and Measures is found within the Department of Public Advocacy. The Bureau consists of "Deputy County Sealers (Sealers) and Scanner Accuracy Examiners (Examiner)." According to the 2024 Budget Book, the Bureau expected to perform 4,500 inspections, conduct inspections on 10,500 devices, check 7,000 devices for skimmers and other irregularities, and investigate dozens of complaints. The Bureau is New York State's primary means of testing fuel. Scanners also conduct thousands of inspections per year, in which they report scanning between 250,000 and 350,000 individual units.

Employees in the Bureau of Weights and Measures often work on Saturdays when the weather permits, to conduct inspections during business hours of operation.



To evaluate the Auditee's management of overtime expense the Auditor reviewed the yearly budgeted and actual overtime expense incurred by Weights and Measures over a period of five years while giving due consideration to the effects caused by the pandemic period to review whether overtime expenses stayed within the budgeted amounts.

In addition, the Auditor reconciled the Auditee's overtime expense records to the County's GL #501000 overtime expense and found a $309.91 variance. This variance was mainly because the County's GL #501000 included overtime hours paid at a straight time rate (1.0x) together with overtime paid at a one and a half rate (1.5x); however, the Auditee's records did not include overtime paid out at a straight time rate. Regardless of the variance the department's overtime expense did not exceed the approved budgeted amount and management has a procedure in place to track and monitor overtime for each payroll cycle breakdown by employee.

CBA Operative Rules

Employees of Weights and Measures are members of CSEA, the recognized bargaining representative for white collar Erie County employees under Article XIV of the Civil Service Law. As such, they are primarily governed by the contract negotiated between CSEA and the County. Articles XIII through XXI of that contract, ratified in 2023, contemplate various forms of time off and the rules accompanying each type of time.

The relevant categories of paid leave for the purposes of this audit are (1) holiday, (2) vacation, (3) overtime, (4) sick, (5) personal, and (6) compensatory. Pursuant to the language of the CBA, the Bureau of Weights and Measures is not considered a 24-hour operation which was verified by the department supervisor.

Holidays are specifically bargained for by the CSEA unit; in the current contract, there are 12 paid holidays for all full-time members. Whenever one of the bargained-for holidays falls on a weekend, the previous Friday or following Monday are taken in observation. Vacation pay is accumulated on a per pay period basis and varies depending on length of service. Vacation pay is interchangeable with "regular straight time pay" and is unaffected by holidays. Sick leave is accrued at a defined rate and is to be used for specific purposes relating to healthcare and emergent needs of employees and their family. Personal leave begins accruing after an employee's first full year of service but does not exceed six days per year depending on the date of hire. The CBA defines "actual service" as "total time spent actually working in a position including any paid time off and/or leave with pay." However, "actual service" does not necessarily equate to hours "actually worked", the latter of which is not defined by the CBA.

Comp time does not have its own category in the CBA; however, a policy is included in the County's Employee Handbook and refers back to the provisions outlined in the CBA. Comp time has been deployed in a manner, particularly in the most recently ratified CBA, to remunerate employees with additional time off rather than paying the traditional overtime premium mandated by the Fair Labor Standards Act. Employes are eligible for overtime when they "actually work" more than eight hours on a given day or 40 hours in a given week. Instead of receiving cash payment for overtime, employes will accumulate comp time at the overtime rate of time and one-half, up to 120 hours.

The critical clause for the purposes of this audit can be found in the CBA § 16.6, which provides that "[e]xcluded from computation of forty (40) hours per week to be worked for purposes of the overtime premium of time and one-half are all sick leave and personal days. All other paid leave time, including paid lunch hours and compensatory time shall be counted as time worked."

Overtime Requirements
The CBA between the County of Erie and CSEA outlines several different wage types that qualify as overtime pay rates:

Overtime paid at 1.5 times regular hourly rate includes all time worked in excess of eight hours in any workday or 40 hours per week. Excluded from the computation of 40 hours for purposes of the overtime premium are all sick leave and personal leave days. All other paid leave time, including paid lunch hours and comp time counts as time worked.

Compensatory time earned at 1.5 times regular hourly rate enables each employee who desires compensatory time off in lieu of overtime to accumulate that time at the rate of time and one-half for each hour or part thereof worked in excess of 40 hours per week or 8 hours per day. The maximum number of overtime compensatory hours that may be accumulated by an employee at any one time is 120 hours.

Second Shift Differential relates to 24-hour operations. Normally, the second shift begins at 3:00 p.m. and terminates at 11:00 p.m. When an employee works for four hours or more into the second shift, he or she will be paid for all hours worked in the second shift. Employees that work non-traditional schedules differing from the second shift shall receive shift differential for all hours that fall into the second shift definition. $1.75 per hour shift differential will be granted to all employees on the second shift.

Third Shift Differential relates to 24-hour operations. Normally, the third shift begins at 11:00 p.m. and ends at 7:00 a.m. Employees that work non-traditional schedules differing from the third shift shall receive shift differential for all hours that fall into the third shift definition. $2.25 per hour shift differential will be granted to all employees on the third shift.

Time Entry
Time entry is done through a swipe card system. Employees manually enter or correct entries for overtime, and comp time into the County's Employee Self Service timekeeping system (ESS). Such entries require supervisor approval. In addition, employees must accurately record their attendance at work by swiping their employee identification badge at their designated employee swipe card reader(s) or swiping in digitally through ESS Swipes must be recorded when reporting to work at the beginning of the workday, when leaving for and returning from meal periods if they are taken off the premises, and when leaving work at the end of the workday. Bureau of Weights and Measures employees who work offsite swipe in at the beginning and end of the workday and are not required to swipe out for meal periods.

The Bureau of Weights and Measures is responsible for entering, approving and posting time entries to the appropriate General Ledger (GL) account in the County's accounting system (SAP) and the Department of Personnel is responsible for configuring all the CBA rules for overtime, comp time, shift differential, etc. in the County's accounting system.

Testing
The Auditor utilized the County's accounting system to generate various overtime reports for the Bureau of Weights and Measures during the audit period. The Auditor looked at factors such as the number of employees who logged hours, their job titles, levels of seniority, hours of overtime worked, specific times when overtime was worked, categorical types of overtime worked, and total overtime dollars earned. We compared the reports obtained from the County's accounting system to overtime reports provided by the Auditee.

Scope
The scope of the audit included an examination of policies and procedures in place to grant, approve and monitor overtime payments and comp time within the Bureau of Weight and Measures for the period of January 1, 2023, through December 31, 2023.

Objective
The audit objectives included testing and evaluation of the process for the earning and approval of overtime and comp time in order to determine whether actual practices complied with County policies and the CBA. Comp time usage was also evaluated. The audit included an evaluation of the internal controls for timekeeping practices maintained by the Bureau of Weights and Measures.

Methodology
To satisfy the objectives within the audit scope, the Auditor obtained the Internal and System Control Questionnaires (ISCQ) from both the Bureau of Weights and Measures and the Department of Personnel to establish a baseline for testing. During fieldwork observations of the Bureau of Weights and Measures' overtime procedure, the Auditor found that overtime hours were approved at the beginning of the payroll cycle prior to meeting the required 40 hours per week.

After the walkthrough with the Bureau of Weights and Measures, the Auditor determined that it was necessary to meet with the Department of Personnel to gain an understanding of payroll's ability to verify employee eligibility for the overtime premium based on evaluating all wage types and hours worked in excess of standard contractual thresholds.

To determine the population for each test performed concerning the procedures for granting, approving and monitoring overtime and compensatory time, the Auditor performed the following tests:

1. Based on the CBA and Erie County Policy, the Auditor determined that employees are permitted to correct unauthorized leave unpaid entries ("ULU") and unauthorized overtime within the next two payroll periods after an error occurs. As a result, the Auditor determined that the entire population of 26 pay periods of time reporting activity in SAP would need to be tested for 16 Weights and Measures employees, some of whom were only employed for a portion of the audit period.

To complete this testing, the Auditor examined SAP records detailing each employee's hours recorded by wage type per day, week and pay period to verify that overtime, shift differential and compensatory time accruals complied with the CBA requirements. To make this determination, the Auditor referenced the County of Erie Accounting and Personnel Policies, the County of Erie Handbook and the Collective Bargaining Agreement between the County of Erie and CSEA.

2. The Auditor determined that the total population of overtime, shift differential and comp time entries during the audit period was 133. After removing any duplicate entries for the same employee within the same pay cycle, a population of 81 time-entries remained. Of the 81 non-duplicative entries, the Auditor selected a random sample size of 39 time-entries necessary to reach a 95% confidence level with a 5% rate of error. Eight time entries appeared to not comply with the policies in the CBA and were tested in addition to the 39 entries selected.

To complete this testing, the following specific actions were taken:

- The Auditor examined the daily hours recorded in the County's accounting system relating to Weights and Measures employees, broken down by wage type on a weekly and bi-weekly basis during the audit period. The latter was necessary to align with applicable pay periods;

- The Auditor verified the overtime, comp time, and shift differential entries created and approved in ESS by reconciling those numbers to those recorded in the County's accounting system;

- The Auditor examined the actual swipe times recorded in the County's accounting system and verified whether they reconciled to the times logged on the Daily Attendance Reports provided by Auditee;

- The Auditor examined the travel time, site time and total daily minutes logged on the Daily Minutes Report provided by the Auditee and verified the total daily minute count by reconciling the total to the hours recorded in the County's accounting system;

- The Auditor examined the start time, end time and total time logged on the Daily Attendance Records provided by the Auditee and verified the times to the actual swipe times recorded in the County's accounting system;

- The Auditor examined the Overtime Payment Method reports provided by the Auditee for payment selection of Cash (1001) and/or Comp (1002) and verified the payment method by reconciling the provided reports to the pay stub in the County's accounting system; and

- The Auditor examined pay stubs to perform an analysis of regular hours, sick hours, personal hours, premium overtime, straight overtime, premium comp, straight comp time, beginning comp time balance, comp time usage, and ending comp time balance. The Auditor verified those numbers by reconciling the data, hour category, and wage type recorded in the County's accounting system with the reports provided by Auditee.

AUDIT FINDINGS

Finding 1: Payroll System Lacked the Capabilities to Recalculate Comp Time Accruals After Late Time Entry was Entered.

During testing, the Auditor found that 3.97 hours of comp time was not accrued for one employee because that employee failed to swipe out on June 15, 2023. As a result, 7.95 hours worked by the employee showed as "Unauthorized Leave Unpaid" on the pay stub instead of regular hours. This lapse affected the employee's weekly time accrual calculation and caused the 7.95 hours of comp time to be paid at a straight time rate instead of the premium rate to which the employee was entitled. The Auditor examined the two subsequent payroll cycles following the missed swipe and found that 7.95 hours previously deemed "Unauthorized Leave Unpaid" was corrected to 7.95 regular hours work. However, those adjustments did not include the addition of 3.97 hours of comp time to which the employee was entitled.

CBA § 16.6 provides that "[a]ll employees who actually work over eight (8) hours in any workday, or forty (40) hours per week shall be paid time and one-half times such employee's straight time hourly rate, for all hours worked in excess of eight (8) hours in any workday or forty (40) hours per week. Excluded from computation of forty (40) hours per week to be worked for purposes of the overtime premium of time and one-half are all sick leave and personal leave days. All other paid leave time, including paid lunch hours and compensatory time shall be counted as time worked."

In a fieldwork conversation with the Department of Personnel, the Auditor was informed that there was no process in place during the audit period to evaluate the late time entries to ensure that pay rate and/or comp time accruals were recalculated based on the adjusted hours for that pay period.

Recommendation
Further discussion with the Department of Personnel indicated that they updated the time keeping process in November 2023 to capture late time entries for the previous 28 days and recalculate the premium time accrued. This process was not observed during the audit and no formal procedures were provided to the

Auditor. Therefore, the Auditor recommends that the payroll unit in the Department of Personnel document this process as a formal procedure to ensure consistency and accuracy when handling late time entries.

Finding 2: Employees Improperly Received Shift Differential Premiums.

During testing, the Auditor found that Weights and Measures employees received 28.75 hours of shift differential overtime premium during the audit period. Only certain Erie County Departments host operations which entitle employees to shift differential pay. The Bureau of Weights and Measures does not fall within the CBA definition, and the shift differential premium received during the audit period should not have been paid.

CBA Article 13 governs shift differential pay for CSEA employees. § 13.6(a) sets the shift differential rates, stipulating that the premium attaches to "every hour actually worked on such shifts." § 13.6(b) defines the hours to which those rates apply. However, the latter provision conditions the applicability of the definition upon the status of the administrative subunit being a "24-hour operation". The Bureau of Weights and Measures is not a 24-hour operation; the Erie County Department of Emergency Medical Services, for example, is. Thus, § 13.6(b) doesn't apply to Weights and Measures. The second part of that provision describes "non-traditional schedules", which is intended to encompass employees who are regularly scheduled at irregular hours, not employees whose standard department workday overlaps with the hours defined as second or third shift. Subsection (e) refers back to the shifts described in subsections (a) and (b), meaning that entitlement to the shift differential pay rate is inextricably linked to hours worked in the second or third shifts. Most departments only operate during traditional business hours; there is no second or third shifts, just a workday.

Most traditional administrative units, including Weights and Measures, have established regular schedules where regular work hours range from 7:00 a.m. to 5:00 p.m. Unlike most traditional units, some work that Weights and Measures employees perform must be completed once started, regardless of time. However, there is no indication that the CBA negotiators intended every department or office to be subject to shift differential provisions of the agreement. Shift differential and overtime are discussed in entirely separate sections of the CBA and there is no legal nexus between the two. If the parties intended for employees to receive shift differential in instances where overtime is worked, they could have so indicated in the overtime article. The language that was ratified demonstrates an intent to keep the two benefits separate.

Interpreting the CBA provisions to provide universal eligibility for shift differential nullifies the purpose of that benefit. The exclusive rationale of shift differential premiums is to incentivize employees to work non-traditional hours on a regular basis, which is imperative for maintaining 24-hour County services. In the case of employees whose regular hours deviate from the defined shifts, the CBA balances incentive with inconvenience and agreed on the four-hour threshold to meet that balance.

However, it would be unfair to employees who were mandated to stay in order to ensure continuity of coverage to be bound by the four-hour rule. That is the purpose of subsection (e). Standard workday employees who stay late are already incentivized by the time-and-one-half overtime premium. The rationale for shift differential is not present because the employee is not committing to work odd hours on a regular basis; the employee is doing so involuntarily. Furthermore, there is a difference between a standard workday employee earning warranted overtime on an ad hoc basis and a 24-hour department employee mandated to

stay past his or her shift. The standard in the situation of warranted overtime is justification, as indicated by equal distribution provisions in the overtime article, the right to refuse, and repeated use of the word "casual". The standard for the mandated overtime, on the other hand, is legal or operational necessity – someone must perform the job at all times and the employee cannot abandon their post until relieved.

Recommendation
The Auditor recommends that the Department of Personnel update the HR Module rules within the County's accounting system that qualify employees for shift differential. Currently the County's accounting system cannot differentiate between 24-hour operations and departments working under a traditional schedule, or between voluntary and involuntary overtime hours worked. The updates should exclude departments not considered 24-hour operations or have been voluntarily scheduled to work overtime based on the language in the CBA.

Finding 3: Inaccurate Shift Differential was Paid.

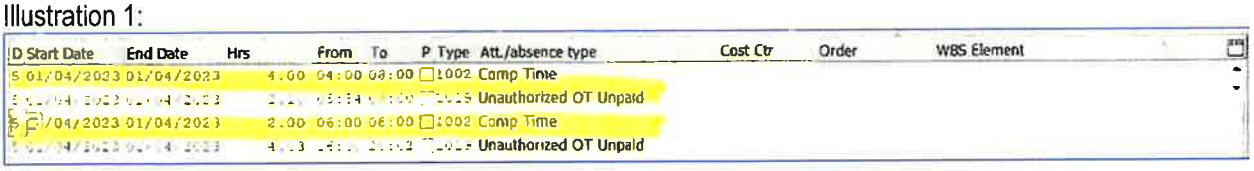
Based on data recorded in the County's accounting system, the Auditor found that an employee swiped in at 05:54 and swiped out at 20:02, for a total of 14.08 hours worked. The Auditor determined that under Weights and Measures' interpretation of the CBA, the employee was eligible for four hours of second shift differential overtime pay for the hours worked between 16:00 and 20:00, and only one hour of third shift differential overtime pay for the hours worked from 06:00 to 07:00.

During testing, the Auditor found that the employee was inaccurately paid four hours of a third shift differential overtime rate instead of four hours at a second shift differential overtime rate and one hour at a third shift differential overtime rate according to the employee's swipe times.

The Auditor examined the two subsequent payroll cycles immediately following the payroll error but found that no correction was made. In addition, during testing the Auditor found another employee also worked the same schedule and was paid correctly.

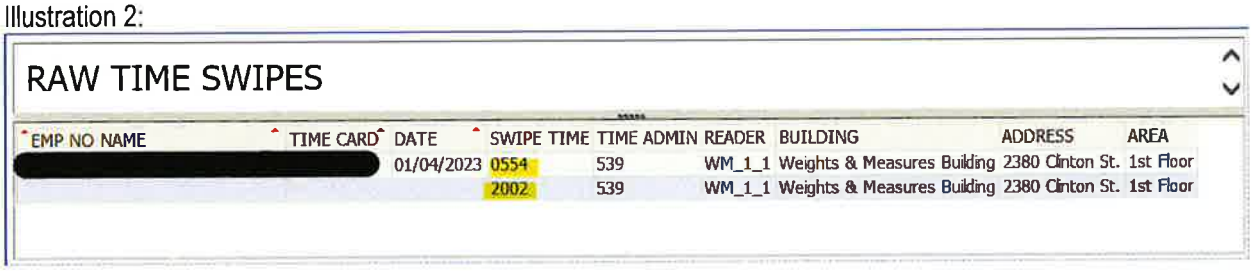
At the end of fieldwork conference, the Department of Personnel provided the Auditor with the employee's comp time entries in the Employee Self-Service system demonstrating what caused the error. The payroll system operates using military time. The employee entered his comp time request for the overtime worked using civilian time, which resulted in an incorrect entry. Furthermore, the comp time hours requested overlapped, and should have resulted in four hours of comp time accrual instead of the six hours recorded in the County's accounting system. The times reported on the comp time request (Illustration 1) did not match the actual swipe times of the employee (Illustration 2), causing an inaccurate payment of shift differential overtime pay. The Department of Personnel informed the Auditor that manual time entries in the Employee Self-Service system override the actual swipes and the Department of Personnel relies on the supervisor to review all entries prior to approval. The supervisor in Weights and Measures approved both time entries with the incorrect hours which resulted in the inaccurate shift differential pay.

Illustration 1:



ID	Start Date	End Date	Hrs	From	To	P	Type	Att./absence type	Cost Ctr	Order	WBS Element
S	01/04/2023	01/04/2023	4.00	04:00	08:00		1002	Comp Time			
S	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	Unauthorized OT Unpaid			
S	01/04/2023	01/04/2023	2.00	06:00	08:00		1002	Comp Time			
S	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	Unauthorized OT Unpaid			

Illustration 2:



RAW TIME SWIPES

EMP NO NAME	TIME CARD	DATE	SWIPE TIME	TIME ADMIN	READER	BUILDING	ADDRESS	AREA
[redacted]		01/04/2023	0554	539	WM_1_1	Weights & Measures Building	2380 Clinton St.	1st Floor
			2002	539	WM_1_1	Weights & Measures Building	2380 Clinton St.	1st Floor

Recommendation

The Auditor recommends that the appropriate supervisor in the Bureau of Weights and Measures carefully review any manual time requests entered by employees to verify the accuracy of the request and the employee's eligibility.

In addition, the Department of Personnel should periodically review with the supervisors any unauthorized leave and overtime unpaid in their department to ensure employees are accurately compensated based on the actual hours work.

Finding 4: Compensation for Certain Hours Violated Erie County Travel Time Policy then in Effect.

During testing, the Auditor found that two employees, a Sealer and an Examiner, were compensated for overtime, second shift differential and third shift differential premiums while driving together in a County-owned vehicle to Albany for a necessary Weights and Measures equipment run on January 4, 2023.

The Sealer swiped in at 5:56 and swiped out at 20:00, for a total of 6.0 hours of overtime premium rate, 4.0 hours at the second shift differential premium rate for the hours of 16:00 to 20:00, and 1 hour at the third shift differential premium rate for the hour worked from 6:00 to 7:00. The Examiner swiped in at 5:54 and out at 20:02, accruing a total of 6.0 hours of comp time and should have received 4.0 hours of second shift differential overtime for the hours of 16:00 to 20:00, and 1 hour at the third shift differential premium rate for the hours of 5:00 to 6:00 but incorrectly received 4 hours of third shift premium (see Finding #3 above).

Per the Erie County Personnel Travel Time Policy Chapter VI, Section 12 in effect at the time, "County employees often travel to meetings, conferences and other work-related events outside their normal place of business. These events are often held within Erie County (town board meetings, meetings at schools, etc.) and are occasionally conducted outside Erie County (State or National conferences, seminars, etc.). The relevant policy reproduced below relates to the compensation of employees for travel performed in conjunction with such events.

> Employees will not be compensated for travel time spent going to or from an event held outside of Erie County, if such travel was performed outside of the employee's normal

working hours. Therefore, an employee traveling to or from an event held outside the County will be compensated only for his/her normal working hours and will receive no additional compensation for travel performed going to or returning from the event. NOTE: Employees exempt from Fair Labor Standards Act (FLSA) will be compensated for travel time performed on their regular days off (normally Saturday and Sunday) only for such travel performed during their normal working hours.

While the Auditor found that both employees were paid in violation of the travel time policy as written, the Auditor also notes that withholding all pay for hours outside of the employees' regular schedule likely violates federal labor law. Because the required employee travel involved physical transportation of County equipment from Buffalo to Albany and the employees completed this task within the same day, per federal labor law 29 C.F.R. § 785.37, the travel is "performed for the employer's benefit and at his special request to meet the needs of the particular and unusual assignment", and counts such time necessarily spent traveling as hours worked, even when those hours stretch beyond the employee's regular working hours.

Recommendation
The Auditor recommends that the Bureau of Weights and Measures adhere to the Erie County Travel Time Policy that is in effect for compensable hours.

In addition, the Auditor recommends that the Department of Personnel work with Division of Budget and Management to review and revise the Erie County Travel Policy - Employee Compensation During Travel to comply with applicable Federal Labor Standards.

AUDITOR'S COMMENTS

Comment 1: Noncompliance with the Swipecard Policy Exceeded 35%.

During testing, the Auditor found that 18 of 47 transactions tested had missing swipes recorded in ESS. If a missed swipe is not corrected, the system will record the entry as "Unauthorized Leave Unpaid" on the employee's paystub.

Employees are required to record attendance and timeliness by swiping their employee identification badge at their designated swipe card reader. "Swipes must be recorded when reporting to work at the beginning of the workday, when leaving for and returning from meal periods, and when leaving work at the end of the workday." Consistent violations are subject to disciplinary action. The correction procedures described in Finding 2 are intended as remedial measures for those who inadvertently miss a swipe to ensure there is not a loss in pay for hours worked due to oversight. The procedures are not meant to serve as an alternative to swiping in and out at required times.

Because missed swipes must be manually entered or corrected by the employee after-the-fact, the Auditor could not verify the hours actually worked for those days or validly reconcile recorded hours to the daily attendance reports. Due to entries deemed "Unauthorized Leave Unpaid", employees were not properly compensated for premium hours actually worked in excess of a 40-hour work week because manually recorded overtime and comp time entries were automatically adjusted to a straight time rate. The Auditor

found that in most instances, the straight time rate was corrected to the premium overtime rate in the following payroll cycle.

The Auditor found that in 18 of the 47 total transactions tested, the employee failed to swipe in, failed to swipe out, or both. The Raw Swipe Report, an individual account of employee time data based on swipe station input, records the presence and absence of employee swipes in the County's accounting system. Specifically, 38% of the tested transactions revealed a likely violation of County policy.

Recommendation
The Auditor recommends that management in the Bureau of Weights and Measures implement measures to ensure all employees are adhering to the Swipecard Policy especially when employee is seeking approval for overtime pay.

Comment 2: Noncompliance with Department's Overtime Procedures Exceeded 30%.

Internal procedures in place within the Bureau of Weights and Measures used to monitor overtime were inconsistently followed. Specifically, employees who work overtime are to complete overtime logs describing their activities during that time, as per department procedures. The Auditor noted that in several instances, those logs were not accurately or adequately completed prior to management approval.

During testing, the Auditor determined that 15 of 47 samples tested were missing the required departmental reports for monitoring, approving and paying overtime: daily minute, daily attendance and/or overtime payment method reports. In some instances, both the daily minute and daily attendance reports were present but logged no time or activity and/or was missing an overtime payment method. Therefore, the Auditor was unable to verify the accuracy of the dates, hours and/or payment method to the information obtained from the County's accounting system and the employees' pay stubs.

Seven of the 15 samples tested were overtime hours worked by Senior Account Clerks, for which there were no logs of work performed or completed. The Auditor determined the Senior Account Clerk did not follow the procedures in place for monitoring the overtime activity. The Auditee stated that the supervisor discusses the work to be completed. However, it is unclear why Senior Account Clerks would be exempt from a recordkeeping policy designed to monitor overtime and the necessity thereof by virtue of their title.

Recommendation
The Auditor recommends that employees working overtime hours follow department procedures by consistently and accurately completing all forms provided by the department and that supervisors ensure completion of forms prior to approval.

In addition, the Auditor recommends that the supervisor authorizing overtime for the Senior Account Clerk hold that job classification to the same standard as other job classifications within the department by having them follow department procedures for substantiating the necessity of overtime hours.

Comment 3: Noncompliance with the Lunch Period Policy Exceeded 60%.

During testing, the Auditor found that 30 out of 47 transactions tested reflected lunch breaks that were taken during the last hour of the day. This is not in compliance with the Erie County Personnel Policy for Lunch Periods (Lunch Period Policy) which prohibits employees from scheduling lunch periods "for the first or last hour of the day". and New York Labor Law § 162 states "The noon day meal period is recognized as extending from eleven o'clock in the morning to two o'clock in the afternoon."

Recommendation
The Auditor recommends that department management ensure that all employees adhere to the Erie County Personnel Policy for Lunch Periods which states, "lunch periods should not be scheduled for the first or last hour of the day and may not be divided into smaller units."

Comment 4: Straight Time Worked is being Accrued as Straight Compensatory Time.

The Auditor found four entries for four separate employees where compensatory time was accrued at the one and a half overtime rate on a Saturday and approved the following Monday without the employee meeting the CBA requirement of working 40 regular hours per week. The compensatory time accrual was adjusted to reflect a straight time rate after sick and personal time entries were submitted later in the same week.

Per the CBA Article XVI Overtime, Section 16.6: "All employees who actually work over eight (8) hours in any workday, or forty (40) hours per week shall be paid time and one-half times such employee's straight time hourly rate, for all hours worked in excess of eight (8) hours in any workday or forty (40) hours per week. Excluded from computation of forty (40) hours per week to be worked for purposes of the overtime premium of time and one-half are all sick and personal leave hours. All other paid leave time, including paid lunch hours and compensatory time shall be counted as time worked."

The Auditor could not find any language in the CBA or applicable policy relating to comp time earned at a straight time rate. Per the CBA Article XVI Overtime, Section 16.10: "Each employee who desires compensatory time off shall accumulate the aforementioned time at the rate of time and one-half (1-1/2) for each hour or part thereof worked." It must be noted that this is an issue Weights and Measures has no control over. Time accruals are automatically calculated based on the programmed rules within the County's accounting system and are administered by the Department of Personnel.

Recommendation
The Auditor recommends that the Department of Personnel take action to facilitate system adjustments necessary to accurately reflect categories of time based on the CBA. If the intent of the applicable CBA provisions was to allocate time in this manner, the Auditor recommends that future negotiations push for clearer language regarding comp time earned at a straight time rate because it could cause the County to incur a greater payout in the future when the employees' hourly rate is higher.

RESULTS OF EXIT CONFERENCE

An exit conference was held on July 10, 2024, with the Commissioner of Public Advocacy, the Director of Bureau of Weights and Measures and the Budget Director. The draft audit report was reviewed and discussed resulting in minor changes. The Erie County Comptroller would like to thank the Commissioner of Public

Advocacy, the Commissioner of Personnel, the Budget Director and their respective participating staff members for the courtesy extended to the Division of Audit during the course of the audit.

In accordance with Erie County Charter Section 305, the Office of Public Advocacy should prepare a written response to the County Executive outlining the plan to address the findings and recommendations identified in the audit report.

ERIE COUNTY COMPTROLLER'S OFFICE

cc: Hon. Mark C. Poloncarz, County Executive
Mark Cornell, Director of Division of Budget & Management
Karen L. King, PhD., Commissioner of Public Advocacy
Charles LaMarca, Director of Weights and Measures
Brian Bray, Commissioner of Personnel
Erie County Fiscal Stability Authority

APPENDIX A

Department of Personnel's Response to the Draft Audit Report

July 3, 2024

Mary Nytz-Hosler
Deputy Comptroller for Audit
95 Franklin St - 11th Floor
Buffalo, NY 14202

Dear Deputy Comptroller Nytz-Hosler:

Thank you for identifying that the County's payroll system was not calculating shift differential for CSEA employees in a manner consistent with the collective bargaining agreement. We agree with your analysis and findings.

The logic that pays the contractually required shift differential to employees in 24-hour operations after four hours is shared by employees who work traditional shifts. If we removed the requirement altogether, 24-hour employees would have to make a separate request to SAP for a shift differential for each 2nd or 3rd shift they worked. Such a change would cause a great deal of extra work for the employee and their time approver, and it would likely result in time entry errors that would cause employees to be paid incorrect amounts.

In our internal conversations to identify how we would appropriately fix this issue so that employees who worked traditional shifts only received shift differential when scheduled involuntarily, we determined that the County did not have employees capable of reprogramming SAP to the extent needed. Fixing this issue would require the County to use outside programmers, which we believe would cost significantly more than continuing the practice. Given that the County is currently exploring an overhaul or upgrade to SAP, we believe this fix is not in the taxpayer's best interest at this time. Instead, it would be more appropriate to fix this when the county updates its ERP software.

We have estimated that, in 2023, this issue resulted in 1048.18 hours in which an employee may have inadvertently received shift differential, costing the County a maximum of $2,888.58. While I do not want to minimize the inadvertent overpayment, it is essential to weigh the cost of correcting this issue against the potential financial impact. Given the significant expense of programming these changes and the relatively modest overpayment, it appears more prudent to address this issue when we overhaul or upgrade SAP.

Thank you.

Sincerely,

Shawn Lavin
Deputy Commissioner of Personnel

cc: Kimberly Kajdasz, Deputy Budget Director

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-15	COMPTROLLER	Interim Financial Report of Erie County - 2nd Quarter 2024

Attachments

24COMM. 15E-15

EC LEG AUG 2 '24 PM3:09

ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

August 2, 2024

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

Mark C. Poloncarz, Esq.
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Dear Honorable Members and County Executive Poloncarz:

My office has prepared an Interim Financial Report ("Report") of the County of Erie, New York ("County") as of and for the six-month period ended June 30, 2024 (second quarter 2024). The Report, enclosed for your review, consists of the following elements:

- Financial Statements
- Investment Report
- Cash Flow Statement
- Property Tax and Sales Tax Summary
- Debt Schedules
- Miscellaneous Financial Data (including data on short and long-term bonded indebtedness, property tax rates and constitutional taxing power)

Our office provides the following observations and comments for your consideration:

Sales Tax

After growth in sales tax revenue in 2022 and 2023, sales tax revenue growth in 2024 is slowing dramatically. Currently, our sales tax revenue is not meeting 2024 Budget estimates. Part of the County's loss of sales tax revenue in the first quarter was attributable to your mutual decision in July 2023 to temporarily eliminate all sales taxes on residential energy (natural gas, electricity, propane, heating oil, etc.) purchases for the months of December 2023 and January and February 2024.

In the May 2024 Budget Monitoring Report issued on July 5, 2024, the Budget Director estimated a negative variance on sales tax by year-end of $21.7 million, or $4.1 million greater than his estimate through April 2024.

Through June 30th, the County has realized 50.3% of our adopted 2024 Budget revenue for sales tax; by way of comparison, at the same point in 2023, the County had realized 51.6% of the budgeted 2023 sales tax revenue. After a large negative variance for sales tax revenue in the first quarter of 2024, the County has modestly improved on sales tax revenues in the second quarter. However, the underlying issue is that the 2024 Budget was based on an increase in sales tax

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PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

revenues that has not materialized to the degree expected. In 2024, the County adopted a budget with a $55.8 million increase in sales tax revenue for the year, so a further trend of less sales tax revenue in future 2024 quarters will compound the problem.

Real Property Taxes

Through the six-month period ended June 30, 2024, the County has received 90.8% of the $423,499,172 in property tax that was levied and is collectible for County purposes. This contrasts with 90.9% at the same point in 2023. Taxes remaining to be collected are at $38,809,742 for 2024, compared to $37,851,528 for the first and second quarters of 2023.

Borrowing

On August 1, 2024, the County closed a sale of $44.3 million of County bonds for the County's annual capital borrowing.

In September 2024, the County anticipates selling $125 million in bonds for the construction of the new Buffalo Bills stadium. With the County's transmittal of our July 2024 stadium payment to New York State, the County has wholly expended our $125 million of assigned fund balance for the stadium.

Due to our cash position, our office continues to project that the County will not need to issue a Revenue Anticipation Note (RAN) in 2024 (similar to 2021, 2022 and 2023). However, our available cash continues to decrease as funds are expended including those related to the American Rescue Plan and the stadium.

Investments

Our office has continued to invest available cash in a variety of ways, through purchasing US Treasury Bills and our accounts at NYCLASS, Citizens Bank, Key Bank and JP Morgan Chase. The County also earns interest earnings on our operating accounts at M&T Bank, which is the County's lead banking partner. For instance, through July 31, 2024, we have purchased $8.74 billion worth of Treasury Bills since March 2022. For the first six months of 2024, our office made 812 investments generating $17,406,133 in total interest earnings; this compares favorably to the same period in 2023 with $14,714,184 in total interest earnings.

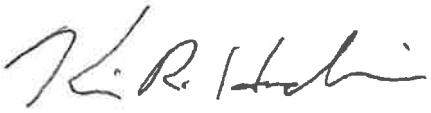
Conclusion

The financial statements and other information contained in this Report have been compiled largely from the official accounting records maintained in the County's SAP system. The Financial Statements from Erie County Medical Center Corporation, Erie Community College, the Erie County Tobacco Securitization Corporation, the Buffalo and Erie County Industrial Land Development Corporation, Inc. and the Erie County Fiscal Stability Authority are not included because financial information for the aforementioned entities is maintained separately from the County.

Information contained in this Report has not been reviewed by the County's independent auditor; therefore, no opinion on this Report is expressed.

If you have any questions, please contact me at (716) 858-8400.

Sincerely yours,



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

Enclosure

cc: Erie County Fiscal Stability Authority
Mark Cornell, Director of Budget and Management

COUNTY OF ERIE, NEW YORK

INTERIM FINANCIAL REPORT

FOR THE SIX MONTHS ENDED JUNE 30, 2024

Erie County Comptroller's Office

KEVIN R. HARDWICK

Erie County Comptroller

JULY 31, 2024

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For the six months ended June 30, 2024

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FUND FINANCIAL STATEMENTS

COUNTY OF ERIE, NEW YORK
Balance Sheet
Governmental Funds
June 30 2024
(amounts expressed in thousands)

	General	Emergency Response	General Government Buildings, Equipment and Improvements	Other Governmental Funds	Total Governmental Funds
ASSETS:					
Cash and cash equivalents	$ 275,380	$ 45,170	$ 120,623	$ 171,502	$ **612,675**
Investments	-	-	-	200	**200**
Receivables (net of allowances)					
Real property taxes, interest, penalties and liens	88,977	-	-	692	**89,669**
Leases	288	-	-	-	**288**
Other	6,732	-	15	28,867	**35,614**
Due from other funds	33,196	28,434	-	23,099	**84,729**
Due from other governments	335,774	5	168	39,985	**375,932**
Prepaid items	1,974	-	-	1,996	**3,970**
Restricted cash	145	-	-	98,789	**98,934**
Total assets	**$ 742,466**	**$ 73,609**	**$ 120,806**	**$ 365,130**	$ **1,302,011**
LIABILITIES:					
Accounts payable	$ 1,599	$ -	$ 732	$ 438	$ **2,769**
Accrued liabilities	162,810	-	6,009	26,849	**195,668**
Due to other funds	7,516	-	29,232	27,790	**64,538**
Due to component unit	2,719	71	-	-	**2,790**
Due to other governments	8,987	-	1,256	34	**10,277**
Retained percentages payable	-	79,875	-	2,511	**82,386**
Unearned revenue	15,722	-	-	14,318	**30,040**
Total liabilities	**199,353**	**79,946**	**37,229**	**71,940**	**388,468**
DEFERRED INFLOWS OF RESOURCES:					
Unavailable revenue – property taxes	59,343	-	-	-	**59,343**
Deferred inflows – relating to leases	285	-	-		**285**
Total deferred inflows of resources	**59,628**	**-**	**-**	**-**	**59,628**
FUND BALANCES:					
Nonspendable:					
Community development loans	-	-	-	28,122	**28,122**
Prepaid items	1,974	-	-	1,995	**3,969**
Restricted for:					
Handicapped parking	145	-	-	-	**145**
E-911 system costs	-	-	-	3,598	**3,598**
Opioid prevention	-	-	-	22,660	**22,660**
Debt service	5,266	-	-	27,900	**33,166**
Capital expenditures	-	-	83,577	98,989	**182,566**
Assigned:					
Other purposes	114,870	(6,337)	-	109,926	**218,459**
Unassigned	361,230	-	-	-	**361,230**
Total fund balances	**483,485**	**(6,337)**	**83,577**	**293,190**	**853,915**
Total liabilities, deferred inflows of resources and fund balances	**$ 742,466**	**$ 73,609**	**$ 120,806**	**$ 365,130**	$ **1,302,011**

Statement of Revenues, Expenditures and Changes in Fund Balances

Governmental Funds

For the six months ended June 30, 2024

(amounts expressed in thousands)

	General	Emergency Response	General Government Buildings, Equipment and Improvements	Other Governmental Funds	Total Governmental Funds
REVENUES:					
Real property taxes and tax items	$ 304,580	$ -	$ -	$ 25,221	$ **329,801**
Sales and use taxes	551,410	-	-	1,494	**552,904**
Transfer taxes	100	-	-	7,260	**7,360**
Intergovernmental	223,725	648	509	37,504	**262,386**
Interfund	9,823				**9,823**
Departmental	38,150	-	-	48,374	**86,524**
Interest	13,484	901	-	6,608	**20,993**
Miscellaneous	1,029	-	76	5,454	**6,559**
Total revenues	**1,142,301**	**1,549**	**585**	**131,915**	**1,276,350**
EXPENDITURES:					
Current:					
General government support	307,679	9,822	-	13,336	**330,837**
Public safety	115,084	-	-	10,055	**125,139**
Health	50,283	217	-	7,834	**58,334**
Transportation	20,241	-	-	22,453	**42,694**
Economic assistance and opportunity	421,975	-	-	10,745	**432,720**
Culture and recreation	20,299	-	-	270	**20,569**
Education	47,592	-	-	-	**47,592**
Home and community service	3,007	4,500	-	32,097	**39,604**
Capital outlay	-	-	62,077	24,117	**86,194**
Debt service:					
Principal retirement	-	-	-	10,993	**10,993**
Interest and fiscal charges	-	-	-	10,244	**10,244**
Total expenditures	**986,160**	**14,539**	**62,077**	142,144	**1,204,920**
Excess (deficiency) of revenues over expenditures	**156,141**	**(12,990)**	**(61,492)**	**(10,229)**	**71,430**
OTHER FINANCING SOURCES (USES):					
Sale of property	676	-	-	-	**676**
Transfers in	-	5,000	41,330	55,289	**101,619**
Transfers out	(99,496)	(13,224)	-	(8,704)	**(121,424)**
Total other financing sources (uses)	**(98,820)**	**(8,224)**	**41,330**	**46,585**	**(19,129)**
Net change in fund balances	57,321	(21,214)	(20,162)	36,356	**52,301**
Fund balances at beginning of year	426,164	14,877	103,739	256,834	**801,614**
Fund balances at end of six months	**$ 483,485**	**$ (6,337)**	**$ 83,577**	**$ 293,190**	**$ 853,915**

Statement of Net Position

Proprietary Fund

June 30 2024

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
ASSETS:	
Current Assets:	
Cash	$ 8,852
Due from other funds	76
Due from other governments	4,524
Total current assets	13,452
Total assets	13,452
LIABILITIES	
Current Liabilities:	
Accounts payable	499
Accrued liabilities	165
Due to other funds	12,597
Due to other governments	76
Total current liabilities	13,337
Total liabilities	13,337
NET POSITION:	
Unrestricted	115
Total net position	$ 115

Statement of Revenues, Expenses and Changes in Net Position

Proprietary Fund

For the six months ended June 30, 2024

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
OPERATING REVENUES:	
Interfund revenues	$ 3,517
Other operating revenue	7,268
Total operating revenue	10,785
OPERATING EXPENSES:	
Employee wages	128
Employee benefits	57
Utilities and telephone	10,904
Total operating expenses	11,089
Change in net position	(304)
Total net position - beginning	419
Total net position at end of six months	$ 115

Statement of Agency Net Position

Agency Fund
June 30 2024
(amounts expressed in thousands)

	Agency Fund
ASSETS:	
Cash and cash equivalents	$ 33,346
Other	529
Due from other governments	2
Bonds and securities held in custody	20
Total assets	$ 33,897
LIABILITIES:	
Held in custody for others	33,897
Total liabilities	$ 33,897

COMBINING & INDIVIDUAL FUND STATEMENTS & SCHEDULES

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. These funds include the Road, Sewer, Downtown Mall, E-911, Grants, Community Development, and Pharmaceutical Litigation Settlements Fund.

- **Road Fund**
  Used to account for all revenues and expenditures related to the maintenance of County roads and bridges, snow removal, construction and reconstruction of County roads not required to be recorded in a Capital Projects Fund.

- **Sewer Fund**
  Used to account for the activities of the various sewer districts currently in operation within the County.

- **Downtown Fund**
  Used to account for revenues raised through a special district charge levy and the subsequent expenditure of these monies for the operation and maintenance of a downtown pedestrian/transit mall.

- **E-911 Fund**
  Used to account for revenues raised through a telephone access line surcharge and the subsequent expenditure of these monies for the establishment and maintenance of an enhanced 911 emergency telephone system.

- **Grants Fund**
  Used to account for federal and state operating grants (except the Community Development Block Grant) earmarked for specific programs, so that grantor accounting and reporting requirements can be satisfied.

- **Community Development Fund**
  Used to assist participating municipalities in the development of locally approved community or economic development activities that are eligible under federal program regulations.

- **Pharmaceutical Litigation Settlements Fund**
  Used to account for the County's receipt and spending of pharmaceutical litigation settlement funds from national, state and County litigation against pharmaceutical companies. The County started receiving revenue from the Office of the New York State Attorney General in 2022. Much of the settlement funding is restricted and has to be spent on specific public health measures to combat opioid abuse. The Fund reports separate breakdowns for the usages of restricted funds and unrestricted funds.

DEBT SERVICE FUND

The Debt Service Fund is used to account for current payments of principal and interest on general obligation long-term debt, and for financial resources that have been accumulated to make future principal and interest payments on general long term indebtedness.

NONMAJOR GOVERNMENTAL FUNDS (Continued)

CAPITAL PROJECTS FUNDS

Capital Projects Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- **Highways, Roads, Bridges and Equipment Fund**
  Utilized to account for capital projects administered by the Department of Public Works for the construction or reconstruction of County roads and bridges and the acquisition of equipment not accounted for in the Road Fund.

- **Sewers, Facilities, Equipment and Improvements Fund**
  Used to account for capital projects relating to the construction and acquisition of sewer facilities and equipment by the operating sewer districts.

- **Tobacco Proceeds Fund**
  Used to account for the net proceeds from the County's securitization of its share of the 1998 Master Settlement Agreement with the tobacco industry that will be used to fund capital projects that otherwise would have been supported by operating funds or the issuance of bonds.

- **Special Capital Projects Fund**
  Utilized to account for capital projects administered by departments other than Public Works that are primarily for the acquisition or construction of buildings, improvements and equipment.

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2024

(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
ASSETS:				
Cash and cash equivalents	$ 34,415	$ 64,861	$ 21	$ 3,538
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	692	-
Other	-	-	-	596
Due from other funds	-	16,530	-	-
Due from other governments	3,671	477	-	9
Prepaid items	-	1,970	-	26
Restricted cash	-	-	-	-
Total assets	**$ 38,086**	**$ 83,838**	**$ 713**	**$ 4,169**
LIABILITIES:				
Accounts payable	$ 26	$ 39	$ -	$ 18
Accrued liabilities	1,358	9,242	62	527
Due to other funds	-	-	-	-
Due to other governments	-	-	-	-
Retained percentages payable	-	8	-	-
Unearned revenue	-	-	-	-
Total liabilities	**1,384**	**9,289**	**62**	**545**
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	1,969	-	26
Restricted for:				
E-911 system costs	-	-	-	3,598
Opioid prevention	-	-	-	-
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	36,702	72,580	651	-
Total fund balances	**36,702**	**74,549**	**651**	**3,624**
Total liabilities, deferred inflows of resources and fund balances	**$ 38,086**	**$ 83,838**	**$ 713**	**$ 4,169**

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2024

(amounts expressed in thousands)

	Special Revenue			
	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
ASSETS:				
Cash and cash equivalents	$ 607	$ -	$ 23,613	$ 127,055
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	-	692
Other	132	28,139	-	28,867
Due from other funds	-	-	-	16,530
Due from other governments	32,818	-	-	36,975
Prepaid items	-	-	-	1,996
Restricted cash	-	-	-	-
Total assets	$ 33,557	$ 28,139	$ 23,613	$ 212,115
LIABILITIES:				
Accounts payable	$ 238	$ -	$ -	$ 321
Accrued liabilities	3,468	284	297	15,238
Due to other funds	15,364	531	-	15,895
Due to other governments	23	11	-	34
Retained percentages payable	-	-	-	8
Unearned revenue	14,464	(802)	656	14,318
Total liabilities	33,557	24	953	45,814
FUND BALANCES:				
Nonspendable:				
Community development loans	-	28,122	-	28,122
Prepaid items	-	-	-	1,995
Restricted for:			-	
E-911 system costs	-	-	-	3,598
Opioid prevention	-	-	22,660	22,660
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:			-	
Other purposes	-	(7)	-	109,926
Total fund balances	-	28,115	22,660	166,301
Total liabilities, deferred inflows of resources and fund balances	$ 33,557	$ 28,139	$ 23,613	$ 212,115

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2024

(amounts expressed in thousands)

	Debt Service	Capital Projects: Highways, Roads, Bridges and Equipment	Capital Projects: Sewers, Facilities Equipment and Improvements	Capital Projects: Tobacco Proceeds
ASSETS:				
Cash and cash equivalents	$ 21,396	$ 4,175	$ 15,262	$ 4
Investments	-	-	-	200
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	-	-
Other	-	-	-	-
Due from other funds	6,569	-	-	-
Due from other governments	-	875	1,529	-
Prepaid items	-	-	-	-
Restricted cash	-	59,948	34,325	16
Total assets	**$ 27,965**	**$ 64,998**	**$ 51,116**	**$ 220**
LIABILITIES:				
Accounts payable	$ -	$ 117	$ -	$ -
Accrued liabilities	65	2,341	6,549	-
Due to other funds	-	1,602	9,098	4
Due to other governments	-	-	-	-
Retained percentages payable	-	990	1,144	-
Unearned revenue	-	-	-	-
Total liabilities	**65**	**5,050**	**16,791**	**4**
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	-	-	-
Restricted for:				
E-911 system costs	-	-	-	-
Opioid prevention	-	-	-	-
Debt service	27,900	-	-	-
Capital expenditures	-	59,948	34,325	216
Assigned:				
Other purposes	-	-	-	-
Total fund balances	**27,900**	**59,948**	**34,325**	**216**
Total liabilities, deferred inflows of resources and fund balances	**$ 27,965**	**$ 64,998**	**$ 51,116**	**$ 220**

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2024

(amounts expressed in thousands)

	Capital Projects			
	Special Capital Projects		Total	Total Nonmajor Governmental Funds
ASSETS:				
Cash and cash equivalents	$	3,610	$ 23,051	$ 171,502
Investments		-	200	200
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens		-	-	692
Other		-	-	28,867
Due from other funds		-	-	23,099
Due from other governments		606	3,010	39,985
Prepaid items			-	1,996
Restricted cash		4,500	98,789	98,789
Total assets	$	8,716	$ 125,050	$ 365,130
LIABILITIES:				
Accounts payable	$	-	$ 117	$ 438
Accrued liabilities		2,656	11,546	26,849
Due to other funds		1,191	11,895	27,790
Due to other governments		-	-	34
Retained percentages payable		369	2,503	2,511
Unearned revenue		-	-	14,318
Total liabilities		4,216	26,061	71,940
FUND BALANCES:				
Nonspendable:				
Community development loans		-	-	28,122
Prepaid items		-	-	1,995
Restricted for:				
E-911 system costs		-	-	3,598
Opioid prevention		-	-	22,660
Debt service		-	-	27,900
Capital expenditures		4,500	98,989	98,989
Assigned:				
Other purposes		-	-	109,926
Total fund balances		4,500	98,989	293,190
Total liabilities, deferred inflows of resources and fund balances	$	8,716	$ 125,050	$ 365,130

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2024
(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
REVENUES:				
Real property taxes and tax items	$ -	$ 23,389	$ 1,832	$ -
Sales and use taxes	-	-	-	1,494
Transfer taxes	7,260	-	-	-
Intergovernmental	5,532	-	-	22
Departmental	108	35,992	-	-
Interest	-	1,016	-	-
Miscellaneous	-	1,278	-	-
Total revenues	**12,900**	**61,675**	**1,832**	**1,516**
EXPENDITURES:				
Current:				
General government support	-	-	1,181	-
Public safety	-	-	-	4,522
Health	-	-	-	888
Transportation	22,453	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	29,055	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	**22,453**	**29,055**	**1,181**	**5,410**
(Deficiency) excess of revenues over expenditures	**(9,553)**	**32,620**	**651**	**(3,894)**
OTHER FINANCING SOURCES (USES):				
Transfers in	12,683	-	-	3,895
Transfers out	-	(7,773)	-	-
Total other financing sources (uses)	**12,683**	**(7,773)**	**-**	**3,895**
Net change in fund balances	**3,130**	**24,847**	**651**	**1**
Fund balances at beginning of year	**33,572**	**49,702**	**-**	**3,623**
Fund balances at end of six months	**$ 36,702**	**$ 74,549**	**$ 651**	**$ 3,624**

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2024
(amounts expressed in thousands)

	Special Revenue			
	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
REVENUES:				
Real property taxes and tax items	$ -	$ -	$ -	$ 25,221
Sales and use taxes	-	-	-	1,494
Transfer taxes	-	-	-	7,260
Intergovernmental	31,841	283	-	37,678
Departmental	688	2,514	9,072	48,374
Interest	-	-	364	1,380
Miscellaneous	522	-	-	1,800
Total revenues	33,051	2,797	9,436	123,207
EXPENDITURES:				
Current:				
General government support	12,155	-	-	13,336
Public safety	5,394	-	139	10,055
Health	5,294	-	1,652	7,834
Transportation	-	-	-	22,453
Economic assistance and opportunity	10,390	140	215	10,745
Culture and recreation	270	-	-	270
Home and community service	590	2,452	-	32,097
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	34,093	2,592	2,006	96,790
(Deficiency) excess of revenues over expenditures	(1,042)	205	7,430	26,417
OTHER FINANCING SOURCES (USES):				
Transfers in	1,042	94	-	17,714
Transfers out	-	-	-	(7,773)
Total other financing sources (uses)	1,042	94	-	9,941
Net change in fund balances	-	299	7,430	36,358
Fund balances at beginning of year	-	27,816	15,230	129,943
Fund balances at end of six months	$ -	$ 28,115	$ 22,660	$ 166,301

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2024
(amounts expressed in thousands)

		Capital Projects		
	Debt Service	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
REVENUES:				
Real property taxes and tax items	$ -	$ -	$ -	$ -
Sales and use taxes	-	-	-	-
Transfer taxes	-	-	-	-
Intergovernmental	62	(1,102)	-	-
Departmental	-	-	-	-
Interest	4,431	-	797	-
Miscellaneous	3,654	-	-	-
Total revenues	**8,147**	**(1,102)**	**797**	**-**
EXPENDITURES:				
Current:				
General government support	-	-	-	-
Public safety	-	-	-	-
Health	-	-	-	-
Transportation	-	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	-	-	-
Capital outlay	-	4,795	14,793	-
Debt service:				
Principal retirement	10,993	-	-	-
Interest and fiscal charges	10,244	-	-	-
Total expenditures	**21,237**	**4,795**	**14,793**	**-**
(Deficiency) excess of revenues over expenditures	**(13,090)**	**(5,897)**	**(13,996)**	**-**
OTHER FINANCING SOURCES (USES):				
Transfers in	16,821	1,000	19,754	-
Transfers out	-	-	(931)	-
Total other financing sources (uses)	**16,821**	**1,000**	**18,823**	**-**
Net change in fund balances	**3,731**	**(4,897)**	**4,827**	**-**
Fund balances at beginning of year	**24,169**	**64,845**	**29,498**	**216**
Fund balances at end of six months	**$ 27,900**	**$ 59,948**	**$ 34,325**	**$ 216**

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2024
(amounts expressed in thousands)

	Capital Projects		
	Special Capital Projects	Total	Total Nonmajor Governmental Funds
REVENUES:			
Real property taxes and tax items	$ -	$ -	$ 25,221
Sales and use taxes	-	-	1,494
Transfer taxes	-	-	7,260
Intergovernmental	866	(236)	37,504
Departmental	-	-	48,374
Interest	-	797	6,608
Miscellaneous	-	-	5,454
Total revenues	866	561	131,915
EXPENDITURES:			
Current:			
General government support	-	-	13,336
Public safety	-	-	10,055
Health	-	-	7,834
Transportation	-	-	22,453
Economic assistance and opportunity	-	-	10,745
Culture and recreation	-	-	270
Home and community service	-	-	32,097
Capital outlay	4,529	24,117	24,117
Debt service:			
Principal retirement	-	-	10,993
Interest and fiscal charges	-	-	10,244
Total expenditures	4,529	24,117	142,144
(Deficiency) excess of revenues over expenditures	(3,663)	(23,556)	(10,229)
OTHER FINANCING SOURCES (USES):			
Transfers in	-	20,754	55,289
Transfers out	-	(931)	(8,704)
Total other financing sources (uses)	-	19,823	46,585
Net change in fund balances	(3,663)	(3,733)	36,356
Fund balances at beginning of year	8,163	102,722	256,834
Fund balances at end of six months	$ 4,500	$ 98,989	$ 293,190

(Concluded)

LIBRARY COMPONENT UNIT

The financial data shown for the Buffalo and Erie County Public Library is derived from records maintained on its behalf by the County. The Library does not issue separate financial statements. The inclusion of the Library as a component unit in the County's financial statements reflects the County's financial accountability for this legally separate entity.

Balance Sheet

Library Component Unit
June 30 2024
(amounts expressed in thousands)

	Library
ASSETS:	
Cash and cash equivalents	$ 31,417
Due from primary government	2,719
Due from other governments	1,325
Prepaid items	83
Total assets	$ 35,544
LIABILITIES:	
Accounts payable	$ 9
Accrued liabilities	1,530
Retained percentages payable	24
Unearned revenue	2,796
Total liabilities	4,359
FUND BALANCES:	
Nonspendable	83
Committed	4,252
Assigned	3,758
Unassigned	23,092
Total fund balances	31,185
Total liabilities and fund balances	$ 35,544

Statement of Revenues, Expenditures and Changes in Fund Balances

Library Component Unit

For the six months ended June 30, 2024

(amounts expressed in thousands)

	Library
REVENUES:	
Real property taxes and tax items	$ 29,675
Intergovernmental	739
Departmental	216
Interest	132
Miscellaneous	57
Total revenues	30,819
EXPENDITURES:	
Current:	
Culture and recreation	16,011
Total expenditures	16,011
Net change in fund balances	14,808
Fund balances at beginning of year	16,377
Fund balances at end of six months	$ 31,185

INVESTMENT REPORT

Investment Report

January 1, 2024 through June 30, 2024

In accordance with the Comptroller's Investment Guidelines, the Investment Report for the first six months of 2024 is hereby submitted. The primary objectives of the investment program, as set out in established guidelines, are as follows in order of importance:

- compliance with legal requirements
- safeguarding of principal
- ensuring sufficient liquidity
- obtaining a reasonable rate of return

Our cash management program offers the County a good return on its investments without assuming unnecessary risks. A total of 812 investments were made during the first six months, resulting in $17,406,133 in total interest earnings for all funds. The average yield for the first six months was 4.31%. For comparison, during the first six months of 2023, 810 investments were effectuated which generated $14,714,184 in total interest earnings for all funds at an average yield of 3.32%.

SUMMARY OF INVESTMENTS PURCHASED

	Number of Investments Jan - June		Average Investment (in millions) Jan – June		Average Length of Investment (days) Jan – June	
	2024	2023	2024	2023	2024	2023
Manufacturers & Traders	756	781	40.1	61.4	6	8
Citizens	6	7	21.1	20.2	30	28
JP Morgan Chase	6	7	21.1	20.3	30	27
NYCLASS	37	13	46.0	92.3	24	22
Key	7	2	14.5	25	26	30
Totals	812	810				

Investment Report

January 1, 2024 through June 30, 2024

SUMMARY OF INTEREST EARNINGS BY FUND

	General Fund	Trust Fund	Capital Fund	Sewer Fund	Total
1st Quarter	$5,473,171	$138,961	$2,321,765	$307,501	$8,241,398
2nd Quarter	$5,958,223	$257,739	$2,252,610	$696,163	$9,164,735
Year to date	$11,431,394	$396,700	$4,574,375	$1,003,664	$17,406,133

Please note the 2024 Adopted Budget General Fund interest earnings is $3,600,000. The actual year to date earnings for the General Fund as of June 30, 2024 is $11,431,394. For comparison, as of June 30, 2023, the General Fund interest earnings were $9,470,982.

SUMMARY OF WEIGHTED AVERAGE YIELD (ALL FUNDS)

Month	Average Yield	
	2024	2023
January	4.33%	2.67%
February	4.07%	3.13%
March	4.32%	3.21%
April	4.24%	3.80%
May	4.58%	3.38%
June	4.34%	3.71%
Weighted Average Jan. – Jun.	4.31%	3.32%

CASH FLOW STATEMENT

As a matter of procedure, the Erie County Comptroller's Office does not report public projections regarding future cash flows or other results. However, the Comptroller's Office has prepared projected cash flow information, set forth in the following schedule, to present the projected cumulative cash flow of Erie County for the year ending December 31, 2024.

The projected financial information is subject to change based on various intervening factors, and was not produced to comply with guidelines established by the American Institute of Certified Public Accountants with respect to prospective financial information. Rather, it was prepared by the Comptroller's Office based on data provided by the Division of Budget, Management and Finance and other sources to reflect the best and currently available estimates and judgments, and presents, to the best of the Comptroller's Office's knowledge, the expected future cash flow of the County.

This information is not static or audited, and should not be relied upon as indicative of future results.

NEITHER THE COUNTY'S INDEPENDENT AUDITORS NOR ANY OTHER INDEPENDENT ACCOUNTANTS HAVE COMPILED, EXAMINED OR PERFORMED ANY PROCEDURES WITH RESPECT TO THE PROSPECTIVE CASH FLOW INFORMATION CONTAINED HEREIN. IN ADDITION, THEY HAVE NOT EXPRESSED ANY OPINION OR ANY OTHER FORM OF ASSURANCE ON SUCH INFORMATION OR ITS ACHIEVABILITY, AND ASSUME NO RESPONSIBILITY FOR, AND DISCLAIM ANY ASSOCIATION WITH, THE PROSPECTIVE FINANCIAL INFORMATION.

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2024

Description	Actual January	Actual February	Actual March	Actual April	Actual May
Opening Balance	$ 356,956,397				
RECEIPTS:					
DSS	$ 10,164,833	28,733,432	$ 39,793,923	$ 16,461,134	$ 4,599,560
Sales Tax	56,532,887	73,972,565	65,575,762	59,952,980	68,227,727
Real Property Tax	7,687,847	54,100,007	282,828,341	37,439,975	13,003,984
Other	33,870,511	32,628,253	44,470,183	16,381,326	21,452,667
EFSCA Set Aside Release	82,000	-	3,182,625	-	177,034
Total Receipts	108,338,078	189,434,257	435,850,834	130,235,414	107,460,972
DISBURSEMENTS:					
DSH/IGT/ICA	55,119,842	-	2,619,914	2,619,914	-
DSS Expense	16,653,447	18,025,288	16,741,936	18,422,073	16,413,290
MMIS	21,773,520	17,418,816	17,418,816	19,754,610	15,803,688
Payroll	43,554,305	50,776,338	60,322,686	36,220,668	39,191,189
Vendor	32,706,930	60,908,754	126,953,740	63,943,322	41,996,480
Debt Service	6,770	538,625	5,403,231	2,295,813	734,036
Capital Subsidy	17,957,000	2,214,904	1,000,000	15,000	20,196,000
Sewer Property Tax	-	-	-	37,715,398	8,665,837
Stadium Set Asides	-	-	-	-	-
ECFSA Bond Set Asides	629,193	357,506	357,506	357,506	357,902
ECFSA Debt Service	82,000	-	3,182,625	-	177,034
Total Disbursements	188,483,008	150,240,232	234,000,452	181,344,305	143,535,455
Monthly Cash Flow	$ (80,144,930)	$ 39,194,025	$ 201,850,381	$ (51,108,892)	$ (36,074,483)
Cumulative Cash Flow	$ 276,811,467	$ 316,005,492	$ 517,855,873	$ 466,746,982	$ 430,672,499

(Continued)

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2024

Description	Actual June	Projected July	Projected August	Projected September	Projected October
RECEIPTS:					
DSS	$ 20,691,807	$ 46,170,174	$ 16,406,641	$ 31,341,586	$ 17,807,308
Sales Tax	99,228,738	55,968,698	73,048,904	70,652,594	83,099,147
Real Property Tax	8,606,388	10,252,886	5,579,338	5,711,369	2,795,612
Other	26,216,940	49,424,062	45,412,688	36,740,052	21,807,589
EFSCA Set Aside Release	2,858,000	-	4,504,875	77,625	-
Total Receipts	157,601,874	161,815,819	144,952,447	144,523,226	125,509,656
DISBURSEMENTS:					
DSH/IGT/ICA	39,278,506	2,619,914	-	-	2,619,914
DSS Expense	16,787,262	14,870,155	15,711,893	16,093,186	14,275,571
MMIS	15,803,688	19,754,610	15,803,688	15,803,688	19,754,610
Payroll	36,085,423	41,256,941	63,922,006	42,614,671	42,614,671
Vendor	93,947,266	52,384,759	38,728,882	105,834,253	27,553,265
Debt Service	2,384,688	-	-	25,946,969	48,243
Capital Subsidy	10,000	10,039,832	-	1,150,000	41,960
Sewer Property Tax	1,278,115	710,676	694,148	380,129	352,583
Stadium Set Asides	-	14,678,000	-	-	28,536,000
ECFSA Bond Set Asides	357,902	1,329,510	1,327,197	1,327,195	1,327,093
ECFSA Debt Service	2,858,000	-	4,504,875	77,625	-
Total Disbursements	208,790,850	157,644,397	140,692,690	209,227,715	137,123,909
Monthly Cash Flow	$ (51,188,977)	$ 4,171,421	$ 4,259,757	$ (64,704,490)	$ (11,614,254)
Cumulative Cash Flow	$ 379,483,522	$ 383,654,943	$ 387,914,700	$ 323,210,210	$ 311,595,956

(Continued)

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2024

Description	Projected November	Projected December	TOTAL
RECEIPTS:			
DSS	24,279,246.34	24,425,018.72	$ 280,874,663
Sales Tax	65,673,000.46	94,559,516.01	866,492,517
Real Property Tax	4,210,757	4,765,970	436,982,474
Other	30,017,606	22,735,200	381,157,077
EFSCA Set Aside Release	702,034	495,375	12,079,569
Total Receipts	124,882,644	146,981,080	1,977,586,300
DISBURSEMENTS:			
DSH/IGT/ICA	-		104,878,004
DSS Expense	15,861,579	15,500,562	195,356,243
MMIS	15,803,688	19,754,610	214,648,032
Payroll / Pension	42,614,671	**98,836,171**	598,009,739
Vendor	27,262,793	100,293,718	772,514,163
Debt Service	-	121,250	37,479,625
Capital Subsidy	383,715	1,833,712	54,842,123
Sewer Property Tax	5,294,259	-	55,091,146
Stadium Set Asides	-	-	43,214,000
ECFSA Bond Set Asides	1,327,093	1,327,093	10,382,696
ECFSA Debt Service	702,034	495,375	12,079,568
Total Disbursements	109,249,832	238,162,490	2,098,495,338
Monthly Cash Flow	$ 15,632,812	$ (91,181,411)	$ (120,909,037)
Cumulative Cash Flow	$ 327,228,768	$ 236,047,357	

(Concluded)

PROPERTY AND SALES TAX SUMMARY

Property Tax Collections

Six Months Ended June 30, 2024 and 2023

	2024	2023
Gross Levy	$ 867,963,213	$845,306,073
Less: Amount Retained by Towns	(444,464,041)	(427,733,110)
Net Collectible by County	423,499,172	417,572,963
Less: January - June Collections	(384,689,430)	(379,721,435)
Net Outstanding at June 30	$ 38,809,742	$37,851,528
Percentage Collected through June 30	90.8%	90.9%

Source: Erie County Govern Tax Collection System.

Sales Tax Revenue

Six Months Ended June 30, 2024 and 2023

	2024 Adopted Budget	June 2024 Y-T-D Revenue (1) (2)	% of Budget Realized	2023 Adopted Budget	June 2023 Y-T-D Revenue (1) (2)	% of Budget Realized
Sales And Use Tax	$ 241,067,475	$ 121,326,232	50.3%	$220,020,488	$113,473,088	51.6%
1% Sales Tax - Erie County Purposes	227,615,560	114,549,458	50.3%	207,730,136	107,125,376	51.6%
0.25% Sales Tax	56,883,796	28,635,672	50.3%	51,925,690	26,776,961	51.6%
0.50% Sales Tax	113,767,592	57,271,344	50.3%	103,851,380	53,553,921	51.6%
Totals	**$ 639,334,423**	**$ 321,782,706**	**50.3%**	**$583,527,694**	**$300,929,346**	**51.6%**

Source: Erie County Comptroller's Office.

Notes:
(1) Through June 30, 2024 year to date, $222,321,116 was recorded as both a revenue and an expenditure in the County's General Fund for sales tax shared with local municipalities. This revenue amount is excluded from the table above.

(2) Includes accrual estimate for portion to be received in August 2024.

DEBT SCHEDULES

Annual Debt Service Requirements for Long-Term Gen Obligation Indebtedness of the County (1)

As of June 30, 2024

Fiscal Year Ending December 31	Principal Payments	Interest Payments	Total Debt Service
2024	23,255,942.00	6,775,368.42	30,031,310.42
2025	32,265,024.00	12,259,745.31	44,524,769.31
2026	31,332,267.00	10,770,716.36	42,102,983.36
2027	27,744,510.00	9,454,033.84	37,198,543.84
2028	29,010,752.00	8,110,509.42	37,121,261.42
2029	26,492,995.00	6,703,722.86	33,196,717.86
2030	23,415,238.00	5,428,892.74	28,844,130.74
2031	24,536,481.00	4,287,531.69	28,824,012.69
2032	17,606,336.00	3,181,030.32	20,787,366.32
2033	13,998,839.00	2,342,074.18	16,340,913.18
2034	10,623,839.00	1,702,884.84	12,326,723.84
2035	10,702,839.00	1,234,086.33	11,936,925.33
2036	4,432,839.00	757,891.23	5,190,730.23
2037	4,027,839.00	553,200.59	4,581,039.59
2038	1,462,839.00	362,931.18	1,825,770.18
2039	1,497,839.00	300,592.17	1,798,431.17
2040	1,272,839.00	237,115.97	1,509,954.97
2041	1,285,000.00	183,118.02	1,468,118.02
2042	760,000.00	140,783.35	900,783.35
2043	605,000.00	113,813.00	718,813.00
2044	615,000.00	89,559.40	704,559.40
2045	635,000.00	64,709.40	699,709.40
2046	645,000.00	39,263.00	684,263.00
2047	665,000.00	13,220.20	678,220.20
Totals	**$ 288,589,257.00**	**$ 75,106,793.82**	**$ 363,996,050.82**

Source: Erie County Comptroller's Office

Note:
(1) Amount is net of debt service payments of $18,184,441.51 made from January 1, 2024 to June 30, 2024.

Direct General Obligation Indebtedness Outstanding

As of June 30, 2024

Bonds:		
Highway Improvements	$ 104,435,282.59	
Buildings and other Improvements	78,861,415.16	
Sewer District Facilities	59,479,257.00	
Community College	18,979,376.34	
Highmark Stadium	8,976,761.33	
Computer System	6,744,530.98	
Court House Facilities	3,425,000.00	
Convention Center	3,654,960.49	
Key Bank Center	1,425,000.00	
Prison Facilities	2,401,274.24	
Buffalo Zoo	506,398.87	
Total Long-Term Debt		$ 288,889,257.00 (1),(2)
Exclusions :		
Sewer District Debt	59,479,257.00	
Budgeted Appropriations	18,112,326.00	
Total Deductions		77,591,583.00
Net Direct Debt		**$ 211,297,674.00**

Source: Erie County Comptroller's Office

Notes:

(1) Pursuant to the agreement governing the sale of the County hospital and nursing home to Erie County Medical Center Corporation, the County continues to be directly responsible for the payment of certain bonded debt for these facilities. Bonded debt, in the amount of $56,970,000.00 of Erie County Medical Center Corporation for which the County has indirect responsibility as guarantor, is not included above.

(2) This schedule reflects remaining principal for bonds issued from 2001 to 2023 by the County.

Calculation of Constitutional Debt Limit

As of June 30, 2024

For Fiscal Year Ended December 31	Equalized Full Valuation of Taxable Real Property
2020	64,771,315,474.00
2021	70,645,602,048.00
2022	74,148,294,674.00
2023	83,955,196,847.00
2024	96,968,303,216.00
Total five year full valuation	$ 390,488,712,259.00
5 Year Average full valuation	$ 78,097,742,452.00
Debt limit - 7% of average full valuation	$ 5,466,841,971.64

Source: NYS Office of the State Comptroller - Data Management Unit

Calculation of Total Net Indebtedness

As of June 30, 2024

Five year average full valuation (2020-2024)		$ 78,097,742,452.00
Debt Limit - 7% of average full valuation		$ 5,466,841,971.64
Outstanding Indebtedness:		
Bonds - General	$ 229,410,000.00	
Bonds - Sewer	59,479,257.00	
Bond Guaranty - ECMCC (1)	56,970,000.00	
Total Indebtedness	345,859,257.00	
Less Exclusions:		
Sewer Exclusion	59,479,257.00	
Budgeted Appropriations	18,112,326.00	
Total Exclusions	77,591,583.00	
Total Net Indebtedness		268,267,674.00
Net Debt Contracting Margin		$ 5,198,574,297.64
Percentage of Debt Contracting Power Exhausted		4.91%

Sources:
Property Value - NYS Office of the State Comptroller - Data Management Unit
Indebtedness and exclusions - Erie County Comptroller's Office

Note:
(1) Erie County Medical Center Corporation

MISCELLANEOUS FINANCIAL DATA

Property Tax Collection History

Last Ten Fiscal Years

Fiscal Year	County Property Taxes Levied (1)	All Other Property Taxes Levied (2)	Total Property Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of the Levy	
				Amount	Percentage of Levy
2014	241,721,087	420,052,940	661,774,027	644,024,505	97.32%
2015	245,876,811	428,290,819	674,167,630	655,940,466	97.30%
2016	257,638,097	437,982,920	695,621,017	677,125,859	97.34%
2017	272,002,597	447,195,930	719,198,527	700,924,354	97.46%
2018	287,386,093	457,147,623	744,533,716	725,368,656	97.43%
2019	295,096,353	469,825,980	764,922,333	745,093,535	97.41%
2020	305,272,912	481,191,141	786,464,053	765,776,625	97.37%
2021	312,095,683	492,768,043	804,863,726	785,705,523	97.62%
2022	319,959,718	498,290,359	818,250,077	800,581,184	97.84%
2023	329,709,718	515,596,355	845,306,073	825,232,095	97.63%

Sources:

Erie County Department of Real Property Tax Services
Erie County Govern Tax Collection System

Notes:

(1) Totals shown exclude amounts levied in accordance with State law to recover election expenditures from the municipalities that were incurred by the County.

(2) Totals shown are primarily comprised of taxes levied for the benefit of County towns, re-levy of uncollected school and village taxes, and sewer district taxes and user charges.

Short-Term Borrowing History (1)

2002-2024

Year	Amount	Type	Issue Date	Maturity Date
2002	43,000,000	RAN (2)	09/18/02	09/17/03
2003	90,000,000	RAN	06/24/03	06/23/04
2004	82,500,000	RAN	07/14/04	07/13/05
2005	80,000,000	RAN	03/11/05	03/10/06
2005	80,000,000	RAN	07/14/05	07/13/06
2006	110,000,000	RAN	06/13/06	06/13/07
2007	75,000,000	RAN	06/27/07	06/27/08
2008	75,000,000	RAN	09/30/08	06/30/09
2009	103,534,867	BAN (3)	05/20/09	05/18/10
2009	65,000,000	RAN	10/27/09	06/30/10
2010	45,000,000	RAN	08/12/10	06/30/11
2010	20,000,000	RAN	12/14/10	04/14/11
2011	88,000,000	RAN	10/06/11	06/29/12
2012	75,000,000	RAN	10/11/12	06/28/13
2013	109,440,000	RAN	08/27/13	06/30/14
2014	110,000,000	RAN	09/18/14	06/30/15
2015	89,560,000	RAN	12/14/15	06/30/16
2016	89,580,000	RAN	12/07/16	06/30/17
2017	111,225,000	RAN	09/28/17	06/30/18
2018	79,255,000	RAN	09/26/18	06/30/19
2019	-	N/A	N/A	N/A
2020	125,000,000	RAN	06/25/20	06/24/21
2021	-	N/A	N/A	N/A
2022	-	N/A	N/A	N/A
2023	-	N/A	N/A	N/A
2024	-	N/A	N/A	N/A

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all Bond Anticipation Notes ("BANs") issued by the Environmental Facilities Corporation.

(2) Revenue Anticipation Notes ("RANs") may be issued in any fiscal year in anticipation of the collection or receipt of taxes (other than real property taxes) and certain other types of revenue which are due and payable in such fiscal year and moneys to be received from the State or Federal government which are due in such fiscal year. Pursuant to State law, such notes must mature within one year after the date of issuance, and may be renewed from time to time for periods of up to one year; however, the maturity of such notes, including renewals, may not extend beyond the end of the second fiscal year following the fiscal year in which such notes were originally issued.

The issuance of RANs has been necessitated, in part, by the State's practice of requiring local governments to pay 100% of the expenditures for various programs in advance, and then providing subsequent, often delayed, reimbursement for the non-local share.

(3) BANs may be issued in anticipation of bond proceeds to be received at a later date. On May 17, 2010, the BANs were paid by the issuance of long-term general obligation bonds by the ECFSA pursuant to an agreement entered into by the parties.

Outstanding Long-Term Direct Indebtedness (1)

Last Ten Fiscal Years
As of December 31

Fiscal Year	Amount (2)	
2013	412,285,000	(3)
2014	391,605,000	(3)
2015	368,175,000	(3)
2016	348,165,000	(3)
2017	327,405,000	(3)
2018	318,235,000	(3)
2019	310,830,000	(3)
2020	291,805,000	(3)
2021	257,477,929	(3)
2022	262,188,634	(3)
2023	266,117,096	(3)

Source: Erie County Comptroller's Office

Notes:
(1) Excludes all sewer debt payable from special assessments.

(2) Excludes ECMCC bond guaranty of $99,305,000 for 2009, $97,150,000 for 2010, $94,900,000 for 2011, $92,550,000 for 2012, $90,085,000 for 2013, $87,500,000 for 2014, $84,790,000 for 2015, $81,930,000 for 2016, $78,910,000 for 2017, $72,365,000 for 2019, $68,820,000 for 2020, $65,080,000 for 2021, $61,135,000 for 2022 and $56,970,000 for 2023.

Valuations, Tax Levies and Rates

Last Five Fiscal Years

	2024	2023	2022	2021	2020
Assessed Valuation	$ 55,512,762,131	$ 54,700,637,199	$ 53,820,516,518	$ 50,811,242,811	$ 43,964,519,282
Equalized Full Valuation	96,968,303,216	83,955,196,847	74,148,294,674	70,645,602,048	64,771,315,474
Levied for County Purposes (1)	328,709,718	329,709,718	319,959,718	312,095,683	305,272,912
Rates for $1,000 of Equalized Full Valuation	$3.39	$3.93	$4.32	$4.42	$4.71

Source: Division of Real Property Tax Annual Reports

Note:
(1) Includes County and Library property taxes.

Computation of Constitutional Taxing Power for 2024

Tax Year	Full Valuation
2020	64,771,315,474
2021	70,645,602,048
2022	74,148,294,674
2023	83,955,196,847
2024	96,968,303,216
Total	$ 390,488,712,259
Five-Year Average Full Valuation	$ 78,097,742,452
Tax Limit (1.5%) (1)	$ 1,171,466,137
Total Exclusions	42,498,712
Total Taxing Power	1,213,964,849
Total Levy for 2024 (2)	371,382,138
Tax Margin (1)	$ 842,582,711

Source: Data excerpted from the County's Constitutional Tax Limit Report, filed with the New York State Comptroller

Notes:
(1) New York State Constitutional Tax Limit equals 1.5% of Five-Year Average Full Valuation. By Amendment to the County Charter, the County has limited its annual property tax levy to one per centum (1.0%) of the five year average of full valuation. The County's 2024 total taxing power under this local law is $823,476,137 leaving a tax margin of $452,093,999

(2) Includes County and Library property taxes, taxes for election expenses and Community College chargebacks.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-16	LORIGO	Information Request

Attachments

24COMM. 15E-16

EC LEG AUG 19 '24 PM 1:10

ERIE COUNTY LEGISLATURE

HON. LINDSAY R. LORIGO
10TH DISTRICT LEGISLATOR

August 19, 2024

Hon. Kevin R. Hardwick
Erie County Comptroller's Office
Edward A. Rath County Office Building
95 Franklin St, Room 1100
Buffalo, NY 14202

Comptroller Hardwick,

In our conversation at the end of July, I specifically requested that you provide detailed concerns regarding the Erie County budget in writing. To date, I have not received any communication from you on this matter. This letter serves as a formal follow-up and a renewed request for the information we discussed.

In your November 2023 report, you highlighted a "gloomy forecast," pointing to substantial increases in county spending over the past four years and warning of a budget gap starting in 2024 that "must be addressed now." Despite this, I have seen no direct response from you regarding the administration's continued spending, which is significantly expanding Erie County's budget. Specifically, this includes the addition of new jobs, the creation of unnecessary programs, and the introduction of other recurring costs.

As a reminder, I am seeking at least the following information:

- Which specific county spending practices did you identify in your November 2023 report that contribute to the budget gap?
- What areas of concern do you foresee for the second half of 2024?
- Beyond IGT and overtime, which are obligatory expenses, what discretionary spending do you consider bloated?
- As a former legislator and the current Comptroller who has expressed concern about spending multiple times, will you identify areas of new spending that are entirely discretionary and could be cut, or left to the private sector?
- If your predictions of a gloomy future for Erie County finances are accurate, the Legislature will need to take action to remedy any potential budgetary crisis that emerges. It would be helpful to have an analysis from the Comptroller that identifies non mandated expenses that are discretionary so we are prepared to make the tough decisions you are suggesting may come our way. Will you provide that?

Your prompt response is crucial as we approach the September "midyear" budget hearings. I would appreciate this information by September 4, 2024. This will allow the Legislature to be adequately prepared to address these concerns with the relevant commissioners.

Please treat this request with the urgency it deserves. Taxpayers are already overburdened, and the consequences of inaction could exacerbate the strain on them.

Sincerely,

Lindsay Lorigo
Erie County Legislator – District 10

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-17	COMPTROLLER	Department of Law Risk Retention Fund Spending - May & June 2024

Attachments

24COMM. 15E-17

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 22, 2024

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

Re: Department of Law Risk Retention Fund Spending – May and June 2024

Dear Honorable Members:

Pursuant to Resolution Intro. 3-2 (2016), as amended, please find attached an accounting of expenses from the County's Risk Retention Fund for May and June 2024.

Sincerely,

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

Attachment

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

County of Erie
Law Department Spending
Risk Retention
May, 2024

Run Date: 8/21/2024

Vendor Number	Vendor Name	Expenditures
101109	BOND, SCHOENECK & KING, PLLC	1,430.00
102816	Feldman Kieffer LLP	5,322.00
103442	Hodgson Russ	25,038.80
108120	Walsh Roberts & Grace	4,320.00
118314	JEREMY C TOTH AS CUSTODIAN	9,140.63
135888	PERSONIUS MELBER LLP	130,607.55
139834	LEGAL MED	8,750.00
174717	ARCINA RISK GROUP	28,367.90
		212,976.88

County of Erie
Law Department Spending
Risk Retention
June, 2024

Run Date: 8/21/2024

Vendor Number	Vendor Name	Expenditures
1	Ann Marie Kropovitch and The Kantor	48,000.00
1	Darlene Conners and LoTempio PC,	33,000.00
1	Lois Wilkins and Dan Chiacchia	91,000.00
1	Robert Nolan and Richmond Vona, LLC	35,000.00
101109	BOND, SCHOENECK & KING, PLLC	78.00
103442	Hodgson Russ	25,162.35
104457	LAWLEY SERVICE INSURANCE GROUP	16,765.00
106065	PHILLIPS LYTLE HITCHCOCK	18,571.35
118314	JEREMY C TOTH AS CUSTODIAN	10,699.95
135888	PERSONIUS MELBER LLP	40,318.50
139834	LEGAL MED	35,300.00
148572	ALISA LUKASIEWICZ, PLLC	15,173.46
170920	Gerstein Harrow	6,614.00
		375,682.61

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-18	COMPTROLLER	EC Comptroller's Office - Audit of Electronic Payments

Attachments

24COMM. 15E-18

EC LEG AUG 28 '24 PM12:10

August 2024

Erie County Comptroller's Office
Audit of Electronic Payments
January 1, 2023, through December 31, 2023

KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

August 28, 2024

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

Dear Honorable Members:

The Erie County Comptroller's Office has completed a performance audit of the electronic payment procedures of the Erie County Comptroller's Office, Accounting Division during the period spanning January 1, 2023, through December 31, 2023.

The Auditor's objectives were to determine (1) whether duplicate vendors exist, and if so, whether safeguards exist to ensure duplicate payments are not made; (2) whether electronic vendor information was complete and accurate, and if they include the proper attachments in the vendor master file; (3) whether internal controls over electronic payments are adequate, and payments are complete and accurate; and (4) whether the control total for the ACH sent by the Comptroller's Office matches the amount that was distributed from the M&T General Ledger (GL) Account.

The Auditor believes that the evidence obtained provides a reasonable basis for the findings and conclusions described herein based on audit objectives.

The Division of Audit's responsibility is to express an opinion based on the facts obtained during the audit. The Auditor conducted this audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS). Those standards require the Auditor to plan and perform the audit in a manner that is designed to obtain sufficient, appropriate evidence that will provide a reasonable basis for the results of the audit and present conclusions based on stated audit objectives. The Division of Audit believes that based on those objectives, the evidence obtained provides a reasonable basis for the results, findings, comments, and recommendations contained herein.

AUDITOR'S OPINION

In the Auditor's opinion, the internal controls over verifying, processing and executing payments to vendors using electronic payments (ACH) within the Comptroller's Office, Accounts Payable Unit are adequately designed and operate effectively when controls are consistently enforced. While the Auditor found a small number of electronic payment errors, measures were identified that can be taken to reduce those risks.

BACKGROUND

On March 18, 2024, the Erie County Comptroller's Office, Division of Audit issued an engagement letter to the Erie County Comptroller's Office, Division of Accounting regarding the Auditor's intent to audit electronic payments made to vendors by the Accounts Payable Unit. The scope of the audit involved an examination of policies and procedures in place to verify, process and execute electronic payments during the audit period, which covered the entirety of 2023.

The fundamental purpose of the Comptroller's Accounts Payable Unit is to pay the County's vendors. The two core components are processing invoices and disbursing payments for goods received and services rendered. For that reason, many of the procedures which the Accounts Payable Unit is required to adhere to necessarily involve the Erie County Division of Purchasing. On a weekly basis, the Accounts Payable Unit catalogs and pays invoices covered under contracts, purchase orders, and authorized direct payments. Once reviewed for accuracy and completeness, the Accounts Payable Unit disburses payments by electronic funds transfer using automated clearing house (ACH) process and printing physical checks. Certain County departments, including the Board of Elections, Department of Senior Services, Department of Probation, and Department of Social Services, prepare their respective payments for processing. The Accounts Payable Unit receives a payment file at regular intervals, which it processes by uploading to the County's accounting system and issues checks.

Over the last few years, ACH transfers have constituted a higher proportion of vender disbursements. The Unit is led by a Supervising Data Processing Control Clerk, and for the time period of the audit scope included a Chief Account Clerk, a Data Processing Control Clerk, and a Senior Clerk-Typist.

A dual approver process is used by the Accounts Payable Unit to prevent a single employee from authorizing an ACH payment. Specifically, an Accounts Payable employee would initiate an ACH payment request and a second employee in the Accounting Division's Cash Management Unit would authorize the release of funds. In 2022, the Accounting Division initiated a new procedure for electronic disbursements designed to incorporate safeguards developed after an instance of fraud in 2021. The Accounts Payable Unit implemented new procedures for verifying vendor ACH request information, requiring an employee to call a vendor to verify the request is legitimate. The written policy for these procedures was not formally put in place until 2024.

From a logistical standpoint, the policy required the Accounts Payable Unit to send ACH registration forms (ACH Form) to vendors and to facilitate any information changes with the vendor's authorized representative. A multi-step verification and documentation process was established to ensure that change requests are valid and authorized. Once established, the Accounts Payable Unit is to facilitate a weekly "ACH payment run against all invoices to vendors designated as ACH vendors".

Objective

The primary audit objective involved an evaluation of internal controls within the Accounts Payable Unit regarding all varieties of electronic payments and evaluating the effectiveness, efficiency, and compliance of the unit with established policies, procedures, and guidelines. Other objectives included the testing and evaluation of documentation, recordkeeping practices, timeliness, completeness, and system controls relating to the maintenance and access of vendor files.

Methodology

To satisfy the objectives within the audit scope, the Auditor obtained the Internal and System Control Questionnaire (ISCQ) from the Accounts Payable Unit to establish a baseline for testing. To determine the sample for each test performed concerning the procedures for establishing ACH vendor files, verifying vendor information, processing vendor payments, and executing electronic file transfers:

1. The Auditor determined that the entire population of electronic vendors would need to be tested to establish whether any vendors were duplicated on the vendor master file.

2. The Auditor determined that the entire population of electronic vendors for the purposes of testing compliance with the Accounting Division Policy regarding ACH Forms and vendor information was 685. Of the 685 vendors constituting the population, the Auditor selected a random sample size of 66 entries necessary to reach a 95% confidence level with a 5% rate of error.

3. The Auditor determined that it was necessary to test electronic vendor payments for accuracy, completeness and timeliness. The entire population for the purposes of evaluating the processing and execution of electronic vendor payments was 5,865. From the total population, the Auditor selected a random sample size of 73 payments necessary to reach a 95% confidence level with a 5% rate of error. The Auditor selected an additional 34 payments consisting of a different transaction code to get a better understanding of the character of the transaction types.

4. The Auditor determined that it was necessary to test the controls in place for the electronic file transfers associated with payment runs. The entire population for the purposes of evaluating compliance with policies and accuracy of reports was 52. From the total population, the Auditor selected a random sample of 31 weekly payment runs necessary to reach a 95% confidence level with a 5% rate of error. The Auditor included 5 additional runs, which were made on top of the regularly scheduled transfer.

To complete this testing, the following specific actions were taken:

- The Auditor examined the vendor master file located in the County's accounting system and noted any duplicate entries found on that list;

- The Auditor verified the vendor information in the vendor master file is complete and accurate, and that the proper documentation was attached to the vendor;

- The Auditor verified attachments to electronic payment records to determine whether the amount on the invoice matched the payment amount, the number on the purchase order matched the number on the payment record where applicable, the signatures and initials of the appropriate department approvers were present, and the routing and bank account numbers matched those associated with the vendor;

- The Auditor verified whether the totals recorded in the M&T Bank GL account that were returned to the Accounts Payable Unit matched the totals recorded on the saved file that was sent to the bank.

AUDIT FINDINGS:

Finding #1: A List of Vendors on Temporary Hold is Inefficiently Maintained and Increases Risk of Errors.

The Accounts Payable Unit maintains a list titled "Liens, Levies and EPAY Vendor $ Limits", which is meant to serve as a reference for employees to verify vendors that should not receive payments for various reasons. Currently, that list is maintained on an Excel spreadsheet. When running the weekly electronic file transfer, the Auditor was informed that the Accounts Payable Unit will verify that no vendors on the list are receiving a payment. However, a previous audit published in 2017 noted that the information included on this list can easily become outdated. The list does not include relevant dates, such as when the list was last updated, making it difficult for employees to confirm that the list was recently checked and that the information was current. Additionally, if there is turnover in the Accounts Payable Unit, the list can easily go unchecked. This creates opportunities for a vendor to receive payments when it should not, or for payment to an eligible vendor to be withheld.

Recommendation:
The Auditor recommends that the Accounts Payable Unit explore a more efficient and reliable way to deal with liens, levies, and other holds that are placed on vendors. Developments of this nature can be more easily tracked in the County's accounting system. Per discussion with the Auditee, there is a code in the County's Accounting System for liens and levies that will automatically block payment to a specific vendor. We recommend utilizing this function for vendors that are on the list.

Additionally, the Trust Unit receives the information for liens and levies. Therefore, it would be our recommendation for the Trust Unit to enter the information into the County's accounting system and notify the Accounts Payable Unit of the temporary hold for the particular vendor. The Trust Unit can attach the appropriate backup to the vendor file, so it is available for review, as needed.

Finding #2: Unrestricted Access to Vendor Master Data.

The Auditor was informed that it is the Division of Purchasing's responsibility to establish new vendor files or amend vendor information aside from banking information and email addresses. When the Accounts Payable Unit receives an "Erie County, New York Vendor ACH Form" (ACH Form), the Accounts Payable Unit Supervisor enters the verified banking information and email address that will receive the remittance advice in the Vendor Master File and attaches the ACH Form to the Vendor File. However, the Auditor noted that Accounts Payable employees can edit all vendor file information and the Auditor received no written procedures specifying whose responsibility it is to ensure that information is updated. Per discussion with Auditee, the number of employees that have the ability to edit vendor data is limited; however, currently the system does not allow access to be restricted to certain fields. The system is set up so that all employees with access can change any portion of vendor file information.

The Auditor was also informed that there is no supervisory review process concerning changes to vendor file information, which can lead to unwarranted changes going unnoticed. The Auditor found no evidence that any vendor accounts were improperly established or that funds were fraudulently redirected in 2023.

Recommendation:
The Auditor recommends that the Accounting Division implement written policies and procedures specifically describing the responsibilities for updating vendor file information. The Auditor further recommends that the

Division of Purchasing implement a written policy or procedures describing the process for making changes to vendor files upon receipt of ACH Forms if non-banking information needs to be updated. An open line of communication should be maintained between the Accounts Payable Unit and the Division of Purchasing to ensure that information is updated accurately and promptly.

Additionally, the Auditor recommends that management implement an oversight protocol to include periodic supervisory review of any changes made to the Vendor Master file.

AUDITOR'S COMMENTS:

Comment #1: Vendor File Information in the County's Accounting System is Incomplete or Inaccurate.

According to the applicable Accounting Division Policy, a vendor requesting to be paid via ACH or requesting a change to their ACH information is required to complete an ACH Form. According to the Auditee, employees use the phone number in the County's accounting system to contact the vendor to verify that the information on the ACH Form is accurate.

Eighteen vendors were missing a phone number in the County's accounting system even though the vendor's representative had included one on the ACH Form. Without a phone number in the County's accounting system to confirm the information, the policy in effect requires the Accounts Payable Unit to look up the company phone number. In that situation, the process and phone number called should be documented.

Additionally, two vendors listed an address on the ACH Form that did not match the address in the County's accounting system. Another vendor did not list its address on the ACH Form and did not have a phone number in the County's Accounting System, preventing verification.

Recommendation:
The Auditor recommends that the Auditee follow the procedures described in the appropriate Accounting Division policy and document the process if the phone number does not match in the County's accounting system. The Auditor was informed that the Accounts Payable Unit implemented a control wherein the vendor's authorized representative would be called to verify a request to change information on their vendor record. If the vendor's phone number is missing or inaccurate, an individual impersonating the vendor would be able to change account information and fraudulently redirect payments to a different account. This control was put into place due to a change in vendor information that led to a fraudulent payment being issued.

Per discussion with Auditee, the phone number that is in the County's accounting system is the number used by Purchasing when doing business with the vendor. The phone number on the ACH Form is for verifying changes to banking information. Since this may involve two different vendor departments, the numbers for this information may not match. Per the Auditee, the ACH Form is attached to the vendor file, so if they need the phone number, they can look at the form. Auditee also stated that the Master Vendor File is created and maintained by Division of Purchasing, however, the procedure for the Accounts Payable Unit is to use the phone number in the County's Accounting System to call and verify that the information is legitimate, therefore if no phone number is in the system, verification can be delayed. Once a phone number is looked up on the internet per their procedure and verified, the Accounts Payable Unit should notify the Department of Purchasing to add the phone number to the vendor file.

If any other information from the ACH Form needs to be updated, the Accounts Payable Unit should contact the Division of Purchasing to have the changes made. Once verified, all information contained on the ACH Form should be entered into the correct vendor file.

Comment #2: Nine Duplicate Vendor Entries were Included in the Vendor Master File.

The Auditor noted that of the 685 vendors in the Vendor Master File used by the Accounts Payable Unit, nine entries were duplicative, including the vendor's banking information. The Auditor did not find that any duplicate payments were made during the audit period. However, since the vendors in question are active, it creates an opportunity for the Accounts Payable Unit to pay the same invoice to two different vendor numbers, thereby resulting in the vendor being paid twice.

In one instance, it appears that the comment section was used to help identify duplicate vendors and indicated which vendor number should be use. However, the Auditor noted that non-duplicative payments were made to both vendor numbers during the audit period.

Recommendation:
The Auditor recommends that the Auditee periodically review the vendor master file for vendors with duplicate entries and have the Division of Purchasing mark current and future duplicates for deletion so payments cannot be made while preserving payment history. The Division of Purchasing is responsible for creating new vendors; however, if the Accounts Payable Unit notices that there is a duplicate vendor number being paid, they should inform the Division of Purchasing to follow up with the vendor to ensure duplicate payments cannot be made.

Comment #3: One Electronic Payment was $2.00 Short.

When reviewing the sample of electronic payments for the audit period during fieldwork, the Auditor noted that one vendor payment was $2.00 less than the stated invoice amount. This payment reflected two separate invoices payable to the same vendor. In the distribution record, no deficiency was noted. However, when the payments were broken down in the County's Accounting System, those records indicated that one invoice was paid in full while the other invoice was $2.00 short of the amount printed on the attached invoice. The Auditee explained that the system is designed to draw from the purchase order and the invoice, paying the lesser of those two amounts. The Auditor noted that, in this instance, an issue with print clarity and text size may have led the employee to read the payment amount as $11,366.77 when the actual total was $11,368.77.

Comment #4: Two Payments were Processed for the Incorrect Vendor.

Credit memos are used by Accounts Payable for a few different reasons. When the County pays a vendor too much for something, or for something that they did not receive or was returned, they receive a credit memo for the amount. Since the money was already paid, they apply the credit memo against the next payment. This will reduce the next payment by the amount of the credit memo, without netting against any specific invoices, so the total amounts are still applied to the proper accounts. Credit memos are an efficiency mechanism which recognizes an acknowledgement of overpayment when future business with the vendor is anticipated. When reviewing credit memos during fieldwork, the Auditor noted that a particular payment associated with one credit memo was made to the incorrect vendor.

Additionally, when reviewing the totals for the electronic file transfers, the Auditor noted that a second payment processed by the Accounts Payable Unit was initiated to an incorrect vendor. When the payment directive reached the bank, it was identified as addressed to the incorrect vendor and reversed before the file transfer was released. Thus, the payment ultimately did not go to the incorrect vendor.

Recommendation:
The Auditor recommends that the Accounting Division document a written policy regarding the payment process and the steps taken by the Accounts Payable Unit to thoroughly review invoices prior to payment. The process should specify that the Accounts Payable Unit adequately verifies the vendor's name, address, and payment amount prior to processing payment. If an employee verifies vendor information before processing, the probability that any errors are identified prior to distribution substantially increases.

Comment #5: Six Retention Payments were not Properly Held.

When Erie County uses a vendor to complete work on a large project, most often involving public works improvements, applicable law and policy require a certain percentage, known as retention, to be withheld from each payment until the project is complete. This process is designed to guarantee that the work is completed to the satisfaction of the applicable County department. Once the work has been performed to the satisfaction of contractual standards, the Accounts Payable Unit releases the retention amounts to the vendor in order to finalize all agreed-upon payments. The department completes a Retention Release Request Form and sends it to Accounts Payable to release the money that was held back.

The Auditor reviewed 27 electronic retention releases for the audit period. The auditor noted 6 releases that were missing the retention release. Upon further inquiry and a later discussion with the Auditee, it was confirmed that these six release payments did not follow applicable procedure, and that the amounts should have been retained. The amounts were properly entered but were improperly released with the regular payment. Since these payments were already released, the Accounts Payable Unit did not receive the Retention Release Request form as required.

Recommendation:
The Auditor recommends that the Accounts Payable Unit follow and thoroughly document its process for retention release amounts. If there is a retention amount entered, the Auditee should verify that the payment date is changed to the proper date in the future so the retention payment is not disbursed before receiving the authorization form from the department. Additionally, the Accounts Payable Unit should verify and document when any retention amounts are paid, specifically that the proper release forms for retained amounts are properly filed in the saved share drive folder and attached to the payment in the County's accounting system.

RESULTS OF EXIT CONFERENCE

An exit conference was held on August 8, 2024, with the Erie County Deputy Comptroller and members of the Accounts Payable, Cash Management and Trust Units. The draft audit report was reviewed and discussed, resulting in minor changes. The Erie County Comptroller would like to thank the Deputy Comptroller and the respective participating staff members for the courtesy extended to the Division of Audit during the course of the audit.

In accordance with Erie County Charter Section 305, the Accounting Division should prepare a written response to the County Executive outlining the plan to address the findings and recommendations identified in the audit report.

ERIE COUNTY COMPTROLLER'S OFFICE

cc: Hon. Mark C. Poloncarz, County Executive
Dr. Timothy Callan, Deputy Comptroller
Erie County Fiscal Stability Authority

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-19	COMPTROLLER	2024 Bond Sale

Attachments

24COMM. 15E-19

EC LEG AUG 1 '24 PM3:08

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 1, 2024

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

Re: 2024 Bond Sale

Dear Honorable Members:

Pursuant to Section 1802(k) of the Erie County Charter, please find attached the cost of issuance, debt service and bond pricing information for the County's 2024 capital borrowing for Series A (general and sewer projects). The sale closed on August 1, 2024.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

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

Attachment – 2024 Bond Sale Final Structure

cc: Mark C. Poloncarz, Erie County Executive
Mark Cornell, Director of Budget and Management
Erie County Fiscal Stability Authority
Jeffrey Stone, Hodgson Russ, LLP

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

SOURCES AND USES OF FUNDS

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Sources:	
Bond Proceeds:	
Par Amount	44,290,000.00
Net Premium	4,441,839.60
	48,731,839.60
Uses:	
Project Fund Deposits:	
County Project Fund	48,145,415.00
Sewer District Project Fund	320,710.72
	48,466,125.72
Delivery Date Expenses:	
Cost of Issuance	150,000.00
Underwriter's Discount	113,433.89
	263,433.89
Other Uses of Funds:	
Additional Proceeds	2,279.99
	48,731,839.60

BOND SUMMARY STATISTICS

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Dated Date	08/01/2024
Delivery Date	08/01/2024
Last Maturity	09/15/2040
Arbitrage Yield	2.985104%
True Interest Cost (TIC)	3.216943%
Net Interest Cost (NIC)	3.403405%
All-In TIC	3.256921%
Average Coupon	4.416092%
Average Life (years)	9.650
Weighted Average Maturity (years)	9.604
Duration of Issue (years)	7.859
Par Amount	44,290,000.00
Bond Proceeds	48,731,839.60
Total Interest	18,875,180.55
Net Interest	14,546,774.84
Total Debt Service	63,165,180.55
Maximum Annual Debt Service	3,951,250.00
Average Annual Debt Service	3,917,895.42
Underwriter's Fees (per $1000)	
Average Takedown	1.897759
Other Fee	0.663403
Total Underwriter's Discount	2.561163
Bid Price	109.772874

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bond	44,290,000.00	110.029	4.416%	9.650
	44,290,000.00			9.650

	TIC	All-In TIC	Arbitrage Yield
Par Value	44,290,000.00	44,290,000.00	44,290,000.00
+ Accrued Interest			
+ Premium (Discount)	4,441,839.60	4,441,839.60	4,441,839.60
- Underwriter's Discount	-113,433.89	-113,433.89	
- Cost of Issuance Expense		-150,000.00	
- Other Amounts			
Target Value	48,618,405.71	48,468,405.71	48,731,839.60
Target Date	08/01/2024	08/01/2024	08/01/2024
Yield	3.216943%	3.256921%	2.985104%

BOND PRICING

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price	Premium (-Discount)	Takedown
Serial Bond:										
	09/15/2025	1,655,000	5.000%	2.750%	102.466				40,812.30	1.250
	09/15/2026	1,995,000	5.000%	2.700%	104.709				93,944.55	1.250
	09/15/2027	2,095,000	5.000%	2.680%	106.901				144,575.95	1.250
	09/15/2028	2,195,000	5.000%	2.690%	108.953				196,518.35	1.900
	09/15/2029	2,305,000	5.000%	2.620%	111.336				261,294.80	2.000
	09/15/2030	2,420,000	5.000%	2.640%	113.257				320,819.40	2.000
	09/15/2031	2,540,000	5.000%	2.650%	115.158				385,013.20	2.000
	09/15/2032	2,670,000	5.000%	2.680%	116.829				449,334.30	2.000
	09/15/2033	2,805,000	5.000%	2.690%	118.572				520,944.60	2.000
	09/15/2034	2,945,000	5.000%	2.690%	118.572 C	2.872%	09/15/2033	100.000	546,945.40	2.000
	09/15/2035	3,090,000	5.000%	2.860%	117.072 C	3.167%	09/15/2033	100.000	527,524.80	2.000
	09/15/2036	3,245,000	4.000%	3.090%	107.183 C	3.277%	09/15/2033	100.000	233,088.35	2.000
	09/15/2037	3,375,000	4.000%	3.190%	106.364 C	3.395%	09/15/2033	100.000	214,785.00	2.000
	09/15/2038	3,510,000	4.000%	3.290%	105.553 C	3.498%	09/15/2033	100.000	194,910.30	2.000
	09/15/2039	3,650,000	4.000%	3.400%	104.668 C	3.597%	09/15/2033	100.000	170,382.00	2.000
	09/15/2040	3,795,000	4.000%	3.520%	103.714 C	3.692%	09/15/2033	100.000	140,946.30	2.000
		44,290,000							4,441,839.60	

Dated Date	08/01/2024	
Delivery Date	08/01/2024	
First Coupon	03/15/2025	
Par Amount	44,290,000.00	
Premium	4,441,839.60	
Production	48,731,839.60	110.028990%
Underwriter's Discount	-113,433.89	-0.256116%
Purchase Price	48,618,405.71	109.772874%
Accrued Interest		
Net Proceeds	48,618,405.71	

BOND DEBT SERVICE

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2025			1,268,555.55	1,268,555.55	
09/15/2025	1,655,000	5.000%	1,019,375.00	2,674,375.00	
12/31/2025					3,942,930.55
03/15/2026			978,000.00	978,000.00	
09/15/2026	1,995,000	5.000%	978,000.00	2,973,000.00	
12/31/2026					3,951,000.00
03/15/2027			928,125.00	928,125.00	
09/15/2027	2,095,000	5.000%	928,125.00	3,023,125.00	
12/31/2027					3,951,250.00
03/15/2028			875,750.00	875,750.00	
09/15/2028	2,195,000	5.000%	875,750.00	3,070,750.00	
12/31/2028					3,946,500.00
03/15/2029			820,875.00	820,875.00	
09/15/2029	2,305,000	5.000%	820,875.00	3,125,875.00	
12/31/2029					3,946,750.00
03/15/2030			763,250.00	763,250.00	
09/15/2030	2,420,000	5.000%	763,250.00	3,183,250.00	
12/31/2030					3,946,500.00
03/15/2031			702,750.00	702,750.00	
09/15/2031	2,540,000	5.000%	702,750.00	3,242,750.00	
12/31/2031					3,945,500.00
03/15/2032			639,250.00	639,250.00	
09/15/2032	2,670,000	5.000%	639,250.00	3,309,250.00	
12/31/2032					3,948,500.00
03/15/2033			572,500.00	572,500.00	
09/15/2033	2,805,000	5.000%	572,500.00	3,377,500.00	
12/31/2033					3,950,000.00
03/15/2034			502,375.00	502,375.00	
09/15/2034	2,945,000	5.000%	502,375.00	3,447,375.00	
12/31/2034					3,949,750.00
03/15/2035			428,750.00	428,750.00	
09/15/2035	3,090,000	5.000%	428,750.00	3,518,750.00	
12/31/2035					3,947,500.00
03/15/2036			351,500.00	351,500.00	
09/15/2036	3,245,000	4.000%	351,500.00	3,596,500.00	
12/31/2036					3,948,000.00
03/15/2037			286,600.00	286,600.00	
09/15/2037	3,375,000	4.000%	286,600.00	3,661,600.00	
12/31/2037					3,948,200.00
03/15/2038			219,100.00	219,100.00	
09/15/2038	3,510,000	4.000%	219,100.00	3,729,100.00	
12/31/2038					3,948,200.00
03/15/2039			148,900.00	148,900.00	
09/15/2039	3,650,000	4.000%	148,900.00	3,798,900.00	
12/31/2039					3,947,800.00
03/15/2040			75,900.00	75,900.00	
09/15/2040	3,795,000	4.000%	75,900.00	3,870,900.00	
12/31/2040					3,946,800.00
	44,290,000		18,875,180.55	63,165,180.55	63,165,180.55

BOND DEBT SERVICE

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2025	1,655,000	5.000%	2,287,930.55	3,942,930.55
12/31/2026	1,995,000	5.000%	1,956,000.00	3,951,000.00
12/31/2027	2,095,000	5.000%	1,856,250.00	3,951,250.00
12/31/2028	2,195,000	5.000%	1,751,500.00	3,946,500.00
12/31/2029	2,305,000	5.000%	1,641,750.00	3,946,750.00
12/31/2030	2,420,000	5.000%	1,526,500.00	3,946,500.00
12/31/2031	2,540,000	5.000%	1,405,500.00	3,945,500.00
12/31/2032	2,670,000	5.000%	1,278,500.00	3,948,500.00
12/31/2033	2,805,000	5.000%	1,145,000.00	3,950,000.00
12/31/2034	2,945,000	5.000%	1,004,750.00	3,949,750.00
12/31/2035	3,090,000	5.000%	857,500.00	3,947,500.00
12/31/2036	3,245,000	4.000%	703,000.00	3,948,000.00
12/31/2037	3,375,000	4.000%	573,200.00	3,948,200.00
12/31/2038	3,510,000	4.000%	438,200.00	3,948,200.00
12/31/2039	3,650,000	4.000%	297,800.00	3,947,800.00
12/31/2040	3,795,000	4.000%	151,800.00	3,946,800.00
	44,290,000		18,875,180.55	63,165,180.55

COST OF ISSUANCE

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Cost of Issuance	$/1000	Amount
Bond Counsel (Hodgson Russ LLP)	1.14172	50,567.00
Financial Advisor (Masterson Advisors LLC)	0.79025	35,000.00
S&P Rating	0.58858	26,068.00
Kroll Rating	0.45157	20,000.00
Fiscal Agent	0.01806	800.00
Printing & Roadshow	0.10160	4,500.00
Auditor (Drescher & Malecki)	0.16934	7,500.00
Contingency	0.12565	5,565.00
	3.38677	150,000.00

UNDERWRITER'S DISCOUNT

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Underwriter's Discount	$/1000	Amount
Average Takedown	1.89776	84,051.75
Counsel Fees	0.45157	20,000.00
IPREO Bookrunning Expense for Bonds	0.07066	3,129.53
IPREO Game Day Real-Time Order Viewing	0.03430	1,518.95
Fed Funds	0.03056	1,353.66
CUSIPs	0.01635	724.00
DTC	0.02201	975.00
IPREO Wire	0.00420	186.00
DIVER	0.01118	495.00
Contingency	0.02258	1,000.00
	2.56116	113,433.89

PROOF OF ARBITRAGE YIELD

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Date	Debt Service	Total	Present Value to 08/01/2024 @ 2.9851039435%
03/15/2025	1,268,555.55	1,268,555.55	1,245,381.81
09/15/2025	2,674,375.00	2,674,375.00	2,586,909.05
03/15/2026	978,000.00	978,000.00	932,102.21
09/15/2026	2,973,000.00	2,973,000.00	2,791,807.18
03/15/2027	928,125.00	928,125.00	858,742.21
09/15/2027	3,023,125.00	3,023,125.00	2,755,994.02
03/15/2028	875,750.00	875,750.00	786,625.71
09/15/2028	3,070,750.00	3,070,750.00	2,717,679.77
03/15/2029	820,875.00	820,875.00	715,808.21
09/15/2029	3,125,875.00	3,125,875.00	2,685,697.42
03/15/2030	763,250.00	763,250.00	646,127.34
09/15/2030	3,183,250.00	3,183,250.00	2,655,142.76
03/15/2031	702,750.00	702,750.00	577,542.32
09/15/2031	3,242,750.00	3,242,750.00	2,625,803.68
03/15/2032	639,250.00	639,250.00	510,017.82
09/15/2032	3,309,250.00	3,309,250.00	2,601,417.25
03/15/2033	572,500.00	572,500.00	443,426.62
09/15/2033	26,987,500.00	26,987,500.00	20,595,614.22
	59,138,930.55	59,138,930.55	48,731,839.60

Proceeds Summary

Delivery date	08/01/2024
Par Value	44,290,000.00
Premium (Discount)	4,441,839.60
Target for yield calculation	48,731,839.60

PROOF OF ARBITRAGE YIELD

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Assumed Call/Computation Dates for Premium Bonds

Bond Component	Maturity Date	Rate	Yield	Call Date	Call Price	Yield To Call/Maturity
SERIAL	09/15/2034	5.000%	2.690%	09/15/2033	100.000	2.6898886%
SERIAL	09/15/2035	5.000%	2.860%	09/15/2033	100.000	2.8598649%
SERIAL	09/15/2036	4.000%	3.090%	09/15/2033	100.000	3.0897973%
SERIAL	09/15/2037	4.000%	3.190%	09/15/2033	100.000	3.1898341%
SERIAL	09/15/2038	4.000%	3.290%	09/15/2033	100.000	3.2897843%
SERIAL	09/15/2039	4.000%	3.400%	09/15/2033	100.000	3.3998836%
SERIAL	09/15/2040	4.000%	3.520%	09/15/2033	100.000	3.5197927%

Rejected Call/Computation Dates for Premium Bonds

Bond Component	Maturity Date	Rate	Yield	Call Date	Call Price	Yield To Call/Maturity	Increase to Yield
SERIAL	09/15/2034	5.000%	2.690%			2.8719678%	0.1820791%
SERIAL	09/15/2035	5.000%	2.860%			3.1663205%	0.3064556%
SERIAL	09/15/2036	4.000%	3.090%			3.2767299%	0.1869326%
SERIAL	09/15/2037	4.000%	3.190%			3.3944997%	0.2046656%
SERIAL	09/15/2038	4.000%	3.290%			3.4978793%	0.2080950%
SERIAL	09/15/2039	4.000%	3.400%			3.5966370%	0.1967534%
SERIAL	09/15/2040	4.000%	3.520%			3.6918054%	0.1720127%

FORM 8038 STATISTICS

County of Erie, New York
General Obligation Bonds
Public Improvement & Sewer Serial Bonds, Series 2024A
FINAL NUMBERS

Dated Date	08/01/2024
Delivery Date	08/01/2024

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Serial Bond:						
	09/15/2025	1,655,000.00	5.000%	102.466	1,695,812.30	1,655,000.00
	09/15/2026	1,995,000.00	5.000%	104.709	2,088,944.55	1,995,000.00
	09/15/2027	2,095,000.00	5.000%	106.901	2,239,575.95	2,095,000.00
	09/15/2028	2,195,000.00	5.000%	108.953	2,391,518.35	2,195,000.00
	09/15/2029	2,305,000.00	5.000%	111.336	2,566,294.80	2,305,000.00
	09/15/2030	2,420,000.00	5.000%	113.257	2,740,819.40	2,420,000.00
	09/15/2031	2,540,000.00	5.000%	115.158	2,925,013.20	2,540,000.00
	09/15/2032	2,670,000.00	5.000%	116.829	3,119,334.30	2,670,000.00
	09/15/2033	2,805,000.00	5.000%	118.572	3,325,944.60	2,805,000.00
	09/15/2034	2,945,000.00	5.000%	118.572	3,491,945.40	2,945,000.00
	09/15/2035	3,090,000.00	5.000%	117.072	3,617,524.80	3,090,000.00
	09/15/2036	3,245,000.00	4.000%	107.183	3,478,088.35	3,245,000.00
	09/15/2037	3,375,000.00	4.000%	106.364	3,589,785.00	3,375,000.00
	09/15/2038	3,510,000.00	4.000%	105.553	3,704,910.30	3,510,000.00
	09/15/2039	3,650,000.00	4.000%	104.668	3,820,382.00	3,650,000.00
	09/15/2040	3,795,000.00	4.000%	103.714	3,935,946.30	3,795,000.00
		44,290,000.00			48,731,839.60	44,290,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	09/15/2040	4.000%	3,935,946.30	3,795,000.00		
Entire Issue			48,731,839.60	44,290,000.00	9.6040	2.9851%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	263,433.89
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00

BOND DEBT SERVICE

County of Erie, New York
County Purpose Bond

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2025	1,645,000	5.000%	2,272,668.33	3,917,668.33
12/31/2026	1,980,000	5.000%	1,942,900.00	3,922,900.00
12/31/2027	2,080,000	5.000%	1,843,900.00	3,923,900.00
12/31/2028	2,180,000	5.000%	1,739,900.00	3,919,900.00
12/31/2029	2,290,000	5.000%	1,630,900.00	3,920,900.00
12/31/2030	2,405,000	5.000%	1,516,400.00	3,921,400.00
12/31/2031	2,525,000	5.000%	1,396,150.00	3,921,150.00
12/31/2032	2,650,000	5.000%	1,269,900.00	3,919,900.00
12/31/2033	2,785,000	5.000%	1,137,400.00	3,922,400.00
12/31/2034	2,925,000	5.000%	998,150.00	3,923,150.00
12/31/2035	3,070,000	5.000%	851,900.00	3,921,900.00
12/31/2036	3,225,000	4.000%	698,400.00	3,923,400.00
12/31/2037	3,355,000	4.000%	569,400.00	3,924,400.00
12/31/2038	3,485,000	4.000%	435,200.00	3,920,200.00
12/31/2039	3,625,000	4.000%	295,800.00	3,920,800.00
12/31/2040	3,770,000	4.000%	150,800.00	3,920,800.00
	43,995,000		18,749,768.33	62,744,768.33

BOND DEBT SERVICE

County of Erie, New York
County Purpose Bond

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2025			1,260,093.33	1,260,093.33	
09/15/2025	1,645,000	5.000%	1,012,575.00	2,657,575.00	
12/31/2025					3,917,668.33
03/15/2026			971,450.00	971,450.00	
09/15/2026	1,980,000	5.000%	971,450.00	2,951,450.00	
12/31/2026					3,922,900.00
03/15/2027			921,950.00	921,950.00	
09/15/2027	2,080,000	5.000%	921,950.00	3,001,950.00	
12/31/2027					3,923,900.00
03/15/2028			869,950.00	869,950.00	
09/15/2028	2,180,000	5.000%	869,950.00	3,049,950.00	
12/31/2028					3,919,900.00
03/15/2029			815,450.00	815,450.00	
09/15/2029	2,290,000	5.000%	815,450.00	3,105,450.00	
12/31/2029					3,920,900.00
03/15/2030			758,200.00	758,200.00	
09/15/2030	2,405,000	5.000%	758,200.00	3,163,200.00	
12/31/2030					3,921,400.00
03/15/2031			698,075.00	698,075.00	
09/15/2031	2,525,000	5.000%	698,075.00	3,223,075.00	
12/31/2031					3,921,150.00
03/15/2032			634,950.00	634,950.00	
09/15/2032	2,650,000	5.000%	634,950.00	3,284,950.00	
12/31/2032					3,919,900.00
03/15/2033			568,700.00	568,700.00	
09/15/2033	2,785,000	5.000%	568,700.00	3,353,700.00	
12/31/2033					3,922,400.00
03/15/2034			499,075.00	499,075.00	
09/15/2034	2,925,000	5.000%	499,075.00	3,424,075.00	
12/31/2034					3,923,150.00
03/15/2035			425,950.00	425,950.00	
09/15/2035	3,070,000	5.000%	425,950.00	3,495,950.00	
12/31/2035					3,921,900.00
03/15/2036			349,200.00	349,200.00	
09/15/2036	3,225,000	4.000%	349,200.00	3,574,200.00	
12/31/2036					3,923,400.00
03/15/2037			284,700.00	284,700.00	
09/15/2037	3,355,000	4.000%	284,700.00	3,639,700.00	
12/31/2037					3,924,400.00
03/15/2038			217,600.00	217,600.00	
09/15/2038	3,485,000	4.000%	217,600.00	3,702,600.00	
12/31/2038					3,920,200.00
03/15/2039			147,900.00	147,900.00	
09/15/2039	3,625,000	4.000%	147,900.00	3,772,900.00	
12/31/2039					3,920,800.00
03/15/2040			75,400.00	75,400.00	
09/15/2040	3,770,000	4.000%	75,400.00	3,845,400.00	
12/31/2040					3,920,800.00
	43,995,000		18,749,768.33	62,744,768.33	62,744,768.33

BOND DEBT SERVICE

County of Erie, New York
Sewer District Serial Bond

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2025	10,000	5.000%	15,262.22	25,262.22
12/31/2026	15,000	5.000%	13,100.00	28,100.00
12/31/2027	15,000	5.000%	12,350.00	27,350.00
12/31/2028	15,000	5.000%	11,600.00	26,600.00
12/31/2029	15,000	5.000%	10,850.00	25,850.00
12/31/2030	15,000	5.000%	10,100.00	25,100.00
12/31/2031	15,000	5.000%	9,350.00	24,350.00
12/31/2032	20,000	5.000%	8,600.00	28,600.00
12/31/2033	20,000	5.000%	7,600.00	27,600.00
12/31/2034	20,000	5.000%	6,600.00	26,600.00
12/31/2035	20,000	5.000%	5,600.00	25,600.00
12/31/2036	20,000	4.000%	4,600.00	24,600.00
12/31/2037	20,000	4.000%	3,800.00	23,800.00
12/31/2038	25,000	4.000%	3,000.00	28,000.00
12/31/2039	25,000	4.000%	2,000.00	27,000.00
12/31/2040	25,000	4.000%	1,000.00	26,000.00
	295,000		125,412.22	420,412.22

BOND DEBT SERVICE

County of Erie, New York
Sewer District Serial Bond

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2025			8,462.22	8,462.22	
09/15/2025	10,000	5.000%	6,800.00	16,800.00	
12/31/2025					25,262.22
03/15/2026			6,550.00	6,550.00	
09/15/2026	15,000	5.000%	6,550.00	21,550.00	
12/31/2026					28,100.00
03/15/2027			6,175.00	6,175.00	
09/15/2027	15,000	5.000%	6,175.00	21,175.00	
12/31/2027					27,350.00
03/15/2028			5,800.00	5,800.00	
09/15/2028	15,000	5.000%	5,800.00	20,800.00	
12/31/2028					26,600.00
03/15/2029			5,425.00	5,425.00	
09/15/2029	15,000	5.000%	5,425.00	20,425.00	
12/31/2029					25,850.00
03/15/2030			5,050.00	5,050.00	
09/15/2030	15,000	5.000%	5,050.00	20,050.00	
12/31/2030					25,100.00
03/15/2031			4,675.00	4,675.00	
09/15/2031	15,000	5.000%	4,675.00	19,675.00	
12/31/2031					24,350.00
03/15/2032			4,300.00	4,300.00	
09/15/2032	20,000	5.000%	4,300.00	24,300.00	
12/31/2032					28,600.00
03/15/2033			3,800.00	3,800.00	
09/15/2033	20,000	5.000%	3,800.00	23,800.00	
12/31/2033					27,600.00
03/15/2034			3,300.00	3,300.00	
09/15/2034	20,000	5.000%	3,300.00	23,300.00	
12/31/2034					26,600.00
03/15/2035			2,800.00	2,800.00	
09/15/2035	20,000	5.000%	2,800.00	22,800.00	
12/31/2035					25,600.00
03/15/2036			2,300.00	2,300.00	
09/15/2036	20,000	4.000%	2,300.00	22,300.00	
12/31/2036					24,600.00
03/15/2037			1,900.00	1,900.00	
09/15/2037	20,000	4.000%	1,900.00	21,900.00	
12/31/2037					23,800.00
03/15/2038			1,500.00	1,500.00	
09/15/2038	25,000	4.000%	1,500.00	26,500.00	
12/31/2038					28,000.00
03/15/2039			1,000.00	1,000.00	
09/15/2039	25,000	4.000%	1,000.00	26,000.00	
12/31/2039					27,000.00
03/15/2040			500.00	500.00	
09/15/2040	25,000	4.000%	500.00	25,500.00	
12/31/2040					26,000.00
	295,000		125,412.22	420,412.22	420,412.22

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-20	COUNTY EXECUTIVE	ECSD No. 3 - 2024 Budget Transfer

Attachments

24COMM. 15E-20

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

CC LEG SEP 6 '24 PM12:0

September 6, 2024

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

RE: Erie County Sewer District No. 3 2024 Budget Transfer

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to the transfer of funds within Erie County Sewer District No. 3's operating budget.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: bh
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts No. 3 2024 Budget Transfer
Date: September 6, 2024

SUMMARY

Additional funding is requested for the Erie County Sewer District (ECSD) No. 3 Insurance Premiums account (G/L 555050) and Medical and Health Supplies account (G/L 505800). Funds will be transferred from Professional Service Contracts and Fees account (G/L 516020).

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The transfer would be effectuated using existing ECSD No. 3 funds from a budget account with anticipated surpluses. There will be no net impact to the ECSD ratepayers or the 2024 budget because of this action.

REASONS FOR RECOMMENDATION

Budget projections indicate that the insurance account in ECSD No. 3's budget will require additional funds due to higher than anticipated premiums.

BACKGROUND INFORMATION

Insurance premiums are higher than anticipated in 2024. A budget transfer is required in order to have sufficient funds available to pay ECSD No. 3's insurance bills. The Division of Sewerage Management is requesting that $11,463.00 be transferred into the Insurance Premiums account in ECSD No. 3 (G/L 555050). This transfer would come from ECSD No. 3's Professional Service Contracts and Fees account (G/L 516020).

Medical and health supplies costs for certified laboratory testing have been higher than anticipated in 2024. A budget transfer is required in order to have sufficient funds available to purchase necessary supplies through the end of 2024. The Division of Sewerage Management is requesting that $10,000.00 be transferred into the Medical and Health Supplies account in ECSD No. 3 (G/L 505800). This transfer would also come from ECSD No. 3's Professional Service Contracts and Fess account (G/L 516020).

CONSEQUENCES OF NEGATIVE ACTION

ECSD No. 3 will have insufficient budget to pay the current insurance premiums or purchase supplies for its certified laboratory for the remainder of the year.

STEPS FOLLOWING APPROVAL

The Comptroller will be requested to transfer funds between the appropriate ECSD No. 3 accounts.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3 2024 Budget Transfer

WHEREAS, the Division of Sewerage Management identified that additional funds are needed to pay for Insurance Premiums (Account 555050) and Medical and Health Supplies (Account 505800) in ECSD No. 3 for the 2024 fiscal year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that a surplus will exist in ECSD No. 3 Account 516020 – Professional Service Contracts and Fees; and

WHEREAS, a transfer of funds from accounts with surplus funds will allow ECSD No. 3 to maintain daily operations with no net impact on the 2024 budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the following transactions within the accounts of ECSD No. 3:

Division of Sewerage Management – ECSD No. 3
Fund 220, Funds Center 18310 – Sewer District 3/Southtowns SD 8

ACCOUNT	APPROPRIATION	CHANGE
505800	Medical & Health Supplies	$ 10,000
516020	Prof Svcs Contracts & Fees	(21,463)
555050	Insurance Premiums	11,463
	TOTAL	$ 0

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the Office of the County Executive, the Office of the County Comptroller, the Division of Budget and Management, and the Division of Sewerage Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-21	COUNTY EXECUTIVE	ECSD No. 3 - Blasdell Sewage Treatment Plant Decommissioning Project

Attachments

24COMM. 15E-21

EC LEG SEP 6 '24 PM12:0

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Erie County Sewer District No. 3
Blasdell Sewage Treatment Plant Decommissioning Project
Contract No. 70
Contract Close Out – E & R General Construction Inc.

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No. 70 with E & R General Construction Inc.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: ms
Enclosure

Cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Blasdell Sewage Treatment Plant Decommissioning Project
Contract No. 70
Contract Close Out – E & R General Construction
Date: September 6, 2024

SUMMARY

Acceptance and approval of the Blasdell Sewage Treatment Plant Decommissioning Project - Contract No. 70 in the final contract amount of $777,344.29 together with Change Order No. 1 (final), a decrease of $14,655.71 in Capital Account No. C.21150 (American Rescue Plan), as well as authorization to issue final payment to the contractor, E&R General Construction, is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from Capital Account No. C.21150 (American Rescue Plan). No additional funding is requested.

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 70 was bid on January 27, 2022 and awarded by the Erie County Legislature on February 17, 2022 pursuant to Legislative Comm. 24E-19 (2021). This contract demolished the structures and processes of the decommissioned Blasdell Sewage Treatment Plant within the Village of Blasdell in Erie County Sewer District No. 3. All funding was reviewed by the Erie County Comptroller's Office prior to award by the Erie County Legislature.

CONSEQUENCES OF NEGATIVE ACTION

Contract default on the part of the County of Erie could be claimed by the Contactor.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3
Blasdell Sewage Treatment Plant Decommissioning Project
Contract No. 70
Contract Close Out – E & R General Construction Inc.

WHEREAS, pursuant to Legislative Comm. 24E-19 (2021), Contract No. 70 was awarded to E & R General Construction Inc. to demolish the structures and processes at the decommissioned Blasdell Sewage Treatment Plant, in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.70, in the final contract amount of $777,344.29 which includes Change Order No. 1 (final), a decrease of $14,655.71 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that Contract No. 70 between the County of Erie and E & R General Construction Inc. (38 Saint David's Dr. West Seneca, NY 14224) is accepted in the final contract amount of $777,344.29 which includes Change Order No. 1 (final) a decrease of $14,655.71 and is allocated in Capital Account C.21150 (American Rescue Plan); and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 70, to E & R General Construction Inc. for a total contract amount of $777,344.29; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management

APPROVAL TO DISBURSE CAPITAL PROJECT CASH
(use a separate form for each capital project)

SEWER CAPITAL C. 21150 TITLE Erie County Sewer District No. 3

PROJECT PURPOSE: Blasdell Sewage Treatment Plant Decommissioning, Contract 70.

PROJ.AUTHORIZATION: BUDGET YEAR ____ OR DATE OF LEGISLATION _____

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL $ _____
DATE(S) _____ _____ _____
AMT(S) _____ _____ $ _____

CONTRACT PURPOSE: To complete the demolition and decommissioning of the Blasdell Sewage Treatment plant in Erie County Sewer District No. 3.

CONTRACTOR	$ AMOUNT	W.B.S.#	TOTAL AVAILABLE APPROPRIATION
E & R General Construction Inc.			
	$777,344.29	C.11250	
Total	$777,344.29		

REQUESTED BY: Lorenzo Quebral

		Initials	Date	
Amount Allocated	_____	_____	_____	Deputy Commissione
Amount Available	_____	_____	_____	Accountant

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-22	COUNTY EXECUTIVE	Notice of Public Hearing - ECSD 2024 Assessment Rolls (2025 Levy)

Attachments

24COMM. 15E-22

CC LEG SEP 6 '24 PM 12:09

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Notice of Public Hearing - Erie County Sewer Districts 2024 Assessment Rolls (2025 Levy)

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to a Notice of Public Hearing for the 2024 Assessment Rolls that have been prepared for the Erie County Sewer Districts.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:bp

Encl.
CC: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Public Hearing
Erie County Sewer Districts
2024 Assessment Rolls (2025 Levy)
Date: September 6, 2024

SUMMARY

It is requested that the Erie County Legislature call for a Public Hearing on the 2024 Assessment Rolls (2025 Levy) as prepared by the Division of Sewerage Management at 2:00 p.m., local time, on November 6, 2024 in the Legislature Chambers. It is also requested that the Clerk of the Legislature be directed to have the attached Public Notice published in the official County newspapers and the Buffalo News.

The Notice of Public Hearing must be published in the official newspapers prior to the Public Hearing. Since the official newspapers are published only once during the week, it is requested that notice be published the week of October 21, 2024.

FISCAL IMPLICATIONS

There is no cost to the County's General Fund associated with holding the Public Hearing on the 2024 Assessment Rolls. However, if the Public Hearing is not held, then the County will not have the legal authority to levy sewer charges against the lots and parcels of land within the Erie County Sewer Districts.

REASON FOR RECOMMENDATIONS

Sections 270 and 271 of Article 5A, County Law, require the Erie County Legislature to annually hold a Public Hearing on the Assessment Rolls.

BACKGROUND INFORMATION

Pursuant to Article 5A, Sections 270 and 271 of the County Law of New York, the Erie County Legislature has annually held a Public Hearing on the Assessment Rolls for the Erie County Sewer Districts. In order for the Sewer Districts to raise the sewer tax levies against the lots and parcels of properties within the Sewer Districts, it is first necessary to hold a Public Hearing on the Assessment Rolls. The purpose of the Public Hearing is to allow the public an opportunity to voice their objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

CONSEQUENCES OF NEGATIVE ACTION

If the Public Hearing on the Assessment Rolls is not held, the Erie County Legislature, and therefore, the Erie County Sewer Districts, will not have the legal authority to raise the sewer

district tax levies. As a result, funds would not be available in 2025 to carry out Sewer District operations, nor to pay annual principal and interest due on Sewer District Bonds.

STEPS FOLLOWING APPROVAL

1. The Clerk of the Legislature must have the Public Hearing Notice published in the official County newspapers and the Buffalo News no later than the week of October 21, 2024.

2. A Public Hearing will be held by the Erie County Legislature on November 6, 2024 at 2:00 p.m. local time.

3. The Legislature will be requested to adopt and affirm the Assessment Rolls.

4. The Sewer Districts Budgets must be approved in conjunction with the Erie County Budget.

5. The Sewer District levies must be approved in conjunction with the 2025 Budget.

6. After approval of the Budget, the Sewer District levies must be raised from the various lots and parcels of land within the Erie County Sewer Districts.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Public Hearing - Erie County Sewer Districts 2024 Assessment Rolls (2025 Levy)

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. l, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2024 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 2:00 p.m., local time, on November 6, 2024 for the purpose of meeting to hear and consider any objections which may be made to the 2024 Sewer District Assessment Rolls (2025 Levy) for Erie County Sewer District Nos. l, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 21, 2024; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Assessment Rolls for 2024 (2025 Levy) have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2024.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 2:00 p.m., local time, on November 6, 2024, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject, including any objections concerning the same.

DATED: October 21, 2024 Buffalo, New York

Olivia Owens
CLERK
Erie County Legislature

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-23	COUNTY EXECUTIVE	ECSD No. 3 - Engineering Term Contract Agreement

Attachments

24COMM. 15E-23

EC LEG SEP 6 '24 PM12:11

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Erie County Sewer District No. 3
Engineering Term Contract Agreement
AECOM USA, Inc.
Work Order: AECOM-2

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the Erie County Legislature, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure
cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Engineer Term Contract Agreement
AECOM USA, Inc.
Work Order: AECOM-2
Date: September 6, 2024

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with AECOM USA, Inc. for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed $74,600.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 3 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order AECOM-2 to AECOM USA, Inc. to provide Engineering Services associated with the preparation of a Technical Memorandum to allow ECSD No. 3 to further analyze the upgrade of the Elma pumping station and force main.

BACKGROUND INFORMATION

Your Honorable Body passed Legislative Comm. 16E-11 (2022) authorizing a 3-year Term Agreement with AECOM USA, Inc. for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. AECOM USA, Inc. will prepare a Technical Memorandum summarizing an evaluation of the Elma pumping station and force main, which services Steuben Foods and other commercial/industrial customers in the area.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. AECOM - 2

ENGINEER: **AECOM USA, Inc.**

CONTRACT DATE: **November 17, 2022**

1. **Title of Proposal:**
   Elma Pumping Station and Force Main Review

2. **Company/Address/Principal In-Charge:**
   Jeffrey Tudini, P.E.
   AECOM USA, Inc.
   50 Lakefront Blvd
   Suite 111
   Buffalo, NY 14202

3. **Effective Dates of Proposal:**
   July 30, 2024

4. **Brief Description of Work for Which Proposal is Submitted:**
   AECOM USA, Inc. will prepare a Technical Memorandum summarizing an evaluation of the Elma pumping station and force main, which services Steuben Foods and other commercial/industrial customers in the area.

5. **Engineering Cost:**
   $74,600.00

Source of Funds: ECSD No. 3 Professional Services Account No. 516020.

6. **Project No:** AECOM-2

7. **Attachments:** AECOM letter dated 7/26/2024 (9 pages)

8. **File:** 0.3.2. AECOM (23-25) Eng

DATE: July 30, 2024

Accepted By: _____

Prepared By: _____
Matt Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-24	COUNTY EXECUTIVE	ECSD No. 2 - Engineering Term Contract Agreement

Attachments

24COMM. 15E-24

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

RECEIVED SEP 6 '24 PM 12:11

September 6, 2024

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

RE: Erie County Sewer District No. 2
Engineering Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-4

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the Erie County Legislature, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 2
Engineer Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-4
Date: September 6, 2024

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) for Erie County Sewer District (ECSD) No. 2 in an amount not to exceed $7,560.51.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be from Capital Account C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order WNDL-4 to Wendel to provide additional services during construction for upgrades to the blower system at the Big Sister Creek Water Resource Recovery Facility (BSC-WRRF) in ECSD No. 2.

BACKGROUND INFORMATION

Your Honorable Body passed Legislative Comm. 16E-11 (2022) authorizing a 3-year Term Agreement with Wendel for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. Wendel will provide additional engineering administrative services during construction for the blower system upgrade project at the BSC-WRRF in ECSD No. 2. This work order is the last part of the phased approach to bring the project to completion.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed _____ Date 8/13/24

Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Erie County Sewer District No. 2
Work Order: WNDL-4
Capital Account No. C.21150 (American Rescue Plan Funds)

ERIE COUNTY SEWER DISTRICT No. 2
WORK ORDER NO. WNDL-4

ENGINEER: **Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC**

CONTRACT DATE: **November 17, 2022**

1. **Title of Proposal:**
Provide services during construction for the blower system upgrade project at the Big Sister Creek Water Resource Recovery Facility (BSC-WRRF) in ECSD No. 2.

2. **Company/Address/Principal In-Charge:**
Timothy Walck, P.E.
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
375 Essjay Road, Suite 200, Buffalo, NY 14221

3. **Effective Dates of Proposal:**
July 30, 2024

4. **Brief Description of Work for Which Proposal is Submitted:**
The engineer will provide additional engineering administration services during construction for the blower system project at the BSC-WRRF in ECSD No. 2. and as detailed in Wendel's letter, dated July 17, 2024.

5. **Engineering Total Cost:**
$7,560.51

6. **Source of Funds:** Capital Account C.21150 (American Rescue Plan funds)

7. **Project No:** WNDL-4

8. **Attachments:** Wendel letter dated 7/17/2024 (3 pages)

9. **File:** 0.3.2. Wendel (23-25) Eng.

Date: July 30, 2024 Accepted By: _____

Prepared By: _____ Authorized By: _____
Matt A. Salah, P.E. Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT — COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME: Wendel WD
2. AMOUNT OF CONTRACT: $7,560.51
3. PROJECT NUMBER: C.21150
4. PROJECT TITLE: Engineering Term Agreement WO WNDL-4
5. DEPARTMENT CONTACT: Beth Pfalzer x6144

COMPTROLLER'S OFFICE — COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS: $4,108,950.86
7. PERFORMED BY: [signature]

Date Sent to Comptroller's Office: August 12, 2024

[55 compt_10]

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-25	COUNTY EXECUTIVE	Appointment of Member of EC Board of Ethics

Attachments

24COMM. 15E-25

LEG SEP 6 '24 PM 12:11

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

Re: Appointment of Member of Erie County Board of Ethics

Dear Honorable Members:

Pursuant to Section 19.01 of the County Administrative Code, I do hereby appoint and submit for your confirmation the following individual to the Erie County Board of Ethics. Her term will expire December 31, 2027.

Ms. Anne Elizabeth Joynt, Esq.
424 Main Street #1500
Buffalo, New York 14202
New Appointment

If you have any questions, please contact my office at 716-858-8500.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/nn

cc: Anne Elizabeth Joynt, Esq.

Anne Elizabeth Joynt, Esq.
aejoynt@gmail.com
(716) 471-8572

PROFESSIONAL EXPERIENCE

Lipsitz, Ponterio & Comerford, LLC (Buffalo, New York)
Partner, January 2014-present; Associate Attorney, August 2005-December 2013

- *Successfully resolved hundreds of complex plaintiff's personal injury files focusing in toxic tort exposure*
- *Handled all phases of the case from inception to completion, including pre-suit investigation, interviews and work up, drafting the Summons and Complaint, review of the Answer, drafting and review of all discovery responses, taking and defending depositions, performing any associated motion practice, interfacing with various experts, and ultimately representing the client at trial or arbitration*
- *Performed legal research into any disputed issues*
- *Represented the client in settlement negotiations, whether directly with opposing counsel, or at mediation*
- *Negotiated Releases with opposing counsel once the case had been resolved*
- *Researched, drafted and argued Appellate Briefs*
- *Cultivated a successful relationship with the client, and maintained a civil and professional working relationship with opposing counsel and the Court*
- *Managed the asbestos bankruptcy department, becoming familiar with various Trust instruments and guidelines, and overseeing the claims submission process*
- *Supervised support staff, including paralegals, legal assistants and law clerks*

Law Offices of John Feroleto/John Trigilio
Law Clerk, Summer 2004

Paula Feroleto for State Supreme Court
Coordinator of Eastern Counties, Fall 2003/Fall 2004

Professors Judy Scales-Trent and Isabel Marcus, University at Buffalo Law School
Research Assistant for course materials for "Race, Racism and American Law" and "International Women's Human Rights," Summer 2003-Spring 2005

Upward Bound Program, SUNY Brockport
Tutor/Head Counselor/Spanish Teacher, Fall 1998-Spring 2005

COMMUNITY SERVICE

Bar Association of Erie County
Board of Directors: Director, Elected Term 2013-2016
Committees: Nominations, Member, Elected Term 2017-2020
High School Mock Trial Program: Coach and Attorney Advisor, Cheektowaga High School, 2006-2010; Recipient, Cheektowaga Central Community Involvement Award, 2010

Buffalo and Erie County Public Library
Committees: Young Professionals, Member, 2012-2014

Center for Elder Law and Justice
Board of Directors: 2022-present
Committees: Development, Chair, 2022-present; Strategic Planning Committee, Member, 2023-present

Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
Board of Directors: Vice President, 2024-present; Vice President Elect, 2023-2024; Secretary, 2021-2023; Member, 2018-2021
Committees: Search Committee for Director of Program, Chair, 2020; By-Law Committee, Member, 2020-present

Girls on the Run
Board of Directors: Member, 2020-present
Committees: Nominations, Chair, 2021-present

Law Intern Program of Buffalo
Board of Directors: Member, 2011-2014

Minority Bar Foundation, Inc.
Board of Directors: Secretary, 2016-2019; Member, 2015-2022

National Federation for Just Communities
Board of Directors: Member, 2018-2023
Committees: Governance and Nominating, Member, 2018-2023

National Multiple Sclerosis Society, Upstate New York Chapter
Board of Directors: Member, 2022-present

Planned Parenthood of Central and Western New York, Inc.
Committees: Engagement, Chair, 2018-2020, Member, 2016-present

State University of New York at Geneseo
Western New York Regional Board of Directors: Co-Chair, 2013-2020; Member, 2010-present
English Advisory Board: Member, 2017-present

University at Buffalo Law School Alumni Association
Dean's Advisory Council: Member, 2021-present
Board of Directors: President, 2020-2021; President-Elect, 2019-2020; Assistant Secretary, 2018-2019; Vice President, 2016-2018; Member, 2013-2016
Committees: Mentoring, Chair, 2018-2019; Law Student Mentor, 2008-present; Annual Dinner, Co-Chair, 2014-2016
Annual Appeal: Co-Chair, 2013-2014
Graduates of the Last Decade (GOLD) Group: President, 2011-2012; Member, 2008-2011
Trial Advocacy Program: Instructor, 2008-2012

Western New York Women's Foundation
Board of Directors: Vice Chair, 2024-present; Member, 2021-2024
Committees: Nominations, Member, 2021-present; What She's Made Of Event, Co-Chair, 2022-present; Fall in Fashion, Member, 2022

Women's Bar Association of the State of New York
Board of Directors: Corresponding Secretary, Elected Term 2015-2016
Committees: Press and Public Relations, Co-Chair, 2018-present; Nominations Task Force, Member, 2018-2019; Equal Opportunities in the Profession, Co-Chair, 2016-2017

Women's Bar Association of the State of New York, WNY Chapter
Board of Directors: President, 2017-2018; President-Elect, 2016-2017, State Director, 2012-2015; Local Director, 2009-2012

Women's TAP (Taking Action Politically) Fund
Committees: Steering, Member, 2012-present; Community Outreach, Chair, 2020-present

GOVERNMENT

Amherst Democratic Committee
Member, 2022-present

Erie County Water Authority
Committees: Independent Ethics Panel, Member, 2024-present

HONORS

- *M. Dolores Denman Lady Justice Award*, Women's Bar Association of the State of New York, Western New York Chapter, 2023
- *University at Buffalo Law School Distinguished Alumni Award- Community Service*, University at Buffalo Law School, 2023
- *Woman of Influence*, Buffalo Business First, 2022
- *Upstate New York Super Lawyer*, Super Lawyers, 2021-2024
- *Legal Elite*, Business First of Buffalo, Honoree, 2019-2023; Rising Star, 2018; Leader, 2017
- *Athena Young Professional Finalist*, Buffalo-Niagara Partnership, 2013, 2019
- *Upstate New York Rising Star*, Super Lawyers, 2013-2020
- *Medina High School Distinguished Alumni Award*, Medina Central School District, 2019
- *Woman Lawyer of the Year*, Women Lawyers of Western New York, 2017
- *Attorney of the Year Leader in Law Award*, The Daily Record, November 2016
- *2014/2015 Woman in Leadership*, Buffalo Niagara Chapter of NYS Women, June 2015
- *Buffalo 40 Under 40 Honoree*, Buffalo Business First, 2014
- *Women in Leadership Honoree*, NAWBO Buffalo-Niagara, October 2014

PUBLICATIONS/PRESENTATIONS

Buffalo Spree Magazine, October 2017
"Q&A: Why Anne Joynt Persists" by Maria Scrivani

HB National Lead Litigation Seminars, Continuing Legal Education Presenter

- November 2016, Naples, Florida, "Summary Judgment Motions- Skirting the Pitfalls"
- November 2015, Boca Raton, Florida, "Case Law Spotlight and Update"
- October 2012, Amelia Island, Florida, "Issues in Lead Paint Discovery"

Jane Ryan Pre-Law Fund Lecture, State University of New York College at Geneseo
Spring 2010, "The Path to Law School"

Buffalo Human Rights Law Review, Volume 10, Spring 2004
"Semantics of the Guantanamo Bay Inmates: Enemy Combatants or Prisoners of the War on Terror?"

EDUCATION

University at Buffalo Law School, State University of New York
Juris Doctor, May 2005
Honors: Order of Barristers
Activities: Buffalo Human Rights Law Review, Co-Editor in Chief; Buffalo Public Interest Law Journal, Associate; Jessup International Moot Court Board, Competitively Selected Member; Niagara Moot Court Team, Competitively Selected Member

State University of New York College at Geneseo
Bachelor of Arts in English and Spanish, May 2002
Honors: magna cum laude with Honors in English

COURT ADMISSIONS

United States Supreme Court: March 23, 2015; Western District of New York: July 13, 2010; New York State Supreme Court: February 24, 2005

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-26	COUNTY EXECUTIVE	Appointments to the Commission on the Status of Women

Attachments

24COMM. 15E-26

EC LEG SEP 6 '24 PM12:11

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

Re: Appointments to the Commission on the Status of Women

Dear Honorable Members:

Pursuant to the Erie County Charter Section 1705, I, Mark C. Poloncarz, Erie County Executive do hereby submit for your confirmation the following individuals to be appointed to the Erie County Commission on the Status of Women for a term ending December 31, 2027.

Miki Sophia Roberts	Eleanor M. Gainey	Kimberly Nguyen
51 Garner Avenue	160 Lakewood Parkway	2495 Main Street, Ste 530
Buffalo, NY 14213	Amherst, NY 14226	Buffalo, NY 14214
New Appointee	***New Appointee***	***New Appointee***

Please contact my office with any questions at 858-8500.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/nn
cc: Appointees
Dr. Karen King

KIMBERLY NGUYEN

• (716) 208-5498 • knguyen@buffalo.edu • linkedin.com/in/kimnguyenanthro/

EDUCATION

May 2016 — Ph.D. in Cultural Anthropology, State University of New York at Buffalo
Dissertation title: *Factors Affecting Orangutan Conservation Culture in Central Kalimantan, Indonesia and Sabah, Malaysia*

June 2006 — M.A. in Cultural Anthropology, State University of New York at Buffalo

June 2004 — B.A. in Anthropology, State University of New York at Buffalo
Concentration: Physical Anthropology

OUTREACH & MANAGERIAL EXPERIENCE

Immigrant Resource Program Manager
Jan. 2024 – present
Journey's End Refugee Services — Buffalo, NY
- Key responsibilities:
  - Design and implement program in accordance with requirements of grant awarded by NYS Office for New Americans
  - Recruitment and management of immigrant community leaders for volunteer team
  - Work with volunteer team to connect immigrant communities with resources
  - Host roundtables to facilitate direct collaboration between agencies, organizations, and immigrant community members to address issues facing local population

Adjunct Professor — Feb. 2019 – present
Erie County Community College — Orchard Park, NY
Department of Social Sciences & Humanities
- Courses designed and implemented (in-person and online):
  - Cultural Anthropology
  - Biological Anthropology
  - Introduction to Archaeology

Educational Opportunity Program lecturer — Jul. 2014 – May 2024
Buffalo State University — Buffalo, NY
- Award: *Educational Opportunity Program Faculty Merit Award* (2018)
- Course: Understanding Culture

Adjunct Lecturer — Jan. 2012 – May 2024
Buffalo State University — Buffalo, NY
Department of Anthropology; English Department
- Awards: *United University Professionals Discretionary Award* (2014-2022)
- Courses designed and implemented (in-person and online):
  - Understanding Culture
  - Digital Culture
  - College Writing I & II

Adjunct Instructor — Dec. 2009 – present
Niagara County Community College — Sanborn, NY
Department of Social Sciences & Humanities
- Award: *Outstanding Adjunct Faculty in Humanities and Social Sciences* (2014)
- Courses designed and implemented (in-person and online):
  - Cultural Anthropology
  - Forensic Anthropology
  - Monkeys, Apes, & Man

(OUTREACH & MANAGERIAL EXPERIENCE cont'd.)

On Call Supervisor Jul. 2009 – Nov. 2011
Upgrade Academics, Inc. Williamsville, NY
- Created program and developed contracts with clients (i.e. schools, social service agencies)
- Hiring/termination, training, and management of all program staff
- Organized and implemented promotional outreach events

Director of Supplemental Educational Services Oct. 2008 – Mar. 2009
Upgrade Academics, Inc. Williamsville, NY
- Hiring/termination, training, and management of staff at six sites (50+ employees)
- Developed training materials for all on-site staff and incoming Director of SES
- Organized and implemented promotional outreach events

Site Manager of Supplemental Educational Services Jan. 2008 – Oct. 2008
Upgrade Academics, Inc. Buffalo, NY
- Created and implemented lesson plans for K-12 students
- Trained and supervised tutors at Delavan-Grider Community Center

MEDIA/PROMOTIONAL EXPERIENCE

Guest Presenter Nov. 2015
WNED: PBSKids
- Invited to present careers in anthropology
- Workshop: "Ready to Learn: Observers"

Interviewee (Print) Oct. 2022
Discover Magazine
- Conservation expert representing Niagara County Community College
- Source: Woudenberg, Carina. "4 Ways Animals Adapt to Life in the Rainforest." *Discover Magazine*, Discover Magazine, 25 Oct. 2022.

Guest Panelist Nov. 2015
Butler Library Gaming Series, Buffalo State University
- Invited to represent Anthropology Department based on creation of Digital Culture Course
- Discussion series: "Gaming as Culture and Career"

On-air guest Apr. 2015
Vantage Point Radio, Buffalo State University
- Invited to promote Anthropology Department on Vantage Point Radio (WBNY 91.3FM)
- Segment title: "From Insult to Injury: Kenya and the Buffalo Bills"

Guest speaker Mar. 2016
Anthropology Society, Buffalo State University
- Invited to represent Anthropology Department for Student Association-sponsored event
- Lecture title: "In the Jungle: Orangutan Conservation Culture in Indonesia and Malaysia"

REGIONAL COORDINATOR

Miki Sophia Roberts

EXPERIENCE

WESTERN NEW YORK REGIONAL COORDINATOR, SELF-ADVOCACY ASSOCIATION OF NYS, INC. BUFFALO, NY – 2002-PRESENT

Statewide Management Team. Assisted with the transition of a long-time director. Grant-writing and reporting. Statewide AmeriCorps Project Director. Managed several statewide grant-funded projects. Developed and created video-based curricula together with people with IDD. Host yearly regional conference. Create flyers and communications. Procured and implemented a statewide database system. Co-led creation of a statewide Disability Voting Rights Task Force. Support developmentally disabled leaders to start and support self advocacy groups and provide peer-to-peer trainings in 7 counties.

AMERICORPS TEAM LEADER, SELF ADVOCACY AMERICORPS PROJECT, ROCHESTER, NY - 2000-2002

Co-led a team of people with intellectual and developmental disabilities to give public "Our Experience is the Best Teacher" presentations educating staff, students, and community members through personal stories.

DIRECT SUPPORT PROFESSIONAL, THE ARC OF MONROE COUNTY, ROCHESTER, NY – 1995-2001

Supported people with intellectual disabilities, implemented goal plans, crisis counseling, house maintenance, documentation, and communication with programs and parents. In charge of medication records, weekly grocery shopping and budgeting. Certified in CPR.

WAITRESS, PREP COOK, AND HOSTESS, MARIA'S MEXICAN RESTAURANT AND HUNGRY HILDA'S CAFE, ROCHESTER, NY – 1991- 1995

Breakfast, Lunch and Dinner shifts. Fast-paced environments. People skills.

EDUCATION

SUNY Brockport, Brockport, NY – B.F.A. Dance. Minor in History. McNair Scholar, Dance Club: Secretary, Costume Chairperson, Asian Club, Diversity Conference Organizer, Dean's List.

University of Ghana at Legon
Intersession program in African Studies: "Cultural and Political Change in Ghana"

School Without Walls, Rochester, NY – Regents Diploma. Yearbook: Assistant Editor, Layout Editor. Youth in Government, Student Support Group, Teacher Selection Committee, Student Advisory Board, Theater Production and Performance.

AWARDS

2024 Western NY Independent Living Center Elaine G. Well CommunitySupport Award
2024 Erie County Commission on Women - Women who Advocate for Diversity, Equity, and Inclusion
2000 Outstanding Dance Department Scholar

51 GARNER AVENUE BUFFALO, NY 14213 (716) 560-9307 MIKISOPHIAROBERTS@GMAIL.COM

ELEANOR M. GAINEY

160 Lakewood Parkway | Snyder, New York 14226
tiagainey@gmail.com/egainey@williamsvillek12.org | 716.799.2256

Education/Certification

New York State Permanent Certification: Teacher of Secondary Social Studies 1996

State University of New York at Buffalo, Buffalo, New York
– Master of Science – Social Studies Education May 1994 – Bachelor of Arts – Major: History; Minor: Education May 1987

Professional Teaching Experience

Social Studies Teacher
Williamsville Central School District, Williamsville, New York
Williamsville South High School/District Summer School 1995 - Present – Responsible for curriculum planning, implementation, and assessment of various areas of content including, but not limited to: US History, Women's History, AP Psychology – Responsible for curriculum planning, implementation, and assessment of 9-12 NYS standards – Serve on various school committees - for most current academic year: Wellness and Social – Hold multiple advisor positions - most current academic year: Women's Political Action, 1st Amendment 1st Vote, Student Government, and Drama Club

Middle School Teacher
Buffalo Diocese of Catholic Schools, Buffalo New York
Catholic Central Academy 1994-1995 – Responsible for curriculum planning, implementation, and assessment 7/8 grade social studies

Instructor
New York State Department of Corrections, Brocton, New York 1992-1994 Lakeview Shock Correctional Facility
– Planned and implemented lessons to enhance skills for GED preparation, HIV education, and parenting skills

Curriculum Writer/Instructor/Administrative Assistant 1989-1992 Buffalo Prep, Buffalo New York
– Member of the inaugural staff for the development, preparation, and implementation of an academic/college prep program to benefit underrepresented students

Middle School Teacher 1987– 1991 Buffalo Diocese of Catholic Schools, Buffalo New York
Christ the King School
– Responsible for curriculum planning, implementation, and assessment of 6/7/8 grade social studies

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-27	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Explore & More Children's Museum

Attachments

24COMM. 15E-27

September 2024

Erie County Cultural Funding Grant Monitoring Program
Explore & More
The Ralph C. Wilson Jr. Children's Museum
January 1, 2020 through December 31, 2022

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

September 5, 2024

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

Dear Honorable Members:

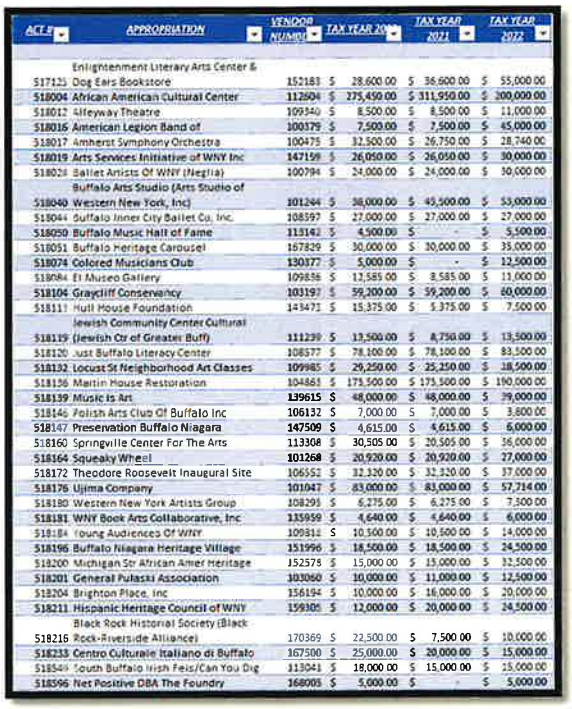
In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

Objective
The objective of the Cultural Funding Monitoring Program is to verify that the recipients have utilized County funds according to the terms and conditions associated with the Erie County Cultural Funding grant process and the recipient's contract with the County. In order to verify the proper use of the grant award, a number of agencies were selected in order to review their expenses and financial records.

Scope and Methodology
Approximately 120 different organizations receive funding annually from Erie County. The Comptroller's Cultural Funding Grant Monitoring Program is intended to review organizations that received a minimum of $5,000 in funding during any of the three prior years. Approximately 80 agencies were identified as receiving $5,000 or more in grant funding. The list of recipient organizations was split into two groups of approximately 40 agencies. The first batch of letters announcing the commencement of a review was sent to the selected non-profit organizations during mid-February 2023, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by December 31, 2024.

2023 – 2024 Program
During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

Monitoring Program – Phase I



ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 20	TAX YEAR 2021	TAX YEAR 2022
	Enlightenment Literary Arts Center &				
S17125	Dog Ears Bookstore	152183	$ 28,600.00	$ 36,600.00	$ 55,000.00
S18004	African American Cultural Center	112604	$ 275,450.00	$ 311,950.00	$ 200,000.00
S18012	Alleyway Theatre	109340	$ 8,500.00	$ 8,500.00	$ 11,000.00
S18016	American Legion Band of	100379	$ 7,500.00	$ 7,500.00	$ 45,000.00
S18017	Amherst Symphony Orchestra	100475	$ 32,500.00	$ 26,750.00	$ 28,740.00
S18019	Arts Services Initiative of WNY Inc	147159	$ 26,050.00	$ 26,050.00	$ 30,000.00
S18028	Ballet Artists Of WNY (Neglia)	100794	$ 24,000.00	$ 24,000.00	$ 30,000.00
	Buffalo Arts Studio (Arts Studio of				
S18040	Western New York, Inc)	101244	$ 38,000.00	$ 45,500.00	$ 53,000.00
S18044	Buffalo Inner City Ballet Co, Inc.	108597	$ 27,000.00	$ 27,000.00	$ 27,000.00
S18050	Buffalo Music Hall of Fame	113142	$ 4,500.00	$ -	$ 5,500.00
S18051	Buffalo Heritage Carousel	167829	$ 30,000.00	$ 30,000.00	$ 35,000.00
S18074	Colored Musicians Club	130377	$ 5,000.00	$ -	$ 12,500.00
S18084	El Museo Gallery	109838	$ 12,585.00	$ 8,585.00	$ 11,000.00
S18104	Graycliff Conservancy	103197	$ 59,200.00	$ 59,200.00	$ 60,000.00
S18111	Hull House Foundation	143471	$ 15,375.00	$ 5,375.00	$ 7,500.00
	Jewish Community Center Cultural				
S18119	(Jewish Ctr of Greater Buff)	111239	$ 13,500.00	$ 8,750.00	$ 13,500.00
S18120	Just Buffalo Literacy Center	108577	$ 78,100.00	$ 78,100.00	$ 83,500.00
S18132	Locust St Neighborhood Art Classes	109985	$ 29,250.00	$ 25,250.00	$ 18,500.00
S18136	Martin House Restoration	104861	$ 173,500.00	$ 173,500.00	$ 190,000.00
S18139	Music Is Art	139615	$ 48,000.00	$ 48,000.00	$ 39,000.00
S18146	Polish Arts Club Of Buffalo Inc	106132	$ 7,000.00	$ 7,000.00	$ 3,800.00
S18147	Preservation Buffalo Niagara	147509	$ 4,615.00	$ 4,615.00	$ 6,000.00
S18160	Springville Center For The Arts	113308	$ 30,505.00	$ 20,505.00	$ 36,000.00
S18164	Squeaky Wheel	101268	$ 20,920.00	$ 20,920.00	$ 27,000.00
S18172	Theodore Roosevelt Inaugural Site	106552	$ 32,320.00	$ 32,320.00	$ 37,000.00
S18176	Ujima Company	101047	$ 83,000.00	$ 83,000.00	$ 57,714.00
S18180	Western New York Artists Group	108295	$ 6,275.00	$ 6,275.00	$ 7,300.00
S18181	WNY Book Arts Collaborative, Inc	135959	$ 4,640.00	$ 4,640.00	$ 6,000.00
S18184	Young Audiences Of WNY	109811	$ 10,500.00	$ 10,500.00	$ 14,000.00
S18196	Buffalo Niagara Heritage Village	151996	$ 18,500.00	$ 18,500.00	$ 24,500.00
S18200	Michigan Str African Amer Heritage	152578	$ 15,000.00	$ 15,000.00	$ 32,500.00
S18201	General Pulaski Association	103060	$ 10,000.00	$ 11,000.00	$ 12,500.00
S18204	Brighton Place, Inc	156194	$ 10,000.00	$ 16,000.00	$ 20,000.00
S18211	Hispanic Heritage Council of WNY	159305	$ 12,000.00	$ 20,000.00	$ 24,500.00
	Black Rock Historial Society (Black				
S18216	Rock-Riverside Alliance)	170369	$ 22,500.00	$ 7,500.00	$ 10,000.00
S18233	Centro Culturale Italiano di Buffalo	167500	$ 25,000.00	$ 20,000.00	$ 15,000.00
S18549	South Buffalo Irish Feis/Can You Dig	113041	$ 18,000.00	$ 15,000.00	$ 15,000.00
S18596	Net Positive DBA The Foundry	168005	$ 5,000.00	$ -	$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 20	TAX YEAR 20
S17533	Buffalo Olmsted Parks Conservancy	140237	$ 25,910.00	$ 25,910.00	$ 35,000.00
S18008	Albright-Knox Art Gallery	108707	$ 575,000.00	$ 575,000.00	$ 675,000.00
S18009	Albright-Knox Public Art Curator	147228	$ 68,250.00	$ 68,250.00	$ -
S18025	Assembly House 150, Inc	167747	$ 1,000.00	$ 1,000.00	$ 6,500.00
S18034	Buffalo & Erie County Botanical Garden	108743	$ 102,000.00	$ 125,000.00	$ 150,000.00
S18036	Buffalo & Erie Co Historical Society	108772	$ 417,000.00	$ 667,000.00	$ 417,000.00
	Buffalo & Erie County Naval & Servicemans				
S18052	Park	109339	$ 35,000.00	$ 35,000.00	$ 50,000.00
S18060	Buffalo Philharmonic Orch Society	101032	$ 926,000.00	$ 926,000.00	$ 940,000.00
S18061	Buffalo Philharmonic Chorus	109796	$ 34,500.00	$ 34,500.00	$ 35,000.00
S18064	Buffalo Society Natural Sciences	109767	$ 955,000.00	$ 955,000.00	$ 955,000.00
S18065	Buffalo String Works, Inc	167855	$ 3,500.00	$ 3,500.00	$ 5,355.00
S18068	Burchfield Penney Art Center	101004	$ 155,000.00	$ 155,000.00	$ 160,000.00
S18072	Center for Exploratory and Perceptu	109934	$ 55,000.00	$ 55,000.00	$ 63,000.00
S18082	Danceability	156439	$ 2,500.00	$ 5,500.00	$ 3,000.00
S18096	Explore & More Children's Museum	102754	$ 42,000.00	$ 42,000.00	$ 78,000.00
S18108	Hallwalls Contemporary Arts Center	108598	$ 57,000.00	$ 57,000.00	$ 60,000.00
S18112	Hamburg Nat Hist Society/Penn-Dixie	103282	$ 88,314.00	$ 96,314.00	$ 96,314.00
S18116	Irish Classical Theatre Company	103727	$ 83,500.00	$ 83,500.00	$ 93,500.00
S18124	O'Youville College Kavinoky Theater	109341	$ 11,750.00	$ -	$ 9,500.00
S18128	Lancaster Opera House	111681	$ 45,300.00	$ 30,300.00	$ 35,000.00
S18140	Musicaffare Theatre	105908	$ 61,525.00	$ 61,525.00	$ 66,000.00
S18141	New Phoenix Theatre	109542	$ 7,500.00	$ 7,500.00	$ -
S18144	Road Less Traveled Productions	121041	$ 63,500.00	$ 63,500.00	$ 67,000.00
S18152	Roycroft Campus Coorporation	118213	$ 50,000.00	$ 40,000.00	$ 50,000.00
S18156	Shakespeare In The Park	109675	$ 95,000.00	$ 95,000.00	$ 95,000.00
S18168	Theatre Of Youth	109888	$ 69,400.00	$ 69,400.00	$ 74,000.00
S18173	Tom Space Theatre	143873	$ 20,460.00	$ 15,460.00	$ 29,500.00
S18188	Zoological Society Of Buffalo	108625	$ 1,500,000.00	$ 1,500,000.00	$ 1,700,000.00
S18195	Orchard Park Symphony Orchestra	147747	$ 4,615.00	$ 4,615.00	$ 6,000.00
S18202	Buffalo Opera Unlimited Incorporated	159973	$ 2,300.00	$ 2,300.00	$ 10,000.00
S18203	Buffalo-Toronto Public Media WNED/WBFO	172909	$ 3,750.00	$ -	$ 5,000.00
S18205	Cheektowaga Comm Symphony Orchestra	109177	$ -	$ 7,500.00	$ -
S18209	Newstead Historical Society	105518	$ 5,500.00	$ 3,500.00	$ 5,000.00
S18213	O'Connell & Company Productions	159162	$ 23,100.00	$ 23,100.00	$ 31,500.00
	Amherst Male Glee Club dba Red Blazer				
S18219	Men's Chorus	162045	$ 3,000.00	$ 3,000.00	$ 6,000.00
S18221	Buffalo Center for Arts and Technology	152207	$ 3,000.00	$ 3,000.00	$ 7,500.00
S18226	Cheektowaga Historical Association	163121	$ 3,250.00	$ 6,250.00	$ 6,100.00
S18229	Second Generation Theatre Company	164957	$ 2,020.00	$ 2,020.00	$ 5,000.00
S18230	Steel Plant Museum of Western New York	147740	$ 2,020.00	$ 2,020.00	$ 5,000.00
S18503	Alden Christian Theater Society	114358	$ 10,000.00	$ -	$ 3,000.00
S18514	Clarence Concert Association	101711	$ 3,500.00	$ -	$ 5,000.00
	Clarence Museum (Historical Soc. of the				
S18515	Town of Clarence)	115067	$ 5,500.00	$ -	$ 6,000.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a "lawful county charge", meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

Debit Cards

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be paid and approved by the organization's board of directors.

Alternate Funding Sources and Segregation of Accounts
Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

EXPLORE & MORE – THE RALPH C. WILSON JR. CHILDREN'S MUSEUM

BACKGROUND
Explore & More Children's Museum (E&M) is a 501(c)(3) nonprofit organization established in 1994 with the goal of providing an environment for creative play and hands-on learning experience for children of all ages. The stated mission of the organization is to provide best-in-class play experiences where all children, families and the community can explore, learn and develop together.

E&M received $42,000 in Cultural Grant Funding (CGF) for the years 2020 and 2021; E&M received $78,000 for the year 2022, $25,000 more than the executive recommendation. In addition, E&M received $175,000 in Capital Grant funding from the County of Erie, appropriated during 2019, but procured in 2020. The organization was awarded additional Capital Grant funding for the years 2023 and 2024, which falls outside of the scope of the current review.

AUDITOR'S OBSERVATIONS
E&M is a children's play museum which operates as a year-round community destination on the city's waterfront in the Canalside neighborhood. E&M presents as serving children, families, educators, caregivers and the community. The goal of the organization is to provide children with the opportunity to play and learn through the use of exhibits, cultural activities and educational programming. During 2019, after a capital campaign raising approximately $12,000,000, E&M moved into a newly constructed four-story museum in Canalside with the intention of expanding its reach and increasing its accessibility levels to visitors and community residents. The building is owned by the Erie Canal Harbor Development Corporation, a public benefit corporation chartered by the State of New York, which leases the premises to the organization at nominal cost as part of the State's waterfront revitalization initiative.

For the years under review, grants and contributions were the primary sources of revenue for E&M, accounting for much of the organization's annual revenue. Admission and membership accounted for the second largest source of revenue for E&M. In addition, E&M relies on fundraising events in order to generate supplemental revenue. Touch-A-Truck is currently one of the major fundraising events for the organization, which allows children to climb aboard, touch the steering wheel, honk the horn and get up close to a variety of trucks and vehicles. E&M also generates additional operating income by renting its facilities for events such as birthday parties, meetings, conferences and private visits.

E&M also generates income from mission-related functions, including the operation of a gift shop and the Low Bridge Café. The Low Bridge Café is located in the lower level of the museum and the gift shop is located on the first floor of the museum. E&M previously outsourced the operation of both the café and the gift shop to local vendors and collected a monthly rent. Beginning in the year 2023, E&M assumed operation of both the gift shop and the Low Bridge Café.

The Covid-19 pandemic affected the operations E&M as it was required to shut down for a short period of time; the museum was closed from mid-March through May, reopening in June 2020 under limited occupancy rules. During this time the organization was able to continue its administrative functions remotely. E&M utilized the time to complete the necessary requirements to become a certified childcare provider. The organization experienced a decline in admissions, memberships, and was forced to cancel some of its previously scheduled programming. Nevertheless, E&M received and was able to offset most of the losses with pandemic-related economic assistance such as NYS grant and foundation funding, federal Payroll Protection Plan (PPP) assistance, Shuttered Venue Operators Grant, and various capital contributions. These infusions helped E&M offset the decrease in programing participation and helped the organization recover from the pandemic. The Auditor was informed by E&M that by 2023, numbers representing admissions and memberships had exceeded 2019 levels.

AUDITOR'S CONCLUSION

During the grant monitoring review process, E&M was able to provide the Auditor with adequate substantiation for its use of CGF awards for the years under review. The Auditor was informed that the primary operating expenses for E&M include salaries and wages, advertising, insurance, taxes, and contracted services. CGF received by E&M for the years under review was allocated towards the cost of salaries and wage-related expenses. Documentation provided by the organization in order to substantiate expenses and use of grant funding includes copies of bank statements, credit card statements, tax return documents, invoices, payroll records, and other electronic financial information. The expense incurred by the organization for wages paid exceeded the amount of grant funding awarded by the County for each of the years under review and were found to exceed the total amount of revenue generated from programming.

However, the Auditor noted a number of irregular transactions causing the Auditor to question the adequacy and efficacy of controls in place at E&M. As far as the Auditor was able to ascertain based on a review of the organization's financial records, the average salary increases in the years under review for members of E&M's executive team approached 10%, well above the national average of 3% to 5%. The increases included bonus payments, paid time off buyouts, and large one-time contributions into the organization's retirement plan. E&M stated on its IRS Form 990 that salary increases are determined based on comparative positions in non-profits locally and statewide. An indication of Board involvement or approval could not be identified in the Board's minutes. At the conclusion of the review, the Auditor was unable to ascertain whether an adequate level of internal controls exists for the organization as the extent of the Board involvement could not be determined.

E&M was able to provide the Auditor with substantiation of additional operating expenses selected for review. As part of the review of the organization's records, the Auditor also identified a series of food and beverage expenses incurred by the organization for occurrences such as staff lunches, team meetings, staff birthdays, board meetings and staff development events. Although expenses were substantiated, the same were determined to be excessive in nature. Per §162 of the Internal Revenue Code (IRC), "there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business." While these types of expenditures may have a positive impact on employee morale, they are not deemed ordinary and necessary for the purposes of the tax code and the production of income.

A review of the organization's records identified checks, electronic debits and credit cards as the primary methods utilized for payment of business expenses. The Auditor identified two different credit cards used by the organization. The organization has a business credit card, with several authorized users and a large credit line.

A personal credit card belonging to a member of the organization's executive team and utilized by the organization was also identified by the Auditor. The personal credit card included the executive's spouse and child as authorized signors and was paid off via direct payment from E&M's bank account each month. A review of the credit card statements revealed expenses for accounting services, advertisement, supplies and equipment purchases, which were identified and substantiated as business related.

The Auditor also identified charges for food, travel, political fundraisers, dining, a variety of donations and entertainment expenses for which a business need or business purpose could not be ascertained by the Auditor. Section 1116 of the New York State Tax Law provides that a 501(c)(3) charitable or not-for-profit corporation formed under §201 shall not participate in, or intervene in, any political campaign on behalf of or in opposition to any candidate for public office.

In addition, charges made by the additional authorized users belonging to the executive's family were also identified. As a result, the Auditor was not able to verify if the charges incurred by the family members were business related for the benefit of E&M or personal in nature. In addition, the Auditor identified the accumulation of a large amount of reward points earned on the personal credit card – rather than E&M's business credit card – as a result of the substantial amount of business expenses paid with the personal credit card each month. The organization stated that the points earned are used by E&M to offset the cost of travel-related expenses for the organization, such as the expenses incurred for the attendance at annual "trade conferences". The Auditor reviewed all travel-related expenses incurred by the organization including airfares, accommodations and dining for all years under review. The Auditor was not able to conclusively ascertain the organization's claim that the points were used to cover the costs of business travel or any other business expense.

Further, the Auditor found that at least five members of E&M's executive team attended a conference in Orlando, Florida in 2021. Expenses related to lodging, airfare, meals, and other miscellaneous charges were incurred on the executive's personal credit card and ultimately paid out of the organization's bank account. The Auditor further noted a $10,000 cash withdrawal from E&M's account that was earmarked for the Orlando conference. The Auditor could not ascertain how that cash withdrawal was used, as it appeared that most of the expenses incurred were paid using credit cards. Per IRC § 262, "except as otherwise provided, no deduction shall be allowed for personal or family expenses." The Auditor recommends that if the utilization of a particular credit product results in a financial benefit to E&M, the organization should exclusively use the business account and assign authorized signers that are formerly approved by the organization's board or by a board committee that has oversight over procurement. The Auditor further recommends that E&M's leadership and board of directors implement a credit card policy separate from their procurement policy or review the existing procurement policy and amend as necessary to ensure greater oversight over the use of credit cards and any reward points.

E&M currently has a Board of Directors consisting of 23 members and are limited to two 2-year terms, which can be served consecutively. Board members must step down for a minimum of one year before being able to return. The organization affirmed that the Board of Directors is part of the internal controls system for E&M. As indicated by the organization, the Board of Directors reviews expenses incurred, large purchases and tax form 990 prior to filing. During the review process, the Auditor identified financial practices that did not appear to go through a Board review process prior to execution, such as automatic payments of credit card charges and annual salary increases of executive team members.

At the conclusion of the grant review, the Auditor was able to determine that E&M is currently in compliance with the filing of all federal forms 990 and all New York State form CHAR500. The Auditor was unable to ascertain

compliance with the issuance of information return documents for the years under review. Based on a review of the organization's records, E&M made payments well in excess of $600 to individuals who qualified as independent contractors for all years under review, but IRS Forms 1099-NEC and/or 1099-MISC were only issued for the year 2021. Per §6041 of the Internal Revenue Code (IRC), "it is required that all persons engaged in a trade or business and making payments in the course of such trade or business to another person of rents, salaries, wages, premiums, annuities, compensations, renumerations, emoluments, or other fixed or determinable gains, profits, and/or income of $600 or more in any taxable year shall render a true and accurate return to the Secretary setting forth the amount of such gains, profits, and/or income, and the name and address of the recipient of such payments." Per IRC §6071, "forms W-2, W-3, 1099, and/or any returns or statements required by the Secretary to report nonemployee compensation shall be filed on or before January 31 of the year following the calendar year to which such returns relate."

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-28	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Amherst Symphony Orchestra Association, Inc.

Attachments

24COMM. 15E-28

EC LEG SEP 5 '24 PM1:18

September 2024

Erie County Cultural Funding Grant Monitoring Program Amherst Symphony Orchestra Association, Inc. January 1, 2020 through December 31, 2022

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

September 5, 2024

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

Dear Honorable Members:

In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

Objective
The objective of the Cultural Funding Monitoring Program is to verify that the recipients have utilized County funds according to the terms and conditions associated with the Erie County Cultural Funding grant process and the recipient's contract with the County. In order to verify the proper use of the grant award, a number of agencies were selected in order to review their expenses and financial records.

Scope and Methodology
Approximately 120 different organizations receive funding annually from Erie County. The Comptroller's Cultural Funding Grant Monitoring Program is intended to review organizations that received a minimum of $5,000 in funding during any of the three prior years. Approximately 80 agencies were identified as receiving $5,000 or more in grant funding. The list of recipient organizations was split into two groups of approximately 40 agencies. The first batch of letters announcing the commencement of a review was sent to the selected non-profit organizations during mid-February 2023, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by December 31, 2024.

2023 – 2024 Program
During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

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ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
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518004	African American Cultural Center	112604	$ 275,450.00	$ 311,950.00	$ 200,000.00
518012	Alleyway Theatre	109340	$ 8,500.00	$ 8,500.00	$ 11,000.00
518016	American Legion Band of	100379	$ 7,500.00	$ 7,500.00	$ 45,000.00
518017	Amherst Symphony Orchestra	100475	$ 32,500.00	$ 26,750.00	$ 28,240.00
518019	Arts Services Initiative of WNY Inc	147159	$ 26,050.00	$ 26,050.00	$ 30,000.00
518023	Ballet Artists Of WNY (Neglia)	100794	$ 24,000.00	$ 24,000.00	$ 30,000.00
	Buffalo Arts Studio (Arts Studio of				
518040	Western New York, Inc)	101244	$ 38,000.00	$ 45,500.00	$ 53,000.00
518044	Buffalo Inner City Ballet Co, Inc.	108397	$ 27,000.00	$ 27,000.00	$ 27,000.00
518050	Buffalo Music Hall of Fame	113142	$ 4,500.00	$ -	$ 3,500.00
518051	Buffalo Heritage Carousel	167829	$ 30,000.00	$ 30,000.00	$ 35,000.00
518074	Colored Musicians Club	130377	$ 5,000.00	$ -	$ 12,500.00
518084	El Museo Gallery	109836	$ 12,585.00	$ 8,585.00	$ 11,000.00
518104	Graycliff Conservancy	103197	$ 59,200.00	$ 59,200.00	$ 60,000.00
518113	Hull House Foundation	143473	$ 15,375.00	$ 5,375.00	$ 7,500.00
	Iewish Community Center Cultural				
518119	(Jewish Ctr of Greater Buff)	111239	$ 13,500.00	$ 8,750.00	$ 13,500.00
518120	Just Buffalo Literacy Center	108577	$ 78,100.00	$ 78,100.00	$ 83,500.00
518132	Locust St Neighborhood Art Classes	109985	$ 29,250.00	$ 25,250.00	$ 28,500.00
518136	Martin House Restoration	104362	$ 175,500.00	$ 175,500.00	$ 190,000.00
518139	Music is Art	139615	$ 48,000.00	$ 48,000.00	$ 39,000.00
518145	Polish Arts Club Of Buffalo Inc	106132	$ 7,000.00	$ 7,000.00	$ 3,800.00
518147	Preservation Buffalo Niagara	147509	$ 4,615.00	$ 4,615.00	$ 6,000.00
518160	Springville Center For The Arts	113308	$ 30,505.00	$ 20,505.00	$ 36,000.00
518164	Squeaky Wheel	101268	$ 20,920.00	$ 20,920.00	$ 27,000.00
518172	Theodore Roosevelt Inaugural Site	106552	$ 32,320.00	$ 32,320.00	$ 37,000.00
518176	Ujima Company	101047	$ 83,000.00	$ 83,000.00	$ 57,714.00
518180	Western New York Artists Group	108295	$ 6,275.00	$ 6,275.00	$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	135959	$ 4,640.00	$ 4,640.00	$ 6,000.00
518184	Young Audiences Of WNY	109818	$ 10,500.00	$ 10,500.00	$ 14,000.00
518196	Buffalo Niagara Heritage Village	151996	$ 18,500.00	$ 18,500.00	$ 24,500.00
518200	Michigan Str African Amer Heritage	152578	$ 13,000.00	$ 13,000.00	$ 32,500.00
518201	General Pulaski Association	103060	$ 10,000.00	$ 11,000.00	$ 12,500.00
518204	Brighton Place, Inc	156194	$ 10,000.00	$ 16,000.00	$ 20,000.00
518211	Hispanic Heritage Council of WNY	159305	$ 12,000.00	$ 20,000.00	$ 24,500.00
	Black Rock Historial Society (Black				
518216	Rock-Riverside Alliance)	170369	$ 22,500.00	$ 7,500.00	$ 10,000.00
518233	Centro Culturale Italiano di Buffalo	167500	$ 25,000.00	$ 20,000.00	$ 15,000.00
518549	South Buffalo Irish Feis/Can You Dig	113041	$ 18,000.00	$ 15,000.00	$ 15,000.00
518596	Net Positive DBA The Foundry	168005	$ 5,000.00	$ -	$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2019	TAX YEAR 2020	TAX YEAR 2021
517531	Buffalo Olmsted Parks Conservancy	140237	$ 25,910.00	$ 25,910.00	$ 35,000.00
518008	Albright-Knox Art Gallery	108707	$ 575,000.00	$ 575,000.00	$ 675,000.00
518009	Albright-Knox Public Art Curator	147228	$ 68,250.00	$ 68,250.00	$ -
518025	Assembly House 150, Inc	167747	$ 1,000.00	$ 1,000.00	$ 6,500.00
518034	Buffalo & Erie County Botanical Garden	108743	$ 102,000.00	$ 125,000.00	$ 150,000.00
518036	Buffalo & Erie Co Historical Society	108772	$ 417,000.00	$ 667,000.00	$ 417,000.00
	Buffalo & Erie County Naval & Servicemans				
518052	Park	109339	$ 35,000.00	$ 35,000.00	$ 50,000.00
518060	Buffalo Philharmonic Orch Society	101032	$ 926,000.00	$ 926,000.00	$ 940,000.00
518061	Buffalo Philharmonic Chorus	109796	$ 34,500.00	$ 34,500.00	$ 35,000.00
518064	Buffalo Society Natural Sciences	109767	$ 955,000.00	$ 955,000.00	$ 955,000.00
518065	Buffalo String Works, Inc	167853	$ 3,500.00	$ 3,500.00	$ 5,355.00
518068	Burchfield Penney Art Center	101004	$ 155,000.00	$ 155,000.00	$ 160,000.00
518072	Center for Exploratory and Perceptu	109934	$ 55,000.00	$ 55,000.00	$ 63,000.00
518082	Danceability	156639	$ 2,500.00	$ 5,500.00	$ 3,000.00
518096	Explore & More Children's Museum	102758	$ 42,000.00	$ 42,000.00	$ 78,000.00
518108	Hallwalls Contemporary Arts Center	108598	$ 57,000.00	$ 57,000.00	$ 60,000.00
518112	Hamburg Nat Hist Society/Penn-Dixie	103282	$ 98,314.00	$ 96,314.00	$ 96,314.00
518116	Irish Classical Theatre Company	103727	$ 83,500.00	$ 83,500.00	$ 93,500.00
518124	D'Youville College Kavinoky Theater	109341	$ 11,750.00	$ -	$ 9,500.00
518128	Lancaster Opera House	111681	$ 45,300.00	$ 30,300.00	$ 35,000.00
518140	Musicalfare Theatre	105308	$ 61,525.00	$ 61,525.00	$ 66,000.00
518141	New Phoenix Theatre	109342	$ 7,500.00	$ 7,500.00	$ -
518148	Road Less Traveled Productions	121043	$ 63,500.00	$ 63,500.00	$ 67,000.00
518152	Roycroft Campus Coorporation	118213	$ 50,000.00	$ 40,000.00	$ 50,000.00
518156	Shakespeare In The Park	109675	$ 95,000.00	$ 95,000.00	$ 95,000.00
518168	Theatre Of Youth	109884	$ 69,400.00	$ 69,400.00	$ 74,000.00
518173	Torn Space Theatre	143673	$ 20,460.00	$ 15,460.00	$ 29,500.00
518188	Zoological Society Of Buffalo	108623	$ 1,500,000.00	$ 1,500,000.00	$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147747	$ 4,615.00	$ 4,615.00	$ 6,000.00
518202	Buffalo Opera Unlimited Incorporated	155973	$ 2,300.00	$ 2,300.00	$ 10,000.00
518203	Buffalo-Toronto Public Media WNED/WBFO	172909	$ 3,750.00	$ -	$ 5,000.00
518205	Cheektowaga Comm Symphony Orchestra	109177	$ -	$ 7,500.00	$ -
518209	Newstead Historical Society	105518	$ 5,500.00	$ 3,500.00	$ 5,000.00
518213	O'Connell & Company Productions	159162	$ 23,100.00	$ 23,100.00	$ 31,500.00
	Amherst Male Glee Club dba Red Blazer				
518219	Men's Chorus	162045	$ 3,000.00	$ 3,000.00	$ 6,000.00
518221	Buffalo Center for Arts and Technology	152207	$ 3,000.00	$ 3,000.00	$ 7,500.00
518225	Cheektowaga Historical Association	163121	$ 3,250.00	$ 6,250.00	$ 6,100.00
518229	Second Generation Theatre Company	164917	$ 2,020.00	$ 2,020.00	$ 5,000.00
518230	Steel Plant Museum of Western New York	147740	$ 2,020.00	$ 2,020.00	$ 5,000.00
518503	Alden Christian Theater Society	114358	$ 10,000.00	$ -	$ 3,000.00
518514	Clarence Concert Association	101711	$ 3,500.00	$ -	$ 5,000.00
	Clarence Museum (Historical Soc. of the				
518515	Town of Clarence)	113067	$ 5,500.00	$ -	$ 6,000.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a "lawful county charge", meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

Debit Cards

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be paid and approved by the organization's board of directors.

Alternate Funding Sources and Segregation of Accounts

Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require

applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

AMHERST SYMPHONY ORCHESTRA ASSOCIATION, INC.

BACKGROUND

Amherst Symphony Orchestra Association (ASOA) is a 501(c)(3) non-profit organization established in 1950 to oversee the logistics and finances of the Amherst Symphony Orchestra (ASO). ASO was founded in 1946 by Dr. Joseph Wincenc as part of the Amherst Central District's Adult Education Program. ASO describes itself as a volunteer orchestra made up of experienced musicians dedicated to bringing people together for the sake of music because of their love for playing instruments.

ASOA received $32,500 in Cultural Grant Funding (CGF) for the year 2020, $26,750 for the year 2021 and $28,740 for the year 2022. CGF awarded to ASOA for the year 2022 was $9,000 over the executive recommendation.

AUDITOR'S OBSERVATIONS

ASO was adopted as a project of the Amherst South (Eggertsville-Snyder) Rotary Club and was supported as a town-wide community organization until 1950 when ASOA was established. The stated mission of ASOA is to provide a variety of musical entertainment at no cost to Amherst and other Western New York communities.

ASOA presents four concerts at the Amherst Middle School along with school and other community-related events. In addition, ASOA hosts an outdoor summer concert and outreach events for the senior population. Each concert provides a diverse selection of music designed to appeal and entertain concert goers of all ages and musical backgrounds.

During the summer of 2020, ASOA was unable to conduct its summer concert due to Covid-19 pandemic restrictions; however, the organization was able to reschedule some of its programming and work on the plans for its 75th anniversary celebration as part of the Amherst/Williamsville community.

Within the organization, a committee group known as the Friends of the Amherst Symphony Orchestra (FASO) was founded to provide hospitality and assistance to the orchestra. FASO was formerly known as the Amherst Symphony Women's Committee and was established in 1952. FASO functions within ASOA but operates with separate finances and accounts. FASO is a membership-based group that supports the orchestra with events such as preconcert meals, post-concert receptions, a variety of fundraising events, and participates in providing annual scholarships to college-bound high school students interested in studying music.

The primary sources of funding for ASOA include government grants, corporate sponsorship and income from private donations. ASOA also conducts an annual appeal for donations and hosts several fundraising events facilitated by FASO. The annual plant sale fundraiser at Mischler's Florists & Greenhouse is an example of a recurring fundraiser that benefits ASOA.

The primary operating expenses for ASOA include advertising, program printing, rental payments to the Amherst Central School District for use of the facilities for rehearsals and concerts, and payments for musical conductors,

librarians and guest artists. CGF received for the years under review was allocated towards the cost of renting the facilities, advertising and music-related expenses.

AUDITOR'S CONCLUSION

During the grant monitoring review process, ASO was able to provide the Auditor with adequate substantiation for use of CGF awards in the years funding was received. Documentation provided by the organization to substantiate expenses included copies of bank account statements, cancelled checks, tax return documents, financial records, and information return documentation. The expenses incurred for rent, advertising and music-related costs each year exceeded the amount of CGF received.

ASOA currently has a Board of Directors consisting of eighteen members. Board members are limited to two three-year terms. The Board can extend terms if necessary. The Board conducts regular meetings, reviews the organization's financials, and monitors the status of upcoming and ongoing projects. The organization employs a dual signature authorization requirement for checks written out of the organization's account. Payments for expenses are also made via online banking, which is presented to the Board. Financial records for the organization are maintained using accounting software. The Auditor determined that an adequate level of internal control appears to be present as the organization segregates duties and fiscal responsibilities, and the Board performs appropriate review of expenses incurred and income received.

While the organization does not currently have paid employees, payments are made to librarians, music conductors, ambassadors, and the general manager for the band. The Auditor verified that corresponding information return documents were issued to recipients of all qualifying payments.

At the conclusion of the grant review, the Auditor was able to determine that ASOA is currently in compliance with the filing of all returns, the issuance of information return documents and other federal and state obligations.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-29	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Theodore Roosevelt Inaugural Site Foundation

Attachments

24COMM. 15E-29

EC LEG SEP 5 '24 PM1:18

September 2024

Erie County Cultural Funding Grant Monitoring Program
Theodore Roosevelt Inaugural Site Foundation
January 1, 2020 through December 31, 2022

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
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September 5, 2024

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Monitoring Program – Phase II

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518072	Center for Exploratory and Perceptu	109934	$ 55,000.00	$ 55,000.00	$ 63,000.00
518082	Danceability	156629	$ 2,500.00	$ 5,500.00	$ 3,000.00
518096	Explore & More Children's Museum	102754	$ 42,000.00	$ 42,000.00	$ 78,000.00
518108	Hallwalls Contemporary Arts Center	108598	$ 57,000.00	$ 57,000.00	$ 60,000.00
518112	Hamburg Nat Hist Society/Penn-Dixie	103282	$ 98,314.00	$ 96,314.00	$ 96,314.00
518116	Irish Classical Theatre Company	103727	$ 83,500.00	$ 83,500.00	$ 93,500.00
518124	O'Youville College Kavinoky Theater	109341	$ 11,750.00	$ -	$ 9,500.00
518128	Lancaster Opera House	111681	$ 45,300.00	$ 30,300.00	$ 35,000.00
518140	Musicalfare Theatre	105308	$ 61,525.00	$ 61,525.00	$ 64,000.00
518141	New Phoenix Theatre	109342	$ 7,500.00	$ 7,500.00	$ -
518148	Road Less Traveled Productions	121043	$ 63,500.00	$ 63,500.00	$ 67,000.00
518152	Roycroft Campus Corporation	118213	$ 50,000.00	$ 40,000.00	$ 50,000.00
518156	Shakespeare In The Park	109675	$ 95,000.00	$ 95,000.00	$ 95,000.00
518168	Theatre Of Youth	109888	$ 69,400.00	$ 69,400.00	$ 74,000.00
518171	Torn Space Theatre	143873	$ 20,460.00	$ 15,460.00	$ 29,500.00
518188	Zoological Society Of Buffalo	108623	$ 1,500,000.00	$ 1,500,000.00	$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147747	$ 4,615.00	$ 4,615.00	$ 6,000.00
518202	Buffalo Opera Unlimited Incorporated	155973	$ 2,300.00	$ 2,300.00	$ 10,000.00
518203	Buffalo-Toronto Public Media WNED/WBFO	172909	$ 3,750.00	$ -	$ 5,000.00
518205	Cheektowaga Comm Symphony Orchestra	109177	$ -	$ 7,500.00	$ -
518209	Newstead Historical Society	105518	$ 3,500.00	$ 3,500.00	$ 5,000.00
518213	O'Connell & Company Productions	159162	$ 23,100.00	$ 23,100.00	$ 31,500.00
518216	Amherst Male Glee Club dba Red Blazer Men's Chorus	162045	$ 3,000.00	$ 3,000.00	$ 6,000.00
518221	Buffalo Center for Arts and Technology	152207	$ 3,000.00	$ 3,000.00	$ 7,500.00
518226	Cheektowaga Historical Association	163121	$ 3,250.00	$ 6,250.00	$ 6,100.00
518229	Second Generation Theatre Company	164957	$ 2,020.00	$ 2,020.00	$ 5,000.00
518230	Steel Plant Museum of Western New York	147740	$ 2,020.00	$ 2,020.00	$ 5,000.00
518503	Alden Christian Theater Society	114358	$ 10,000.00	$ -	$ 3,000.00
518514	Clarence Concert Association	101711	$ 3,500.00	$ -	$ 5,000.00
518515	Clarence Museum (Historical Soc. of the Town of Clarence)	113067	$ 5,500.00	$ -	$ 8,000.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a "lawful county charge", meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

Debit Cards

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be paid and approved by the organization's board of directors.

Alternate Funding Sources and Segregation of Accounts

Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require

applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

THEODORE ROOSEVELT INAUGURAL SITE FOUNDATION

BACKGROUND

The Theodore Roosevelt Inaugural Site Foundation (TRISF) is a 501(c)(3) non-profit organization established in 1967 for the purpose of preserving the home in Buffalo, NY where Theodore Roosevelt was sworn in as the 26th President of the United States in 1901 following the assassination of President William McKinley.

TRISF received $32,320 in Cultural Grant Funding (CGF) for the years 2020 and 2021, and $37,000 in CGF for the year 2022.

AUDITOR'S OBSERVATIONS

TRISF is the organization responsible for the management and preservation of the Theodore Roosevelt Site (TR Site), which is a unit of the National Park Service (NPS). The TR Site is the only NPS site in Western New York. TRISF is dedicated to the preservation of the TR Site as well as to the promoting of opportunities for the public to understand the historic evets surrounding the inauguration. Prior to becoming the TR Site, the site served as a private residence, officer's barracks, and a restaurant.

The TR Site currently maintains an extensive collection of objects and documents known to be associated with events such as the Buffalo Pan-American Exposition, the 1901 Presidential Inauguration of Theodore Roosevelt, and the assassination and death of President Mickley. In addition, items from the residence of Ansley Wilcox and the dining rooms of Kathryn Lawrence (both former owners of the site) are also on display.

TRISF was required to undergo a mandatory shutdown during the Covid-19 pandemic period. The organization was able to receive pandemic-related financial assistance in order to offset the loss of programming revenue. As a federal National Parks institution, the organization was required to adhere to all federal mandates in addition to any local guidelines prior to reopening.

For the years under review, grants and contributions were the primary sources of revenue for TRISF, accounting for much of the organization's annual revenue. Admission and membership accounted for the second largest source of revenue for the organization. In addition, TRISF relies on fundraising events to generate supplemental revenue. The Teddy Bear Picnic, which takes place each summer and the Victorian Christmas each December are two of the most anticipated fundraising events for the organization. TRISF generates additional operating income by renting its facilities for events such as cocktail parties, meetings, conferences and private visits. TRISF also generates income from mission-related functions such as the operation of the site's gift shop.

The primary operating expenses for TRISF include wages, renovations, insurance, special events, advertising and promotions. Expenses related to the operation of the TR Site are shared between the NPS and TRISF. The CGF award received by the organization for the years under review was allocated towards the cost of advertising, bookkeeping and utilities.

AUDITOR'S CONCLUSION

During the review process, TRISF was able to provide the Auditor with adequate substantiation for its use of CGF awards for each year under review. Documentation provided by the organization to substantiate expenses and use of CGF includes copies of bank statements, credit card statements, tax return documents, invoices, and other electronic financial information. The expenses incurred by the organization for advertising, bookkeeping and utilities exceeded the amount of CGF awarded by the County for each of the years under review.

TRISF currently has a Board of Directors consisting of sixteen members. Board members are limited to three 3-year terms. The Board has the ability to extend terms if necessary. The Board conducts regular meetings and reviews the organization's financials and the status of upcoming projects. The organization employs a dual signature authorization requirement for checks written from the organization's bank account. Payments for expenses are also made via online banking, which are presented to the Board for their review. Financial records for the organization are maintained using accounting software and an external bookkeeping service. The Auditor determined that an adequate level of internal control appears to be present as the organization segregates duties and responsibilities, and the Board performs an appropriate review of expenses incurred and income received.

At the conclusion of the grant review, the Auditor was able to determine that TRISF is currently in compliance with the filing of all returns, the issuance of information return documents and other applicable federal and state obligations.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-30	COUNTY EXECUTIVE	Authorization to Increase Department of Law Budget for Additional Risk Retention Needs

Attachments

24COMM. 15E-30

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

RECEIVED SEP 6 '24 PM 12:02

September 6, 2024

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

Re: Authorization to Increase Department of Law Budget for Additional Risk Retention Needs
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find enclosed a resolution from the Department of Law seeking legislative authorization to utilize additional unbudgeted revenue from the refund of unexpended 2023 funding from the Erie County Bar Association for the Assigned Counsel Program to cover remaining 2024 funding needs in both Risk Retention after the settlement of the two lawsuits brought by the Estate of India Cummings for her death in 2016.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Encl.

cc: Jeremy C. Toth, Esq., County Attorney
Mark Cornell, Director of Budget and Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Law
Re: Authorization to Increase Department of Law Budget for Additional Risk Retention Needs
Date: September 6, 2024

SUMMARY

The Department of Law seeking legislative authorization to utilize $1.3 million in additional unbudgeted revenue from the refund of unexpended 2023 funding from the Erie County Bar Association for the Assigned Counsel Program to cover remaining 2024 funding needs in Risk Retention after the settlement of the two lawsuits brought by the Estate of India Cummings against the Sheriff and numerous deputies (collectively the "Cummings Lawsuit"). (See federal dockets 1:17-CV-446 and 1:19-cv-159).

FISCAL IMPLICATIONS

The Department of Law contracts with the Legal Aide Bureau of Buffalo and the Erie County Bar Association for the provision of indigent legal services on the County's behalf. The budgeted appropriations for these services are paid to the agencies in equal quarterly installments over the course of the year. Each organization is required to return to the County any unspent funding that was advanced to them as part of an annual reconciliation process. COMM. 16E-39 (2023), approved by this Honorable Body, increased the 2023 appropriation for the Erie County Bar Association by $8,136,286 in response to the County law Article 18-B Assigned Counsel rate increase approved as part of the SFY 2023-24 Budget. The uncertainty around estimating for the rate increase and preference for conservative budgeting has resulted in a larger than usual return of prior year expenditures that is recorded as an unbudgeted revenue to 2024.

REASONS FOR RECOMMENDATION

On any given case, it is very difficult to predict when a settlement may be reached, but the Department of Law and its litigators, including outside counsel, are always in the process of settlement negotiations. Settlements allow the Department of Law to control the outcome, as opposed to taking a matter to trial and allowing a jury to decide. Of course, not at all settlement demands are reasonable and sometimes we have no choice but to take the matter to trial. In this particular case, the County and all other codefendants agreed to participate in mediation in May with the plaintiffs. After many hours of intense negotiations all parties arrived at a reasonable outcome. The County's portion of the settlement is $3.8 million. The other parties and the plaintiff have agreed to keep the other contributions towards settlement confidential. While this particular settlement has been flagged over the years as one that would have a significant cost, it was never certain when that settlement would occur.

Upon payment of the $3.8 million settlement for the Cummings Lawsuit as well as several other smaller pending expenditures, the County's Risk Retention Fund would have approximately $500,000 remaining for the remainder of the year. With several other active lawsuits in varying

degrees of litigation, we believe it prudent to have sufficient funding available in the event any mutually agreeable settlement offers would resolve these actions.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Law will have insufficient funding to cover reasonable settlements that would resolve active legal proceedings and, therefore, would be unable to accept offered terms.

STEPS FOLLOWING APPROVAL

The Division of Budget will transfer the approved funding to the Department of Law's Risk Retention fund.

RESOLUTION SUMBITTED BY:
DEPARTMENT OF LAW

RE: Authorization to Increase Department of Law Budget for Additional Risk Retention Needs

WHEREAS, the Department of Law contracts with the Legal Aide Bureau of Buffalo and the Erie County Bar Association for the provision of indigent legal services on the County's behalf; and

WHEREAS, the budgeted appropriations for these services are paid to the agencies in equal quarterly installments over the course of the year; and

WHEREAS, each organization is required to return to the County any unspent funding that was advanced to them as part of an annual reconciliation process; and

WHEREAS, COMM. 16E-39 (2023) increased the 2023 appropriation for the Erie County Bar Association by $8,136,286 in response to the County law Article 18-B Assigned Counsel rate increase approved as part of the SFY 2023-24 Budget; and

WHEREAS, the uncertainty around estimating for the rate increase and preference for conservative budgeting has resulted in a larger than usual return of prior year expenditures that is recorded as an unbudgeted revenue to 2024; and

WHEREAS, the Department of Law has reached a settlement with the Estate of India Cummings and all codefendants in which the County shall contribute $3.8 million to dispose of the two lawsuits filed against the Sheriff and multiple Deputies under docket numbers 1:17-CV-446 and 1:19-cv-159; and

WHEREAS, upon payment of the $3.8 million settlement for the Cummings Lawsuit as well as several other smaller pending expenditures, the County's Risk Retention Fund would have approximately $500,000 remaining for the remainder of the year; and

WHEREAS, with several other active lawsuits in varying degrees of litigation, the Department believes it prudent to have sufficient funding available in the event any mutually agreeable settlement offers would resolve these actions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the modification of the Department of Law's Division of Law 2024 Adopted Budget (Fund 110, Funds Center 16010) to recognize $1,300,000 in revenue resultant from the refund of unexpended 2023 funding from the Erie County Bar Association for the Assigned Counsel Program and transfer an equal amount to the Division of Risk Retention 2024 Adopted Budget (Fund 110, Funds Center 16020) as follows:

Department of Law
Division of Law
Fund 110, Funds Center 16010

REVENUES	**CHANGE**
423000 Refunds of Prior Years Expenditures	$1,300,000
TOTAL	$1,300,000

Department of Law
Division of Risk Retention
Fund 110, Funds Center 16020

APPROPRIATIONS	**CHANGE**
555000 General Liability	$1,300,000
TOTAL	$1,300,000

and be it further,

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, Comptroller's Office, Department of Law, Department of Real Property Tax Services and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-31	COUNTY EXECUTIVE	Trailblazing Women Monument Project - Budget Adjustment for Site Design & Construction

Attachments

24COMM. 15E-31

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG SEP 6 '24 PM 12:03

September 6, 2024

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

RE: Trailblazing Women Monument Project – Budget Adjustment for Site Design and Construction

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization to amend the existing Trailblazing Women Monument Project contracts to account for final Site Design and Construction work. No additional funds are being requested for the project.

Should your Honorable Body require further information, please contact Deputy Commissioner Bonnie Lawrence. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Karen King, Commissioner of Public Advocacy
Daniel R. Castle, Commissioner of Environment and Planning
Bonnie Lawrence, Deputy Commissioner of Environment and Planning

MEMORANDUM

To: Honorable Members of Erie County Legislature
From: Department of Environment and Planning
Re: Trailblazing Women Monument Project – Budget Adjustment for Site Design and Construction
Date: September 6, 2024

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive or Deputy County Executive to adjust the contracts for site design with Trautman Associates (Trautman) and site construction with Scott Lawn Yard, LLC (SLY) for approved site and design changes made to the Trailblazing Women Monument (TBWM). These site design and construction contracts were approved under resolutions COMM. 24E-11 (2021) and COMM. 2E-30 (2022) respectively.

FISCAL IMPLICATIONS

No additional funds are needed for this change. $774,500 has been budgeted for the Trailblazing Women Monument project in an existing fund established in the Department of Environment and Planning's capital projects account A.21159 in BA 162.

REASONS FOR RECOMMENDATION

Complications with the originally proposed TBWM location on the entry plaza to the Buffalo and Erie County Public Library resulted in the selection of the green space in front of Old County Hall as the location of the TBWM the project. The location change resulted in additional site-specific redesign efforts, including new project plans and specifications, additional construction cost estimates, and additional design elements that resulted in additional costs. Even with these changes the project is within budget.

BACKGROUND INFORMATION

The Trailblazing Women Monument (TBWM) Steering Committee, consisting of residents, local agencies, and non-profit groups, was established to develop monuments dedicated to notable trailblazing women from Erie County's historical past. The TBWM Committee decided that the first three monuments for this project would honor Mary Burnett Talbert, Geraldine "Gawö:Sid-Tah" Green, and Louise Blanchard Bethune. Complications with the originally proposed TBWM location on the entry plaza to the Buffalo and Erie County Public Library resulted in the selection of the green space in front of Old County Hall as the location of the TBWM project. The project was completed on August 1, 2024.

CONSEQUENCES OF NEGATIVE ACTION

Final payment for approved tasks performed by the project design team and construction contractor would be withheld.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Executive or the Deputy County Executive will execute contract adjustments with Trautman and SLY to increase their budgets to reflect the increased costs for the approved changes to the TBWM site design and construction. Final

payment would then be made to the contractors for approved work performed.

RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Trailblazing Women Monument Project – Budget Adjustment for Site Design and Construction

WHEREAS, Erie County wishes to honor and memorialize the contributions of trailblazing women for the Western New York Community; and

WHEREAS, a Trailblazing Women Monument Steering Committee led by the Executive Director of the Erie County Commission on the Status of Women was established to honor pioneering women from Western New York; and

WHEREAS, complications with the originally proposed TBWM location on the entry plaza to the Buffalo and Erie County Public Library resulted in the selection of the green space in front of Old County Hall as the location of the TBWM; and

WHEREAS, the project location change resulted in additional site-specific redesign efforts, including new project plans and specifications, addition construction cost estimates, and additional design elements that resulted in additional $18,813 in design fees and $7,421 in construction costs; and

WHEREAS, the work performed by the site designer, Trautman Associates, authorized under resolution COMM. 24E-11 (2021), and construction contractor, Scott Lawn Yard, LLC (SLY), authorized under COMM. 2E-30 (2023), is complete; and

WHEREAS, no additional funds are needed for these costs and are within the existing project budget;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing agreement with Trautman Associates to increase the contract amount from $55,890 to $74,703, to accommodate payment for the approved design changes related to the Trailblazing Women Monument Project; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to increase the existing agreement with Scott Lawn Yard, LLC to increase the contract amount from $288,500 to $295,921, to accommodate payment for the approved design changes related to the Trailblazing Women Monument Project; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Division of Budget and Management, the Department of Law, the Office of the Comptroller, the Department of Public Advocacy, and the Department of Environment and Planning.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-32	COUNTY EXECUTIVE	Acceptance of NYS Office of the Attorney General Vaping Settlement Funds

Attachments

24COMM. 15E-32

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Acceptance of NYS Office of the Attorney General Vaping Settlement Funds

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to accept a total amount of JUUL settlement funds of $3,311,394.60 over a period of 7 years from the New York State Office of the Attorney General to enhance Erie County's Tobacco and Vapor Enforcement Program, through additional enforcement and education.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/et
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Acceptance of NYS Office of the Attorney General Vaping Settlement Funds
Date: September 6, 2024

SUMMARY

The Erie County Department of Health (ECDOH) is seeking authorization to accept a total amount of $3,311,394.60 over a period of 7 years from the New York State Office of the Attorney General in vaping settlement funds. The funds will be used to 1) prevent youth and young adult initiating vaping, 2) support community, school, college and university based anti-vaping programs, and 3) enforce vaping laws and regulations.

To prevent youth and young adult initiating vaping, funds will be used to implement an educational component for middle and high schools. To support anti-vaping programs, funds will be used to partner with colleges and universities to spread the anti-vaping message. To enforce vaping laws and regulations, funds will be used to enhance current Tobacco and Vapor Enforcement Program activities, such as inspection and enforcement.

FISCAL IMPLICATIONS

Positive. The funding covers all the costs of new positions. The funding covers equipment and supplies necessary to develop and implement the educational and enforcement programs. The new positions and upgrade will be paid through Department of Health, Fund 281, Funds Center 1273030. The positions are:

Senior Public Health Sanitarian (JG 12, step 0)	**2024**	**2025 (step 1)**
Annualized Salary	$66,277	$72,051
Salary for Balance of Year	$16,569	$72,051
Funding Source	Settlement Funded	

Investigating Public Health Sanitarian (JG 08, step 0)	**2024**	**2025 (step 1)**
Annualized Salary	$50,839	$55,132
Salary for Balance of Year	$12,710	$55,132
Funding Source	Settlement Funded	

Supervising Public Health Sanitarian (JG 11, step 0)	**2024**	**2025 (step 1)**
Annualized Salary	$62,419	$67,823
Salary for Balance of Year	$15,605	$67,823
Funding Source	Settlement Funded	

Jr. Education Specialist - EH (JG 8, step 0)	**2024**	**2025 (step 1)**
Annualized Salary	$50,839	$55,132
Salary for Balance of Year	$12,710	$55,132
Funding Source	Settlement Funded	

If Grant funded:

Grant Source:	NYS Office of the Attorney General
Grant Duration:	10/1/2024 – 9/30/2031
Remaining Grant Funding:	$3,311,394.60
Alternative Source of Funding if Grant is not renewed:	None

REASONS FOR RECOMMENDATION

Vaping settlement funding from the NYS Office of the Attorney General is intended to be used to increase enforcement and education around vaping and vapor products. Vaping is an epidemic in this country and educating middle school, high school, and college students is critical to lessening its impact. The continued and increased enforcement of current laws, codes, and regulations will be facilitated through this settlement funding.

For the positions: the Senior Public Health Sanitarian will direct the program and ensure education and enforcement activities are adhering to NYSOAG requirements; the Supervising Public Health Sanitarian will oversee all day-to-day inspections and enforcement activities; the Investigating Public Health Sanitarian will conduct compliance inspections of facilities; the Junior Education Specialist-EH will be responsible for all education activities for the program, with a focus on the middle school, high school, and college students; and the Assistant County Attorney position will work with the program to create enforcement documents and guide enforcement activities.

Services and items also being covered by the grant include computers for staff, funds to conduct undercover operations, and funds to provide additional educational resources.

BACKGROUND INFORMATION

Duties required of the position required by Law or Contract:
Required by grant and NYS Public Health laws.

Position Classification:

Senior Public Health Sanitarian (JG 12)
Investigating Public Health Sanitarian (JG 8)
Supervising Public Health Sanitarian (JG 11)
Jr. Education Specialist-EH (JG 8)

CONSEQUENCES OF NEGATIVE ACTION

Erie County will not be able to enhance its anti-vaping activities, which may impact usage of vapor products by the youth of Erie County.

STEPS FOLLOWING APPROVAL

ECDOH will work with Purchasing, Personnel and Budget and Management to execute all parts of the resolution.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

Re: Acceptance of NYS Office of the Attorney General Vaping Settlement Funds

WHEREAS, in 2023 NYS Attorney General Letitia James secured a settlement with JUUL Labs Inc, totaling more than $112.7 million; and

WHEREAS, the purpose of this funding is to: confront the scourge of increased nicotine use in youth and young adults through preventing youth and young adults from initiating vaping; support the community, schools, colleges, and universities with anti-vaping programs; and enforce vaping laws and regulations; and

WHEREAS, Erie County has about 900 retail tobacco and vapor facilities; and

WHEREAS, the New York State Office of the Attorney General has awarded $3,311,394.60 over 7 years to Erie County Department of Health to fight the scourge of vaping in youth and young adults; and

WHEREAS, ECDOH Division of Environmental Health's Tobacco and Vapor Enforcement Program has identified five positions, equipment, and supplies necessary to develop and implement this educational and enforcement program; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the New York State Office of the Attorney General to accept a total of $3,311,394.60 in funding over a seven (7) year period to fight the scourge of vaping in youth and young adults; and be it further

RESOLVED, that authorization is hereby given for $645,000 in funding to be made available as the first year of a multi-year grant within the Health Department's Division of Environmental Health (Fund 281, Funds Center 1273030) as follows:

Department of Health
Vaping Settlement Funds
127JUUL2425
10/1/2024 – 12/31/2025

ACCOUNT	REVENUES	BUDGET
409000	State Aid Revenue	$645,000
	TOTAL	$645,000

ACCOUNT	APPROPRIATIONS	BUDGET
500000	Full Time - Salaries	$307,732

501000	Overtime - Salaries	12,000
502000	Fringe Benefits	153,866
510000	Local Mileage	8,000
516020	Professional Services Contracts & Fees	5,000
530000	Other Expenses	96,629
561410	Lab & Technical Equipment	10,000
916000	ID County Attorney Services	$ 51,773
	TOTAL	$645,000

and be it further

RESOLVED, that authorization is hereby given to amend the Department of Law's 2024 Budget (Fund 110, Funds Center 16010) as part of an employee sharing agreement with the Division of Environmental Health as follows:

2024 Adopted Budget
Department of Law
Fund 110, Funds Center 16010

ACCOUNT	APPROPRIATIONS	BUDGET
916000	ID County Attorney Services	($9,449)
	TOTAL	($9,449)

and be it further

RESOLVED, that authorization is hereby given to create the following positions within the Division of Environmental Health' Vaping Settlement Funds Grant, 127JUUL2425 effective October 5, 2024:

Type	Division	Title	Status	Unit	JG	Positions	B100
New	Health	Sr PH Sanitarian	FT	CSEA	12	1	14476
New	Health	Investigating PH Sanitarian	FT	CSEA	8	1	14477
New	Health	Supervising PH Sanitarian	FT	CSEA	11	1	14410
New	Health	Jr. Education Specialist - EH	FT	CSEA	8	1	14478

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust grant appropriations and revenues in accordance with the final grantor funding levels or authorized changes, provided there are no changes to authorized personnel levels or county share amounts; and be it further

RESOLVED, that authorization is hereby given to apply any unused balance from one grant program to the same grant program of a subsequent year, and to transfer existing positions between one grant program to the same grant program of a subsequent year; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Law, Department of Personnel, Department of Health, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-33	COUNTY EXECUTIVE	Lake Shore Rd. Pedestrian Walkway Construction Project

Attachments

24COMM. 15E-33

EC LEG SEP 6 '24 PM12:

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Lake Shore Rd (CR 111) Pedestrian Walkway Construction, Drainage Improvements and Road Rehabilitation Project No. 5757.49 Town of Evans, County of Erie

Dear Honorable Members:

The accompanying resolution requests authorization for the County Executive to execute an Inter-Municipal Agreement with the Town of Evans. This agreement incorporates a pedestrian accommodation betterment within the above road rehabilitation project.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr. of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/
Enclosure

cc: William E. Geary, Jr., Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Lake Shore Rd (CR 111) Pedestrian Walkway Construction, Drainage Improvements and Road Rehabilitation Project No. 5757.49 Town of Evans, County of Erie
Date: September 6, 2024

SUMMARY

The accompanying resolution requests authority for the County Executive to execute an Inter-Municipal Agreement ("IMA") with the Town of Evans (the "Town") to incorporate pedestrian accommodations (the "Betterment") into the above project. The agreement describes the pedestrian betterments and turns over ownership, maintenance and operation of said pedestrian features to the Town of Evans upon substantial completion of the project.

FISCAL IMPLICATIONS

No fiscal obligations.

REASONS FOR RECOMMENDATION

The Rehabilitation of Lake Shore Rd (CR 111) presents a unique and time limited opportunity for the construction the desired betterment. This betterment includes a paved asphalt pedestrian walkway, ADA ramps, stripped crosswalks, Rectangular Rapid Flash Beacon (RRFB) and pedestrian signage. It is in the County's best interest to have these facilities constructed while the road is being rehabilitated.

BACKGROUND INFORMATION

The limits of the road rehabilitation and improved pedestrian accommodations are from Bennett Beach access road to Evans Town Park. This is the section of road which was previously scheduled for Phase II of the Lakeshore Shoreline Trail Multi-Use Pathway. The limits of the storm drainage system replacement are from approximately Hickory Street to Big Sister Creek.

CONSEQUENCES OF NEGATIVE ACTION

Without approval, the road will be rehabilitated without the Betterment, leaving the existing corridor lacking in pedestrian accommodations. Adding pedestrian accommodations after the fact will cause unneeded disruption to County facilities and the residents along the project corridor.

STEPS FOLLOWING APPROVAL

An IMA with the Town of Evans will be executed subject to approval by the County Attorney's Office to turnover ownership, maintenance and operation responsibilities of said pedestrian facilities to the Town of Evans.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Lake Shore Rd (CR 111) Pedestrian Walkway Construction, Drainage Improvements and Road Rehabilitation Project No. 5757.49 Town of Evans, County of Erie

WHEREAS, The County is undertaking a project to rehabilitate Lake Shore Road (CR 111) in the Town of Evans ("the Town") from Evans Town Park to Bennet Beach (hereinafter referred to as the ("Project"); and

WHEREAS, this project includes a Pedestrian Accommodation Betterment ("Betterment"), consisting of a paved asphalt pedestrian walkway, ADA ramps, stripped crosswalks, Rectangular Rapid Flash Beacon (RRFB) and pedestrian signage as a part of the road rehabilitation project, formerly Phase II of the Lakeshore Shoreline Trail Multi-Use Pathway; and

WHEREAS, the County is required to enter into an inter-municipal agreement with the Town of Evans, relinquishing final ownership, maintenance and operations of said facilities to the Town; and

WHEREAS, the County agrees to be responsible for the construction costs of the betterment, including approved and related cost overruns for said betterment, the Town agrees to take over ownership, and be responsible for operation and maintenance of the betterment after completion of construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an inter-municipal agreement with the Town of Evans, subject to the County of Erie Attorney's approval relinquishing ownership, maintenance and operations of the pedestrian betterments to the Town; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward four (4) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy the County Executive's Office, the Department of Law and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-34	COUNTY EXECUTIVE	Amendment of Professional Design Engineering Services Agreement - Borden Rd., Cheektowaga

Attachments

24COMM. 15E-34

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Design Engineering Services Agreement for Rehabilitation of Borden Rd (CR322) Town of Cheektowaga, Erie County

Dear Honorable Members:

We are forwarding for your approval a proposed resolution seeking authorization for the County Executive to execute and amendment to the existing Professional Design Engineering Services Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/maa
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works / Division of Highways
Re:	Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Design Engineering Services Agreement for Rehabilitation of Borden Rd (CR322) Town of Cheektowaga, Erie County
Date:	September 6, 2024

SUMMARY

The accompanying resolution requests authority for the County Executive to execute an amendment to accommodate an agreed upon change in scope to an existing Professional Design Engineering Services Agreement for the Rehabilitation of Borden Rd (CR322), authorized by COMM. 15E-12 on July 23, 2020, with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates).

FISCAL IMPLICATIONS

Funding for this Amendment is not to exceed $140,500.00, and is available in Fund 420, Funds Center 123, as follows:

Capital Project B.21162.1 - Borden Rd (CR322) Design - $140,500.00

REASONS FOR RECOMMENDATION

Bergmann Associates performed an extensive amount of additional work, including establishment of elevations through modeling, creation of tables, quantity take-offs, etc. due to changes in the size and scope of the construction. At the time of the RFP for the existing agreement only drainage system replacement/rehab and mill and overlay was contemplated. Additionally, the location of the storm pipe along with the size of the underdrain pipe that was to be replaced were unknown. Due to the unknowns related to the storm pipe replacements the full extent of the curb and gutter, driveway aprons and mailboxes replacements were unknown as well. A large impact on the project design cost has been due to the substantial schedule delay, which has been primarily due to construction funding availability for the project.

BACKGROUND INFORMATION

This project is a three-phase project to rehabilitate the roadway and drainage systems on Borden Road (CR322) from Seneca Creek Road (CR325) to Broadway (NY130). This first phase runs from Strasmer Rd to Broadway (NY130), the second from French Rd (CR321) to Strasmer Rd and the third from Seneca Creek Rd (CR325) to French Rd (CR321). In addition to the roadway and drainage system upgrades the work will include replacement of a sanitary sewer force main for the County's Division of Sewerage Management and some partial waterline replacement work for Erie County Water Authority.

STEPS FOLLOWING APPROVAL

The County Executive will execute an amendment to the Professional Design Engineering Services Agreement with Bergmann Associates and establish a project contingency. Upon full execution, payment for services provided will be made.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

~~Timothy C. Callan~~
~~Deputy Comptroller~~
Comptroller's Office

John Soleski
Director of Accounting Services & Cash Management

Capital Project B.21162.1 - Borden Rd (CR322) Design

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS

RE: Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Design Engineering Services Agreement for Rehabilitation of Borden Rd (CR322) Town of Cheektowaga, Erie County

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering design services to the Professional Design Engineering Services Agreement for the Rehabilitation of Borden Rd (CR322) (the "Agreement"), authorized by COMM. 15E-12 on July 23, 2020 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed $140,500.00 and funds are available in Fund 420, Funds Center 123, through Capital Project - B.21162.1 - Borden Rd (CR322) Design.

WHEREAS, the Department of Public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the existing Agreement with Bergmann Associates in the amount not to exceed $140,500.00; and be it further

RESOLVED, the Amendment budget, in the not to exceed amount of $140,500.00, is available in Fund 420, Funds Center 123, Capital Project B.21162.1 - Borden Rd (CR322) Design - $140,500.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	Bergmann Associates
2.	AMOUNT OF CONTRACT	$ 140,500.00
3.	PROJECT NUMBER	B.21162.1 $ 140,500
4.	PROJECT TITLE	Professional Design Engineering Services Rehabilitation of Borden Rd (CR322) Town of Cheektowaga, Erie County
5.	DEPARTMENT CONTACT	Funding questions: Darlene Svilokos at 7801 Letter pickup: Christy Weber at x8301

COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$ 410,000.00
7.	PERFORMED BY	
	Date Sent to Comptroller's Office:	August 27, 2024

[55 compt_10]

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-35	COUNTY EXECUTIVE	Authorization to Accept Grant Funding & Enter into Contract for EC Vacuum Truck Project

Attachments

24COMM. 15E-35

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG SEP 6 '24 PM12:06

September 6, 2024

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

Re: Authorization to Accept Grant Funding and Enter into Contract For Erie County Vacuum Truck Project

Dear Honorable Members:

The Department of Environment and Planning, on behalf of the Department of Public Works, Highways Division applied for and was awarded a $367,507 New York State Department of Environmental Conservation (NYSDEC) grant. The attached resolution is requesting legislative authorization for the County Executive to enter into a contract with NYSDEC to accept the above-mentioned grant funding.

If your Honorable Body requires any further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ao
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Authorization to Accept Grant Funding and Enter into Contract For Erie County Vacuum Truck Project
Date: September 6, 2024

SUMMARY

Legislative authorization is requested for the Department of Environment and Planning, on behalf of the Department of Public Works, Highways Division to enter into a contract with the New York State Department of Environmental Conservation (NYSDEC), to accept $367,507 in grant funding.

FISCAL IMPLICATIONS

The grant funding for this action is derived entirely from 100% New York State Aid dollars. No County tax dollars are necessary to support this request.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

Erie County applied for and was awarded grant funding through the NYSDEC Water Quality Improvement Project (WQIP) program. These funds will be used to purchase a Vacuum Truck for the Highways Division.

CONSEQUENCES OF NEGATIVE ACTION

The Highways Division would be unable to purchase much-needed vehicles and equipment that help to maintain County roads.

STEPS FOLLOWING APPROVAL

The Department of Environment and Planning, on behalf of the Department of Public Works, Highways Division will accept the $367,507 in grant funding and request the Division of Budget and Management adjust Fund 420, Funds Center 123, Capital Project B.23006 – 2023 Vehicles and Equipment accordingly.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

Re: Authorization to Accept Grant Funding and Enter into Contract
For Erie County Vacuum Truck Project

WHEREAS, the Erie County Department of Environment and Planning (DEP) applied for and was awarded a $367,507 New York State Department of Environmental Conservation (NYSDEC) grant through the Water Quality Improvement Project (WQIP) program, for the purpose of purchasing needed vehicles and equipment by the Department of Public Works, Division of Highways; and

WHEREAS, authorization is required from the Erie County Legislature to enter into contract with the NYSDEC to the accept the $367,507 in grant funding; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract to accept $367,507 of New York State Department of Environmental Conservation grant funding on behalf of the Department of Environment and Planning and Department of Public Works, Division of Highways; and be it further

RESOLVED, that authorization is hereby given to adjust the Division of Highways (Fund 420, Funds Center 123) Capital Project B.23006 – 2023 Vehicles and Equipment as follows:

REVENUES		**CURRENT BUDGET**	**INCREASE/ DECREASE**	**REVISED BUDGET**
409000	State Aid Revenue	$ 0	$367,507	$ 367,507
475000	Gen. Oblig. Bond	$6,750,000	$ 0	$6,750,000
TOTAL REVENUES		$6,750,000	$367,507	$7,117,507
APPROPRIATIONS				
	Capital Project Exp	$ 6,750,000	$367,507	$7,117,507
TOTAL APPROPRIATIONS		$ 6,750,000	$367,507	$7,117,507

and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Public Works, the Department of Environment and Planning, and the Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-36	COUNTY EXECUTIVE	Intermunicipal Cooperation Agreement with City of Buffalo Garbage Pick-Up

Attachments

24COMM. 15E-36

EC LEG SEP 6 '24 PM12:07

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

Re: Intermunicipal Cooperation Agreement with City of Buffalo Garbage Pick-Up, various County Facilities

Dear Honorable Members:

This resolution requests authorization for the County Executive to enter an Intermunicipal Cooperation Agreement with the City of Buffalo for garbage pick-up services at various County facilities city-wide. A copy of the City of Buffalo Rate schedule and locations is attached for your reference.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/aj
Enclosure

cc: William Geary, Commissioner, Department of Public Works
Tracy Cichocki, Deputy Commissioner, Department of Public Works, Division of B&G

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Intermunicipal Cooperation Agreement with City of Buffalo Garbage Pick-Up, various County Facilities
Date: September 6, 2024

SUMMARY

The Department of Public Works (DPW) is seeking authorization for the County Executive to enter an Intermunicipal Cooperation Agreement (ICA) with the City of Buffalo for garbage pick-up services at various County facilities city-wide.

The City of Buffalo provides garbage and recycling bins pick up services at several County-owned buildings located in Buffalo, at a monthly cost of $9,403.00, to be reviewed annually for any changes in costs or locations, and automatically renewed through 2027 unless either one or both parties agree to terminate the Agreement. The ICA confirms and memorializes the existing agreement between the two municipalities.

FISCAL IMPLICATIONS

Funds to cover the pick-up services have been budgeted and available in Fund 110, Funds Center 12220, Account 520050 – Garbage Disposal.

REASONS FOR RECOMMENDATION

The existing ICA has expired. The current ICA with updated rate schedule will ensure services will continue.

BACKGROUND INFORMATION

The City of Buffalo has been providing garbage and recycling pick-up services for the City-located County facilities successfully and without incident for several years and at a favorable cost to the County.

CONSEQUENCES OF NEGATIVE ACTION

If the ICA is not executed, the County will risk seamless garbage pick-up services and require the County to seek out private provider(s) of similar services at market rates resulting in higher costs.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter an Intermunicipal Cooperation Agreement with the City of Buffalo for continuation of services.

INTERMUNICIPAL COOPERATION AGREEMENT
City of Buffalo – County of Erie
Garbage Pick-Up, Various County Facilities

RATES SCHEDULE

LOCATION	TOTE QUANTITY	NO. OF PICK-UPS	COST/mo
608 William Street Jesse Nash Health Center	3 totes	5 days/week	$ 400.
95 Franklin Street Edward Rath Building	¾ gondala 3 totes	5 days /week	$ 400.
1 Niagara Street Family Court Building	8 totes	5 days /week	$ 875.
25 Delaware Avenue New York Unified Courts	16 totes	5 days /week	$1,635.
134 W Eagle Street Erie County Sheriff's Office	11 totes	5 days /week	$1,160.
10 Delaware Avenue Erie County Holding Center	37 totes	5 days /week	$3,848.
110 Franklin Street Lincoln Building	2 totes	5 days /week	$ 305.
45 Elm Street Erie County Public Safety Campus	7 totes	5 days /week	$ 780.
		TOTAL	**$9,403/mo.**

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

Re: Intermunicipal Cooperation Agreement with City of Buffalo Garbage Pick-Up, various County Facilities

WHEREAS, the Department of Public Works, as part of its duties and responsibilities, maintains various County buildings within the City of Buffalo; and

WHEREAS, the City of Buffalo currently provides garbage and recycling bin pick-up services; and

WHEREAS, the current Intermunicipal Cooperation Agreement (ICA) has expired; and

WHEREAS, the Department of Public Works has negotiated a renewed ICA with the City of Buffalo to pay for said garbage and recycling bin pick-up services; and

WHEREAS, the terms of this arrangement are favorable to the County and adequate funding for all associated costs is available within the Department of Public Works Budget, Account 520050-Garbage Disposal, Fund 110, Fund Center 12220.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive or Deputy County Executive to enter the Intermunicipal Cooperation Agreement (ICA) between the County of Erie and the City of Buffalo for garbage and recycling pick-up services at several County-owned buildings; and be it further

RESOLVED, that the cost to Erie County is $9,403.00 per month and that this ICA shall be reviewed annually for any agreed-upon changes in costs and/or locations and renewed automatically unless one or both parties agree to terminate the arrangement upon reasonable notice to the other; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Department of Public Works, the Director of Budget and Management, the County Attorney and the County Comptroller.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-37	COUNTY EXECUTIVE	Acceptance of State Aid for YEP

Attachments

24COMM. 15E-37

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG SEP 6 '24 PM12:07

September 6, 2024

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

Re: Acceptance of State Aid for Youth Employment Programs (YEP)

Dear Honorable Members:

The Department of Social Services has been awarded $5,039,878 in 100% State funds to administer a Youth Employment Program (YEP) to support a reduction in gun involved violence as part of the New York State Gun Involved Violence Elimination (GIVE) Initiative. This proposed resolution authorizes the Department to amend the 2024 Adopted Budget and to enter into contract with Career Connection Network as the lead agency for this program funding.

We would also like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into the contract with Career Connection Network as they successfully worked with the Department of Social Services during the pilot program with a short turn around.

Should your Honorable Body require further information, I encourage you to contact Acting Commissioner Karen Rybicki at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure
cc: Acting Commissioner of Social Services Karen Rybicki

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Acceptance of State Aid for Youth Employment Program (YEP)
Date: September 6, 2024

SUMMARY

This proposed resolution authorizes the Department of Social Services to amend the 2024 Adopted Budget and enter into contract with Career Connection Network as the lead agency for the Youth Employment Program (YEP).

FISCAL IMPLICATIONS

This resolution authorizes the acceptance of $5,039,878 of State funds and to enter into a contract with Career Connection Network in the amount of $4,943,878 for the provision of services for the Youth Employment Program (YEP).

REASONS FOR RECOMMENDATION

The YEP is an important platform which is intended to help reduce community gun violence and youth criminal justice involvement by providing year-round employment opportunities. Research shows, vulnerable at-risk and unemployed youth can face struggles later in life including poverty, dependence on public assistance programs and criminal justice involvement. In addition, youth exposed to trauma and violence may suffer long term harmful effects including barriers to successful employment and financial prospects later in life. These funds will support the establishment of aa program which includes employment, education and/or career exploration opportunities for TANF-eligible youth from low-income households. This funding is further intended to support employment programs for youth at risk of gun violence as part of a statewide gun violence reduction intervention model. The goal of the Department of Social Services is to provide services to 300 youth on a rolling enrollment basis from September 3, 2024 through June 27, 2025 at an hourly rate of $16.50.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be provided.

STEPS FOLLOWING APPROVAL

The 2024 adopted budget will be amended and a contract established with Career Connection Network as the lead agency for Youth Employment.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Acceptance of State Aid for Youth Employment Program (YEP)

WHEREAS, the Youth Employment Program (YEP) is an important platform intended to help reduce community gun violence and youth criminal justice involvement by providing year-round employment opportunities; and

WHEREAS, these funds will support the establishment of a program which includes employment, education and/or career exploration opportunities for TANF-eligible youth from low-income households; and

WHEREAS, Career Connection Network has the expertise to be the lead agency for this program by preparing payroll checks, tax reporting, and providing educational trainings with support from the Employment Division of the Department of Social Services; and

WHEREAS, Career Connection Network successfully partnered with the Department of Social Services for the pilot portion of this program and due to the short turnaround of time to implement the current funding we would like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into the contract with Career Connection Network; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept $5,039,878 in State Aid and amend the 2024 Adopted Budget (Fund110, Funds Center 1206045) as follows:

Department of Social Services
Fund 110, Funds Center 1206045

ACCOUNT	REVENUE	CHANGE
409000	State Aid Revenue	$5,039,878
	TOTAL	$5,039,878

ACCOUNT	APPROPRIATION	CHANGE
516020	Professional Svcs Contracts & Fees	$4,943,878
	TOTAL	$4,943,878

and be it further

RESOLVED, that authorization is hereby given for the County Executive and Deputy County Executive to enter into contract with Career Connection Network in the amount of $4,943,878 for the provision of services for the Youth Employment Programs (YEP), waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-38	COUNTY EXECUTIVE	Transfer of Funds - Operating Budget for Department of Social Services

Attachments

24COMM. 15E-38

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG SEP 6 '24

September 6, 2024

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

RE: Transfer of Funds – Operating Budget Department of Social Services

Dear Honorable Members:

Enclosed please find a proposed resolution from the Erie County Department of Social Services requesting authorization to amend its 2024 General Fund Budget in the amount of $82,000 to purchase a Folder/Inserter for the mailroom and a "Hosted" Duress System for approximately 500 client facing staff members.

Should your Honorable Body require further information, I encourage you to contact Karen Rybicki, Acting Commissioner of the Department of Social Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Karen Rybicki, Acting Commissioner of Social Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Social Services
Re: Transfer of Funds – Operating Budget Department of Social Services
Date: September 6, 2024

SUMMARY

The Department of Social Services is requesting authorization to amend its 2024 General Fund Budget in order to purchase a Folder/ Inserter for the mailroom and a "Hosted Duress System for approximately 500 client facing staff members. For the past several months the current Folder/Inserter (which is used by all Erie County Departments) has been inoperable more than it is working. Service calls are becoming more frequent, and we are being told that due to the age of the Folder/Inserter parts are getting more difficult to find. The "Hosted" Duress System for the Social Services areas on Floor 1-4 of the Rath Building, 460 Main Street (HEAP Offices), and 290 Main Street (Various Divisions) includes a total of up to 500 system points to replace existing keyboards with ones that contain a single point duress system that can be deployed to send alerts to Building Security that aid is required.

FISCAL IMPLICATIONS

The total cost of equipment is $82,000. Sufficient funds will be moved from Fund 110, Funds Center 120, Account 530000 – Other Expenses into Account 561410 – Lab & Technical Equipment and into Account 516030 – Maintenance Contracts to purchase a Folder/Inserter (with a maintenance contract) and a "Hosted Duress System.

REASONS FOR RECOMMENDATION

We are seeking approval of this resolution so that the Department of Social Services can replace the old Folder/Inserter and purchase a "Hosted" Duress System that will keep the client facing employees in the Department of Social Services safe in case of any emergency.

BACKGROUND INFORMATION

The Department of Social Services in collaboration with the Department of Public Works staff the Erie County mailroom and maintain the equipment that is used in that area. The current Folder/Inserter is old and is constantly breaking down causing many activities to be done manually. The age of the equipment is also making it very difficult to get replacement parts. The "Hosted" duress system for our client facing staff members is to deal with safety concerns of the Department of Social Services. With the button on the employee's keyboard security can be notified in a inconspicuous way further protecting our employees.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Social Services would be unable to purchase a new Folder/Inserter and a "Hosted" Duress System to improve efficiencies and safer working environments for our staff.

STEPS FOLLOWING APPROVAL

The Department of Social Services will work with the Division of Budget and Management to execute the budget modification and then purchase the necessary equipment.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Transfer of Funds – Operating Budget Department of Social Services

WHEREAS, the Department of Social Services is in need of equipment to efficiently perform our job duties and ensure the safety of our staff; and

WHEREAS, the Department of Social Services would like to purchase a Folder/Inserter for the mailroom and a "Hosted" Duress system for our client facing staff members; and

WHEREAS, the funds needed for these purchases are included in the Department of Social Services' 2024 General Fund Budget (Fund 110, Funds Center 120); and

WHEREAS, purchase of this equipment will benefit various departments throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services' 2024 Adopted Budget (Fund 110, Funds Center 120) to be amended as follows:

Department of Social Services
Fund 110, Funds Center 120

ACCOUNT	APPROPRIATION	CHANGE
516030	Maintenance Contracts	$ 8,500
561410	Lab& Technical Equipment	73,500
530000	Other Expenses	($82,000)
	TOTAL	$ 0

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Law, Department of Social Services, and the Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-39	COUNTY EXECUTIVE	Department of Social Services - Personnel Adjustment

Attachments

24COMM. 15E-39

EC LEG SEP 6 '24 PM12:08

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

RE: Department of Social Services – Personnel Adjustment

Dear Honorable Members:

Enclosed, please find a memorandum and proposed resolution from the Department of Social Services requesting authorization to upgrade the position of Senior Supervisor of Accounts from a JG 10 to a JG 11 to better align the title with comparable positions within other Erie County Departments.

Should your Honorable Body require further information, I encourage you to contact Karen Rybicki, Acting Commissioner of Social Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Karen Rybicki, Acting Commissioner of Social Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Social Services
Re: Department of Social Services – Personnel Adjustment
Date: September 6, 2024

SUMMARY

The Department of Social Services is requesting to upgrade the Senior Supervisor of Accounts from a JG 10 to JG 11 to better align the title with comparable positions within other Erie County Departments.

FISCAL IMPLICATIONS

There are adequate funds in the Department of Social Services 2024 Adopted General Fund Budget to cover the $1,609 increase in salary for the remainder of the year.

Annualized Salary

Senior Supervisor of Claims (JG 11, Step 5)	$79,192
Senior Supervisor of Claims (JG 10, Step 5)	($72,756)
Net Increase	$ 6,436

Increased Salary for Balance of Year:	$ 1,609
Funding Source:	47.22% Local Share

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The Department of Social Services has experienced difficulties in filling this vacancy due to the current job grade. Comparable positions throughout Erie County are currently at a JG 11. The Department would benefit greatly from the upgrade of this position to balance the workload and provide support to the Chief of Financial Records in the Office of Financial Records and Services.

CONSEQUENCES OF NEGATIVE ACTION

The position would remain vacant and the Office of Financial Records will be lacking this important position.

STEPS FOLLOWING APPROVAL

The position of Senior Supervisor of Accounts will be upgraded from a JG10 to a JG11.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

RE: Department of Social Services – Personnel Adjustment

WHEREAS, the Department of Social Services has identified a need to upgrade its existing Senior Supervisor of Accounts (JG-10) to a Senior Supervisor of Accounts (JG-11); and

WHEREAS, the upgrade of the Senior Supervisor of Accounts would result in an increase of $6,4636, with sufficient funding in the 2024 Adopted Budget Account – 500000 Full Time – Salaries to accommodate this increase; and

WHEREAS, the ability to fill this JG10 position have resulted in significant vacancy savings; and

WHEREAS, the complexities and responsibilities within the Department of Social Services have increased, justifying the need for an upgrade of the Senior Supervisor of Accounts job title to better reflect the scope of work and responsibilities and bring it in line with comparable positions in other Erie County Departments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the upgrade of the Senior Supervisor of Accounts (JG-10, Step 5, CSEA) to a Senior Supervisor of Accounts position (JG-11, Step 5, CSEA) within the Erie County Department of Social Services (B100 #14369) effective October 5, 2024; and be it further

RESOLVED, that sufficient funding exists within the Department of Social Services 2024 General Budget (Fund 110, Funds Center 120) Account 500000 Full Time – Salaries to cover the cost increase of this personnel adjustment; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Department of Social Services, Department of Personnel, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-40	SHERIFF	Correctional Health Budget Adjustment

Attachments

24COMM. 15E-40

EC LEG SEP 6 '24 PM1:49

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

September 6, 2024

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

Re: Correctional Health Budget Adjustment

Honorable Members:

The attached resolution requests authorization for the Erie County Sheriff's Office, Correctional Health Division to adjust its budget to cover the cost of Supplemental Health nurses.

Representatives of the Sheriff's Office are available to answer any questions you may have.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Correctional Health Budget Adjustment
Date: September 6, 2024

Summary of Recommended Action

This proposed resolution requests authorization for the Erie County Sheriff's Office to transfer $200,000.00 from Account 500000 – Full Time Salaries to Account 516020 Professional Services Contracts and Fees within the Correctional Health Services Division budget.

Fiscal Implications of Proposal

The Erie County Sheriff's Office has sufficient funding within its budget to cover this transfer.

Reasons for Recommendation

For the following reasons, the Erie County Sheriff's Office is required to rely on contracted nurses through Supplemental Health and Pinnacle Travel Staffing to provide services within the Erie County Holding Center and Erie County Correctional Facility: unfilled nursing positions within the Sheriff's Office and employed staff that is currently out on leave. The Correctional Health Division must increase its Professional Services Contracts and Fees allotment to cover the costs for the contracted nurses.

Consequences of Negative Action

The Erie County Sheriff's Office will not have the necessary funds to provide contracted nursing services at the Erie County Holding Center and Erie County Correctional Facility.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, Division of Budget and Management, Office of the Comptroller and Erie County Sheriff's Office for implementation.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Correctional Health Budget Adjustment

WHEREAS, the Erie County Sheriff's Office, Correctional Health Division is responsible for providing medical care for Incarcerated Individuals within the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, the Correctional Health Division utilizes contracted nurses through Supplemental Health and Pinnacle Travel Staffing; and

WHEREAS, the increased reliance on Supplemental Health and Pinnacle Travel Staffing nurses has resulted in an increased cost associated with the service; and

WHEREAS, sufficient funding exists elsewhere within the existing Correctional Health Division budget to cover those costs.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the following budget adjustment within the Erie County Sheriff's Office, Correctional Health Services Division budget (Fund 110, Fund Center 11650):

APPROPRIATIONS	DECREASE
500000 – Full Time – Salaries	$200,000.00

APPROPRIATIONS	INCREASE
516020 – Professional Services Contracts and Fees	$200,000.00

and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer; and be it further

RESOLVED, certified copies shall be forwarded to the County Executive's Office, Division of Budget and Management, Office of the Comptroller and Erie County Sheriff's Office for implementation

FISCAL IMPACT: As indicated

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-41	COUNTY EXECUTIVE	Appointment of Member of the Fire Advisory Board

Attachments

24COMM. 15E-41

EC LEG SEP 9 '24 PM1:58

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 6, 2024

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

Re: Appointment of Member of the Fire Advisory Board

Dear Honorable Members:

Pursuant to the powers vested in me by Section 1403 of the Erie County Charter, I hereby appoint the following individual to the Fire Advisory Board for a term ending December 31, 2026.

Jennifer M. Andres
9440 Brookside Drive
Clarence Center, NY 14032
New Appointment

Should you have any, please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/nn

cc: Appointee
Christopher Couell

JENNIFER M. ANDRES, ED.M.

9440 Brookside Drive
Clarence Center, NY 14032

716-908-4446
jenniferandres919@gmail.com

SUMMARY

Motivated Professional with proven record of excellence in program development, process improvement and effective training. An ambitious, enthusiastic individual recognized for successful growth and organization of company policies, project management and department administration. Organized, efficient communication skills with a keen sense of judgement in public engagements. Experienced in creating and delivering proficient presentations, providing executive level reports and participating in professional collaboration opportunities.

PROFESSIONAL EXPERIENCE

COUNTY OF ERIE, BUFFALO, NY — 2022-PRESENT

Director of Consumer Protection, Department of Public Advocacy

- Investigate and mediate consumer complaints, alleged fraud and/or unfair practices.
- Provide community outreach and educate consumers on the policies, best practices and their rights and responsibilities as consumers.
- Coordinate department policies and procedures with other County departments.
- Assist with department program development and planning, collaboration, creation of educational materials, budget submissions and personnel management.
- Share information with other enforcement agencies: District Attorney, County Attorney, State Attorney General, Federal Trade Commission, FBI, Justice Department and other local, state and federal jurisdictions.
- Liaison with the business community.
- Provide information to courts and testify at county and state hearings, when necessary.
- Assist with oversight of state-mandated weights and measures program.
- Successful completion of FEMA Emergency Management Institute IS-100.C and IS-700.B courses.

THE NORTHSTAR COMPANIES, CHEEKTOWAGA, NY — 2009-2022

Vice President, Information Technology (2016 - 2022)

- Led and managed a team of IT professionals in coordination with various company stakeholders.
- Developed department procedures and continuing education to ensure growth and productivity from all team members.
- Plan and coordinate execution of internal system modifications and programming improvements to ensure compliance with company, client and regulatory requirements.
- Act as a liaison for third-party vendors to ensure efficient workflows across the organization.
- Supervise transmissions team to ensure accurate and efficient communication with external clients.
- Undertook integral role in Company System of Record conversion, including initial set-up and discovery for data translation, planning, testing, programming and successful execution.

Director, Compliance Resource (2014 – 2016)

Compliance Resource Manager (2012 – 2014)

- Oversight of the Compliance Resource, Quality Control and Compliance Governance areas.
- Significant process improvement and development of programs leading to successful audit results, decreased complaint escalation and improved resolution, and increase in client satisfaction.
- Exhibited valuable collaboration skills and development of strong relationships with key clients, enabling deep understanding of their unique policies and regulatory requirements.
- Created process for policy and procedure management, streamlined customer written communications, asset management and documented company process workflows.
- Contribute to company training program in order to address client specific requirements, workforce retention and maintain records of training and staff.

PROFESSIONAL EXPERIENCE (CONTINUED)

THE NORTHSTAR COMPANIES, CHEEKTOWAGA, NY 2009-2021
Senior Internal Auditor, Audit Manager (2011-2012)
Internal Auditor (2009 – 2011)

- Responsible for reviewing all external audits, conduct and coordinate internal audit functions across the organization. Complete preparation for onsite visits and audits. Formulate responses for questionnaires and audit remediation plans.
- Experienced in designing, developing, and implementing programs for auditing.
- Proven ability to align comprehensive business practices through company policy and procedures to minimize organizational risk.

LACKAWANNA CITY SCHOOL DISTRICT, LACKAWANNA, NY 2011-2012
Teacher, English for Speakers of Other Languages
Developed curriculum and taught diverse population of students in Level 1 & Level 3 ESL classes.

AMHERST YOUTH FOUNDATION, AMHERST, NY 2008-2009
Camp Counselor and Homework Help Teacher
Designed and implemented the homework incentive and behavior management plans to complement program goals and objectives. Assist students with the completion of daily homework assignments and created activities to engage program attendees.

WILLIAMSVILLE CENTRAL SCHOOLS, AMHERST, NY 2008
Long-Term Substitute Teacher, French
Worked collaboratively with Department Head to ensure alignment with curriculum standards. Provided daily instruction to students in grades 5-8, including delivery and tracking of student performance.

EDUCATION

Master of Education, English for Speakers of Other Languages (K-12)
The State University of New York at Buffalo, Buffalo, NY

Bachelor of Arts, Adolescent Education: French (7-12)
Daemen College, Amherst, NY

Study Abroad Program, French
Université Laval, Québec, Québec

VOLUNTEER EXPERIENCE

JIM KELLY YOUTH FOOTBALL LEAGUE, WILLIAMSVILLE, NY 2014-2015
Williamsville Jr. Football Cheerleading Coach

MAIN-TRANSIT VOLUNTEER FIRE DEPARTMENT, AMHERST, NY 1999-2007
CLARENCE CENTER VOLUNTEER FIRE COMPANY, CLARENCE, NY 2024 - PRESENT
Volunteer Firefighter
Experience with volunteer program, community relations and engagement. Assisted with program advancement, fundraiser event planning and promoting community involvement in department events. Professional training includes Basic and Intermediate Firefighting, Basic EMS, Certified First Responder, INTERACT, Fire Radio Operator and Apparatus Operator EVOC courses.

DAEMEN COLLEGE, AMHERST, NY 2007
Student Volunteer, International Service Learning in the Dominican Republic

- Gathered experience in Spanish communication and culture, taught HIV/AIDS and STD awareness to local youths and volunteered in a local pre-school

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-42	COMPTROLLER	Department of Law Risk Retention Fund Spending - July 2024

Attachments

24COMM. 15E-42

EC LEG SEP 9 '24 PM3:44

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

September 9, 2024

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

Re: Department of Law Risk Retention Fund Spending – July 2024

Dear Honorable Members:

Pursuant to Resolution Intro. 3-2 (2016), as amended, please find attached an accounting of expenses from the County's Risk Retention Fund for July 2024.

Sincerely,

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

Attachment

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

County of Erie
Law Department Spending
Risk Retention
July, 2024

Run Date: 9/9/2024

Vendor Number	Vendor Name	Expenditures
1	Joseph Robinson and Shaw & Shaw, PC	12,000.00
101109	BOND, SCHOENECK & KING, PLLC	1,872.00
103442	Hodgson Russ	43,077.10
104457	LAWLEY SERVICE INSURANCE GROUP	481,350.50
106065	PHILLIPS LYTLE HITCHCOCK	59,605.02
118314	JEREMY C TOTH AS CUSTODIAN	12,565.00
120447	LIPPES MATHIAS WEXLER FRIEDMAN LLP	508,952.52
135888	PERSONIUS MELBER LLP	6,568.20
143279	BENGART & DEMARCO LLP	212,107.50
143544	THOMAS E WEBB JR ESQ	2,760.00
		1,340,857.84

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-43	COMPTROLLER	Comptroller's Office Accounting Division Personnel Adjustments

Attachments

24COMM. 15E-43

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

RECEIVED SEP 9 '24 PM 5:02

September 9, 2024

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

Re: Comptroller's Office Accounting Division Personnel Adjustments
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Legislators:

Attached, please find a resolution requesting authority to make a personal service adjustment in the Comptroller's Office, Division of Accounting, Accounts Payable unit.

We respectfully request authorization to delete a soon-to-be vacant job group (JG) 4 Senior Clerk Typist title in our office to replace it with a JG 7 Administrative Clerk title. Both titles are in the CSEA bargaining unit.

Thank you in advance for your consideration of this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

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

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

Accompanying Memorandum

To: Erie County Legislature
From: Erie County Comptroller Kevin R. Hardwick
Re: Personnel Adjustments in Accounts Payable unit of the Comptroller's Accounting Division
Date: September 9, 2024

Summary

This resolution requests authorization to delete a **soon to be vacated** (as of September 20) JG 4 Senior Clerk Typist position and to and add a **new** JG 7 Administrative Clerk position. We have one JG 7 Administrative Clerk title already in the department, which currently has an emergency double fill. The new position would be immediately filled upon your approval with the double-fill. A vacancy was created after the retirement of a long-time employee earlier this year in the Accounts Payable unit.

Fiscal Implications of Proposal

These adjustments will cost Erie County $8,607 for the remainder of the 2024 Budget year. New changes beyond that will be reflected in our 2025 Budget request.

Reasons for Recommendation/Background

The position being deleted will be vacated on September 20, 2024. It is the only title of this job group or classification in our office and the lowest paying. We have experienced some delays in processing vendor payments since the retirement of a JG 7 Chief Account Clerk. In order to attract a candidate who is able to immediately understand Erie County's ERP system (SAP) and provide value to the office by processing invoices efficiently and accurately, we felt it necessary to hire at a higher job level during the Legislature's recess period. The Division of Budget & Management approved an emergency double fill in this instance at our request. Hiring and subsequently promoting an internal candidate allows us the ability to canvass and hire a JG 5 Data Processing Control Clerk while having the benefit of two experienced individuals (at JG 7) in our Accounts Payable unit who require little training. As both are already County employees, there is no change in the amount of fringe benefit cost to the County.

Consequences of Negative Actions

There could be additional delays in processing invoices for Erie County departments and vendors/organizations may wait longer for their payments.

Steps Following Approval

Employees will be transferred to the appropriate titles as provisional and permanent while we attempt to hire a JG 5 Data Processing Control Clerk.

A Resolution Submitted by the
Erie County Comptroller

Re: Personnel adjustments in Accounts Payable unit of the Comptroller's Accounting division

WHEREAS, the Erie County Comptroller's Office's Accounting Division houses the Accounts Payable unit which processes payments for Erie County's outside vendors on a weekly basis; and

WHEREAS, the Erie County Comptroller's Office requests authorization to delete a JG 4 Senior Clerk Typist position which will be vacated as of September 20, 2024; and

WHEREAS, the Erie County Comptroller's Office requests authorization to create a JG 7 Administrative Clerk position in the CSEA bargaining unit; and

WHEREAS, this change would provide meaningful promotional opportunities for current employees while also expediting important county functions like payment processing; and

WHEREAS, this change would be effective September 23, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Comptroller's Office and the Department of Personnel to delete the following position:

Position	Cost Center	Annual Salary
Senior Clerk Typist – 51001505	1120020	$48,753

; and, be it further

RESOLVED, that the Erie County Legislature authorizes the Erie County Comptroller's Office and Department of Personnel to create the following position effective September 23, 2024:

Position	Cost Center	Annual Salary
Administrative Clerk (Job Group 7)	1120020	64,998

; and, be it further

RESOLVED, the Director of Budget & Management and Commissioner of Personnel are authorized to make any technical changes to effectuate the implementation of this resolution; and be it further

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

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-44	SHERIFF	FBI Funding for Range Improvements

Attachments

24COMM. 15E-44

LEG SEP 10 '24 AM8:56

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

September 9, 2024

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: FBI Funding for Range Improvements

Honorable Members:

Attached, please find a resolution that requests authorization for Erie County to accept funding in the amount of $165,000.00 from the Federal Bureau of Investigation (FBI) for the planning and construction of a breaching deck at the Erie County Range in the Town of Alden.

Representatives of the Sheriff's Office are available to answer any questions you may have.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: FBI Funding for Range Improvements
Date: September 9, 2024

Summary of Recommended Action

This proposed resolution requests authorization for Erie County to accept funding in the amount of $165,000.00 from the Federal Bureau of Investigation (FBI) for the planning and construction of a breaching deck at the Erie County Range in the Town of Alden.

Fiscal Implications of Proposal

This resolution has no impact on county tax dollars. Approval would authorize Erie County to accept federal funds.

Reasons for Recommendation

The Erie County Sheriff's Office, with the help of the Department of Public Works, seeks to construct a breaching deck at the Erie County Range. This project will provide a simulated environment for multiple divisions of the Erie County Sheriff's Office to train their breaching skills and techniques. The FBI, which also utilizes the Erie County Range, has offered to fund the county up to $165,000.00 for this project.

Consequences of Negative Action

Erie County would be unable to accept this federal source of funding for planning and construction of a breaching deck at the Erie County Range.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, Department of Public Works, Division of Budget and Management, Office of the Erie County Comptroller, and Erie County Sheriff's Office.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: FBI Funding for Range Improvements

WHEREAS, it is the mission of the Erie County Sheriff's Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction, with an emphasis on integrity, fairness and professionalism; and

WHEREAS, the Erie County Sheriff's Office, with the Department of Public Works, plans to construct a breaching deck at the Erie County Range in the Town of Alden; and

WHEREAS, in addition to the Erie County Sheriff's Office, the Erie County Range is utilized by multiple law enforcement partners, including the Federal Bureau of Investigation (FBI); and

WHEREAS, the FBI has offered Erie County funding in the amount of $165,000.00 for the planning and construction of a breaching deck at the Erie County Range.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into agreement to accept funding from the FBI in an amount up to $165,000.00; and be it further

RESOLVED, the Department of Public Works, Division of Buildings and Grounds is hereby authorized to adjust the budget of A.24004 – 2024 Preservation of County Buildings and Facilities in Fund 410, Fund Center 122 for the project as follows:

REVENUE	CURRENT BUDGET	INCREASE	REVISED BUDGET
414010 – Federal Aid (Other)	0	165,000	165,000
475000 – Gen Obligations Bond Proceeds	650,000	0	650,000
TOTAL	650,000	165,000	815,000

APPROPRIATIONS	CURRENT BUDGET	INCREASE	REVISED BUDGET
Capital Project Expense	650,000	165,000	815,000
TOTAL	650,000	165,000	815,000

and be it further

RESOLVED, the Director of Budget and Management is authorized to make any technical adjustments necessary to accept this funding and allocate the funds; and be it further

RESOLVED, certified copies shall be forwarded to the County Executive's Office, Department of Public Works, Division of Budget and Management, Office of the Erie County Comptroller, and Erie County Sheriff's Office.

FISCAL IMPACT: As indicated

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15E-45	DISTRICT ATTORNEY	Traffic Safety Resource Prosecutor Grant

Attachments

24COMM. 15E-45

2024 SEP 10 PM 2:53

OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

MICHAEL J. KEANE
ACTING DISTRICT ATTORNEY

September 10, 2024

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

Re: Traffic Safety Resource Prosecutor Grant
For Immediate Consideration

Honorable Members:

Enclosed please find a proposed resolution and memorandum from the District Attorney's Office requesting authorization to accept grant funding in the amount of $220,949 from the NYS Governor's Traffic Safety Committee.

Thank you for your immediate consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will accommodate your request.

Respectfully Submitted,

MICHAEL J. KEANE
ACTING DISTRICT ATTORNEY

MJK/lh

MEMORANDUM

To: Erie County Legislature
From: Michael J. Keane, District Attorney
Date: September 10, 2024
Re: Traffic Safety Resource Prosecutor Grant

I. Summary of Recommended Action

The proposed resolution requests authorization to enter into a contract with the NYS Governor's Traffic Safety Committee to accept grant funding in the amount of $220,949 for the NYS Traffic Safety Resource Prosecutor program.

II. Fiscal Implications of Proposal

The NYS Governor's Traffic Safety Committee (GTSC) has awarded the District Attorney's Office monies in the amount of $220,949 for the grant year October 2024 to September 2025. These monies will be used to fund an Assistant District Attorney VI (MC – JG 17) to serve as one of two Traffic Safety Resource Prosecutors in New York state. There will be no cost to County taxpayers

- Grant Duration: 1 year – 10/1/24 – 9/30/25
- Funding Source: NYS Governor's Traffic Safety Committee
- Annualized salary: $147,564 (10/1/24-9/30/25)

III. Reason for Recommendation and Background of Proposal

The overall purpose of the Governor's Traffic Safety Committee (CTSC) grant program is to provide funds to support projects that improve highway safety and reduce deaths and serious injuries due to crashes. GTSC has awarded the District Attorney's Office monies to fund a Traffic Safety Resource Prosecutor who would oversee trainings throughout New York State for prosecutors and law enforcement focused on improved detection of impaired driving on our roadways, diligent and thorough investigation of cases, and the effective prosecution of cases.

IV. Consequences of Negative Action

By not accepting this grant, law enforcement throughout New York State will lack the skills necessary to effectively detect impaired drivers which could lead to more crashes and lead to more injuries and deaths on our roads.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management and the Comptroller's Office to implement this proposal.

RESOLUTION SUBMITTED BY THE DISTRICT ATTORNEY

Re: Traffic Safety Resource Prosecutor Grant

WHEREAS, the District Attorney's Office's has been awarded $220,949 under the NYS Governor's Traffic Safety Committee Highway Safety Program for the period of October 1, 2024 to September 30, 2025; and

WHEREAS, authorization is required by the Erie County Legislature for the County Executive to enter into a grant contract and accept $220,949 in state resources to provide funding for a Traffic Safety Resource Prosecutor.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the NYS Governor's Traffic Safety Committee; and be it further

RESOLVED, that effective October 1, 2024, authorization is provided to create one position of Assistant District Attorney VI (JG 17) in fund 281, fund center 11400 (B100 #14455); and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Traffic Safety Resource Prosecutor Project:

NYS Traffic Safety Resource Prosecutor Project
October 1, 2024 to September 30, 2025
Fund: 281, Cost Center: 1140050, Grant: 114TSRP2425

Revenue	
414000 Federal Revenue	$ 220,949
Total Revenue	$ 220,949

Appropriation	
500000 Full Time Salaries	$ 147,564
502000 Fringe Benefits	60,885
510000 Local Mileage Reimb.	3,000
510100 Out of Area Travel	7,000
561410 Lab and Tech Equip	2,500
Total Appropriations	$220,949

and be it further

RESOLVED, that the Director of Budget & Management is hereby authorized to establish and adjust budgets as required to comply with grantor-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, the Department of Personnel and the Director of Budget and Management.

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-1	COMMISSIONER OF PUBLIC ADVOCACY	Response to Draft Audit of Bureau of Weights & Measures Overtime and Compensatory Time Procedures

Attachments

24COMM. 15D-1

KAREN L. KING, PHD
Commissioner of Public Advocacy

County of Erie
DEPARTMENT OF PUBLIC ADVOCACY
Bureau of Weights and Measures

TELEPHONE: (716) 858-8307
FAX: (716) 858-8311
EMAIL: Karen.King@erie.gov

July 19, 2024

Hon. Kevin R. Hardwick, PhD
Erie County Comptroller
95 Franklin St, Floor 11
Buffalo, NY 14202

RE: Response to Draft Audit of Bureau of Weights and Measures Overtime and Compensatory Time Procedures January 1, 2023, through December 31, 2023

Dear Comptroller Hardwick:

The Erie County Bureau of Weights and Measures writes to respond to the Audit of Bureau of Weights and Measures Overtime and Compensatory Time Procedures January 1, 2023, through December 31, 2023.

We thank you and your Audit Division for your thorough analysis and thoughtful recommendations related to overtime and timekeeping policies in the Bureau of Weights and Measures.

Our responses follow the audit and use the same section titles.

Finding #1: Payroll System Lacked the Capabilities to Recalculate Comp Time Accruals After Late Time Entry was Entered

After consulting with the Personnel Department, we found that they independently initiated the fix to the issue in November 2023, before the start of this audit.

The Audit recommended that the Personnel Department document the recalculation of compensatory time as premium time as a formal procedure. The Personnel Department appreciates that the Audit assumes that there is a standard operating procedure in which the Personnel Department could document this step, no such manual exists that explains each step of the payroll process as a formal procedure. Much of this knowledge is currently held informally by members of the payroll unit. Running our payroll system is inherently complex and requires a deep, nuanced understanding of the intricacies of SAP software, the specifics of multiple collective bargaining agreements, and the policies governing timekeeping. These steps cannot be completed without a mastery of the process. Given this complexity, creating a comprehensive

manual detailing every step and nuance of the payroll process would be significant and time-consuming.

While the Personnel Department is in the process of making this implicit knowledge explicit, their priority is developing training materials for succession purposes. They do not plan on making this small step its own formal policy, as recommended by the Audit. Instead, they may integrate this step into the comprehensive payroll process manual the Personnel Department is currently developing for training purposes.

Finding #2: Employees Improperly Received Shift Differential Premiums

After discussing this finding with the Personnel Department we found that they disagree with the Audit's interpretation of the CSEA collective bargaining agreement regarding shift differential. The collective bargaining agreement does not exclude employees in non-24-hour operation units from receiving shift differential, as asserted by the Audit.

Section 13.6(e) of the CSEA collective bargaining agreement states:

A traditional day usually consists of an 8 hour shift between the hours of 7:00 a.m. – 5:00 p.m.; employees who are scheduled (involuntarily) to work a full hour or beyond their normal shift shall be paid the appropriate shift differential as provided in subsection (a) of this section for all full hours worked.

There are countless examples of these employees being mandated to work during times outside of the regular workday. If any employee is involuntarily required to work outside of their shift (i.e., and employee was told to work and was not given a reasonable ability to say no), they are eligible for a shift differential.

Personnel agrees that the contract clearly states that shift differential should not be automatically received when employees in a non-24-hour works four (4) hours, as Deputy Personnel Commissioner Lavin communicated in his letter dated July 3, 2024. However, making this change would require a significant overhaul of the County's payroll system without negatively affecting employees in 24-hour operation units. We plan to include this change in a program scope when the County upgrades or replaces its ERP system. The change is not expected to be for several years.

We also consulted the Department of Labor Relations on this issue. They advised that while a collective bargaining agreement outlines the general rights and responsibilities of an employee, past practice also plays an important role in the day-to-day governance of the county and its workers. Past practice serves as a "gap filler" for situations which arise that are not expressly outlined in the collective bargaining agreement. Many times, these practices continue for years or even decades without ever being incorporated into the collective bargaining agreement. In many instances, these practices take on the force of law due to their long-standing usage. The practices in Finding #2 and Comment #4 have been utilized by the Department of Personnel for a considerable amount of time. The union and their members, therefore, rely on these practices and would likely file a grievance to enforce them if they were unilaterally changed. These practices are, of course, eligible to be revised, but this is best done during the collective bargaining

agreement negotiating process. Labor relations is confident that these issues can be modified in future negotiations if that is deemed to be in the best interest of the County.

Finding #3: Inaccurate Shift Differential was Paid

As stated in your report, the Department of Personnel found that an employee erroneously entered the times into the ESS System and has manually corrected the error. The Bureau of Weights and Measures approved this entry and will be more cognizant of time entry errors when reviewing and approving ESS entries.

Finding #4: Compensation for Certain Hours Violated Erie County Travel Policy then in Effect

After consulting with the Personnel Department, we learned that the Travel Time Policy in effect at that time, which was then last updated in 2006, was not legal. The County is fortunate that we approved the travel time for that instance. The Personnel Commissioner updated the Travel Time Policy in June 2024 to reflect the language of the Portal-to-Portal Act amendment to the Fair Labor Standards Act.

The Audit specifically referenced the Special One-Day Assignment in Another City provision in the associated FLSA regulations. Although the Travel Time Policy was out-of-date, and the Bureau's approval of travel time was against that specific policy, the Erie County Official Trave and Reimbursement Policy updated July 2023, stated:

The County will not pay for travel time to and from an employee's residence to their normal work location. However, if the employee is directed to change his or her work location for a special one-day assignment and the work location is 20 miles or more from their regular work location, the difference between the employee's regular travel time and the travel time on the day of his or her one-day assignment is compensable.

Our approval of that travel time aligns with the provision of the Travel Policies for County Employees. The County erred by not updating the Travel Time Policy when it had updated the Travel Policies for County Employees. Now that the Travel Time Policy is updated, and the Bureau approved the special one-day assignment travel time as required by the Fair Labor Standards Act, this finding is moot.

Comment #1: Noncompliance with the Swipecard Policy Exceeded 35%

While we appreciate that Audits rely on sampling, we believe that the sample selected was artificially high when looking and the entire Audit universe. When fully staffed, the Bureau of Weights and Measures has thirteen (13) employees in the department. In 2023, we suffered high turnover due to departmental departures followed by several new hires. There were ninety-eight (98) missed swipes in 2023 after three (3) double records were removed from the original report. Another twelve (12) missed swipes were deducted because the new employees did not have a swipe card for the first few days of work. That brings the total down to eighty-six (86). There were 6,448 departmental swipes possible in 2023. Eighty-six (86) missed swipes represent 1.33% of total swipes in 2023. That is approximately one (1) missed swipe every two (2) months per employee for the year. There is almost always room for improvement, but the reported

number does not accurately represent the swipes missed. **None of the missed swipes were on a posted overtime day.** There was one (1) missed swipe on a day when overtime was worked during the week, however, it was not a missed swipe by a staff member who worked on the day overtime was offered.

Comment #2: Noncompliance with Department's Overtime Procedures Exceeded 30%

We are in agreement with this comment and will implement corrective action.

Comment #3: Noncompliance with the Lunch Period Policy Exceeded 60%

We are in agreement with this comment and will implement corrective action.

The Bureau of Weights and Measures only relaxes this requirement on Saturday overtime to give the Deputy the discretion to choose to manage their mandated work along with ensuring they get a proper lunch break. That is not normal practice for our Bureau and is only allowed for Saturday gas inspections or in special circumstances with approval.

Comment #4: Straight Time Worked is being Accrued as Straight Compensatory Time

The Audit recommended that future negotiations with the employees' bargaining unit should include clearer language in regard to employees to earn compensatory time at 1.0x. The Personnel Department advised that this longstanding practice would be treated as part of the contract by the Public Employment Relations Board if we ever tried to unilaterally change it. Under the Taylor Law, a past practice is binding when the following criteria have been met: (1) The practice must be unequivocal; (2) It must have been continued uninterrupted for a period of time sufficient under the circumstances; and (3) The affected bargaining unit employees must have developed a reasonable expectation that the practice would continue. Since this practice has existed at least the last several contracts, it is a binding past practice.

As noted in finding #2 the Department of Labor Relations considers this to be a recognized "past practice" that would be subject to grievance if the practice is changed outside of contract negotiations.

Sincerely yours,

Karen L. King, PhD
Commissioner of Public Advocacy

KLK/kak

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-2	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report

Attachments

24COMM. 15D-2

EC LEG JUL 29 '24 PM 1:29

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 15, 2024

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, NY 14202

Dear Honorable Members:

RE: Comm. 12E-34 Compliance Report

In accordance with Comm. 12E-34, please find an update of Child Protective caseloads for the month of June.

	June	Change Since May
Caseload size at the last day of the Month	1,455	-2
Number of CPS workers assigned at least five cases last day of month	84	2
Average number of cases per worker	17.32	-0.45
Cases Closed in Month	654	20
Intake during Month	687	-125
Overdue Investigations at the last day of month	301	41
Timely Determinations during month	358	19

Thank you.

Sincerely,

Karen Rybicki

Karen Rybicki, Acting Commissioner
Erie County Department of Social Services

cc: Erie County Executive Mark Poloncarz

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County

Attachments

24COMM. 15D-3

EC LEG SEP 5'24 AM10:17

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/dld

TO: Olivia Owens, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: July 31, 2024

RE: Transmittal of New Claims Against Erie County

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find nine (9) new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Michael Mills v. County of Erie, et al.;
2. Barbara Broad/Merissa Zasowski v. County of Erie;
3. Jenel Vitale v. County of Erie, et al.;
4. Ashley Rae Isaac/Estate of Shaun Humphrey v. County of Erie, et al.;
5. Karra Barrett v. Deena Mueller Funke, et al.;
6. Shayna Costello v. County of Erie, et al.;
7. Taniqua Simmons v. Erie County Clerk, et al.;
8. Benjamin Heeter, et al. v. Michael Keane, et al.; and
9. Terrance Cash, et al. v. Erie County Sheriff's Office.

JCT:dld
Attachments

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 9, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Mills, Michael v. Erie County Sheriff's Department and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Michael Mills 6975 Olean Road South Wales, New York 14139
Claimant's attorney:	Charles S. Desmond, II, Esq. Desmond Law P.C. 69 Delaware Avenue, Suite 500 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

MICHAEL MILLS
6975 Olean Road
South Wales, New York 14139,

Claimant,

NOTICE OF CLAIM

vs.

ERIE COUNTY SHERIFF'S DEPARTMENT
10 Delaware Avenue
Buffalo, New York 14202,

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202,

Respondents.

This paper received at the
Erie County Attorney's Office
from TR Jerzewski on
the 26th day of June, 2024
at 9:31 a.m./p.m.
L. Autry-Legg
Assistant County Attorney

TO:

ERIE COUNTY SHERIFF'S DEPARTMENT
10 Delaware Avenue
Buffalo, New York 14202

and

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

PLEASE TAKE NOTICE that MICHAEL MILLS ("Claimant"), by and through his attorneys, DESMOND LAW P.C., hereby claims and demands against ERIE COUNTY SHERIFF'S DEPARTMENT and the COUNTY OF ERIE as follows:

1. The name and post office address of the claimant is MICHAEL MILLS, 6975 Olean Road, South Wales, New York 14139.

2. The name and post office address of the claimant's attorney is DESMOND LAW P.C., 69 Delaware Avenue, Suite 500, Buffalo, New York 14202.

3. That the nature of this claim is for the negligent, careless, reckless, willful, wanton, and/or intentional acts or omissions of the above-named Defendants, their officers, agents, servants and/or employees, appointees, designees, departments and divisions thereof, including without limitation, the ERIE COUNTY SHERIFF'S DEPARTMENT and its officers, employees and/or agents, in the May 30, 2024 wrongful arrest, malicious prosecution, battery, unlawful imprisonment/false imprisonment, sexual assault, intentional infliction of emotional distress, abuse of process, and assault of and/or against the Claimant, MICHAEL MILLS, and in the deprivation of said Claimant's rights, privileges, and/or immunities secured to him by the Constitution of the United States, all in violation of 42 USC §1983, as well as the Constitution of the State of New York, the New York State Penal Law, and the New York State common law by certain of said Defendant's agents, servants, employees and/or Police Officers, and in the negligent, careless and reckless employment, supervision, instruction, training, control, guidance, hiring and directing of said officers, agents, servants, and/or employees, designees, departments and divisions thereof.

4. That said claim arose on May 30, 2024, at approximately 11:30 p.m., initially upon and outside of Claimant's residence located at 6975 Olean Road, South Wales, New York 14139, continuing in the patrol car of the arresting officers, and later at the Erie County Holding Center.

5. That the manner in which said claim arose was that on the aforesaid date and time the Claimant, MICHAEL MILLS, was lawfully and properly at his residence located at 6975 Olean Road in South Wales, New York. That on said date and time, certain agents, servants, employees and/or police officers of the Defendants wrongfully, erroneously and without legal basis or factual

predicate arrested and detained the Claimant. Although the Claimant specifically insisted he was not the subject Defendants were looking for, the aforementioned agents, servants, employees and/or police officers of Defendants placed the Claimant under arrest without valid legal justification or probable cause, in violation of the Claimant's rights, privileges, and/or immunities secured to him by the Constitution of the United States, as well as the Constitution of the State of New York, the New York State Penal Law, and the New York State common law. Thereafter, the agents, servants, employees and/or police officers of the Defendants wrongfully forced the Claimant to succumb to having his mug shot taken, being fingerprinted, and undergoing a strip search before unlawfully and falsely imprisoning the Claimant at the Erie County Holding Center overnight, until he was finally brought in front of a judge for an arraignment the next day, at which time the judge determined Defendants wrongfully and unlawfully arrested and detained the Claimant.

6. That while the Claimant was within the physical custody of Defendants as aforesaid, Defendants did unnecessarily, unreasonably, willfully, recklessly, intentionally and/or negligently cause the Claimant to suffer serious and permanent harm, including, but not limited to, severe mental and emotional suffering, and psychological trauma, thus unlawfully infringing upon and depriving the Claimant of his Federal and New York State Constitutional rights.

6. That so far as is now able to be determined, the Claimant, MICHAEL MILLS, has sustained multiple extensive serious injuries as a result of the aforesaid incident, including without limiting thereto, psychological trauma, post-traumatic stress disorder, mental and emotional distress, aggravation of a pre-existing heart condition, aggravation of pre-existing diabetes, and multiple other injuries, the full degree and extent of which are unknown at this time.

7. That by reason of the foregoing injuries said Claimant became and will continue to be disabled and will continue to suffer great pain, discomfort, distress and psychological adjustment, and has and will require the services of physicians, surgeons, nurses, hospitals, therapy, and/or medications and will continue to incur such expenses in the future; that as a result of the aforesaid injuries and the resulting permanent harm said Claimant has been incapacitated from his educational pursuits and/or profession and/or employment and will continue to be incapacitated in the future, and as a result of the aforesaid injuries and permanent harm, the future earning capacity of the Claimant and the activities, professional, social and personal endeavors and hobbies of said Claimant and his enjoyment of life will be partially and/or totally impaired, all to the damage of said Claimant.

PLEASE TAKE FURTHER NOTICE that the Claimant, MICHAEL MILLS, requests payment of his claims and damages sustained by him as hereinbefore set forth.

Dated: Buffalo, New York
June 25, 2024

DESMOND LAW P.C.

By: *Charles S. Desmond, II*
Charles S. Desmond, II, Esq.
Attorneys for Claimant
69 Delaware Avenue, Suite 500
Buffalo, New York 14202
Telephone: (716) 424-2000

STATE OF NEW YORK)
: ss
COUNTY OF ERIE)

MICHAEL MILLS., being duly sworn, deposes and says:

That your deponent is the Claimant in the above-entitled action, and as such I am filing the within Notice of Claim on my behalf; that your deponent has read the foregoing Claim, Notice and Statement, and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters your deponent believes the same to be true.

Michael D Mills
MICHAEL MILLS

Subscribed and sworn to before me
this 25 day of June, 2024

Kelley Wodowski
Notary Public

KELLY ERIN WODOWSKI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01WO6368692
Qualified in Erie County
Commission Expires December 18, 25

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 10, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Zasowski, Merissa, an Infant, by PNG Barbara Broad v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Barbara Broad PNG of Merissa Zasowski 23 Starlite Avenue Cheektowaga, New York 14227
Claimant's attorney:	Samuel J. Capizzi, Esq. Collins & Collins Attorneys, LLC 267 North Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT
STATE OF NEW YORK : COUNTY OF ERIE

BARBARA BROAD, Individually and as Parent and Guardian of MERISSA ZASOWSKI, an Infant,

Claimant,

NOTICE OF CLAIM

vs.

COUNTY OF ERIE,

Respondent(s).

TO: COUNTY OF ERIE
92 Franklin Street
Buffalo, New York 14202

PLEASE TAKE NOTICE, that the undersigned hereby makes this notice of claim in compliance with applicable statutes of the State of New York:

1. The Claimant, BARBARA BROAD, individually and as Parent and Guardian of MERISSA ZASOWSKI, an Infant, reside at 23 Starlite Avenue, Cheektowaga, New York 14227

2. The Claimant is represented by Samuel J. Capizzi, Esq. of Collins & Collins Attorneys, LLC, 267 North Street, Buffalo, New York 14201.

3. The subject claim is for personal injuries and associated damages sustained by Merissa Zasowski, and Infant, on March 22, 2024 at or near the intersection of William Street and Standard Parkway in the County of Erie, Town of Cheektowaga, and State of New York, which, upon information and belief, are owned, controlled, and maintained by the respondent, County of Erie.

4. The incident and resulting injuries occurred on March 22, 2204 at approximately 7:24 a.m. Claimant, Merissa Zasowski was a bicyclist who was crossing William Street westbound

in the crosswalk with the crossing signal when she was struck by a vehicle driven by Barbara Zambeck of Buffalo, New York when Zambeck was eastbound on William Street and failed to stop at the stoplight and yield to the infant claimant, Merissa Zasowski, all as set forth in the MV-104A attached hereto as **Exhibit A**, which caused severe personal injuries to said infant claimant.

5. The aforesaid injuries were caused as a result of the negligence of the respondent, County of Erie, by and through its agents, servants, and/or employees, in failing to properly design, construct, repair, and/or maintain said roads, failing to properly sign the involved roads with proper speed signage and proper notice signage of the intersection of said William Street and Standard Parkway for traffic in all directions, failing to properly notify or warn motorists of the intersection, failing to properly light and illuminate the area, failing to reduce the speeds of both roads at the intersection and post speed signs appropriately, failing to maintain and monitor proper sightlines and sight distances, failing to maintain and monitor vegetation and other sight obstructions, failing to employ proper traffic signaling and sequences, and failing to undertake any appropriate studies, surveys, repairs, modifications, or reconstruction of the roadway and signage, and other appurtenances, despite knowing of numerous prior accidents or incidents at the very same location under the same or similar conditions that existed on and before March 22, 2024.

6. The infant claimant, Merissa Zasowski, sustained significant injuries including a closed head injury, traumatic brain injury, concussion, post-concussive injury, fracture of her lower leg involving the tibia, fibula and other bones, ligaments, and muscles, all of which required and open reduction and internal fixation.

7. The subject claim is for a sum to be determined by a jury.

DATED: June 20, 2024
Buffalo, New York

BARBARA BROAD, as Parent and
Guardian of MERISSA ZASOWSKI,
an Infant

STATE OF NEW YORK)
COUNTY OF ERIE)ss:

On the 20th day of June, 2024, Barbara Broad, being duly sworn, deposes and says that she is the Claimant in this matter; that she has read the foregoing Notice of Claim and knows the contents thereof; that it is true to her personal knowledge, except as to matters stated to be upon information and belief, and as to those matters she believes them to be true.

Notary Public

SAMUEL J. CAPIZZI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02CA4946707
Qualified in Erie County
Commission Expires February 6, 2026

CERTIFICATION

Pursuant to Part 130-1 of the Rules of the Chief Administrator, the undersigned attorney certifies that, to the best of my knowledge, information and belief, formed after inquiry reasonable under the circumstances, the presentation of this paper or the contentions therein are not frivolous as defined in subsection (c) of §130-1.1.

Samuel J. Capizzi, Esq.
COLLINS & COLLINS
ATTORNEYS, LLC
Attorneys for Claimant
267 North Street
Buffalo, New York 14201
(716) 885-9700

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 10, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Vitale, Jenel v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Jenel Vitale 30 Dexter Street Tonawanda, New York 14150
Claimant's attorney:	Leonard D. Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

JENEL VITALE
30 Dexter Street
Tonawanda, NY 14150

Claimant,

-vs-

COUNTY OF ERIE
Erie County Hall
Buffalo, New York 14202

ERIE COUNTY SEWER AUTHORITY
95 Franklin Street
10th Floor
Room 1034
Buffalo, NY 14202

TOWN OF TONAWANDA
2919 Delaware Avenue
Buffalo, NY 14217

Respondents.

NOTICE OF CLAIM

TO: COUNTY OF ERIE
Erie County Hall
Buffalo, New York 14202

ERIE COUNTY SEWER AUTHORITY
95 Franklin Street
10th Floor
Room 1034
Buffalo, NY 14202

TOWN OF TONAWANDA
2919 Delaware Avenue
Buffalo, NY 14217

This paper received at the
Erie County Attorney's Office
from Anthony Crowley on
the 28th day of June, 2024
at 2:14 a.m./p.m.
Christopher Sasiadek
Assistant County Attorney

PLEASE TAKE NOTICE that the claimant claims damages against the respondents in accordance with the requirements of General Municipal Law § 50-e, and states as follows:

1. The name and address of claimant is:

   Jenel Vitale
   30 Dexter Street
   Tonawanda, NY 14150

2. The claimant is represented herein by:

   Shaw & Shaw, P.C.
   Leonard D. Zaccagnino, Esq., of counsel
   4819 South Park Avenue
   Hamburg, NY 14075

3. This claim is founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the claimant when said claimant was caused to fall and sustain serious injuries on June 17, 2024 on the sidewalk adjacent to 75 Dexter and 32 Forbes Avenue in Tonawanda, Erie County, New York, which sidewalk and sewer manhole are under the possession, control and ownership of the respondents. A copy of the subject manhole cover is attached.

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on June 17, 2024 at approximat4ely 9:00 p.m. on the sidewalk adjacent to 75 Dexter and 32 Forbes Avenue in Tonawanda, Erie County, New York.

6. The incident occurred on the sidewalk adjacent to 75 Dexter and 32 Forbes Avenue in Tonawanda, Erie County, New York which, upon information and belief, is under the possession, control and ownership of the respondents.

7. That the cause of action which forms the substance of this claim arose in the following manner:

> On or about June 17, 2024 at approximately 9:00 p.m., the claimant was caused to trip and fall on an elevated sewer manhole cover which had been installed in the sidewalk on property adjacent to 75 Dexter and 32 Forbes Avenue in Tonawanda, Erie County, New York. The claimant tripped and fell as a result of a dangerous condition, causing claimant to come into contact with the ground, and seriously injuring her right ankle.

8. That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, their agents, servants and/or employees, and that said respondents failed to properly, adequately, and safely install, maintain, inspect and repair the sidewalk and sewer manhole at the aforesaid premises; failed to properly and adequately supervise and control the area where claimant fell on the date of the incident; carelessly and negligently designed the area on said premises where the incident occurred; failed to take the necessary steps to fill in gaps between concrete slabs of the sidewalk adjacent to said property which gaps, upon information and belief, were made by the respondents' agents,

servants and/or employees; failed to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident; and in that the respondents, their agents, servants and/or employees were otherwise careless and negligent.

9. By reason of the aforesaid, the claimant sustained severe, painful and permanent injuries in and about her body including, but not limited to, her right ankle; and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for hospital care, surgical care, physicians' services, nursing care, X-rays and medical supplies, for which the exact amount of such expenses cannot be determined at the present time.

WHEREFORE, the claimant respectfully prays and requests that these claims, as set forth herein, be paid and allowed by the respondents.

Dated this 24th day of June 2024.

Jenel Vitale

SHAW & SHAW, P.C.

Leonard D. Zaccagnino
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, NY 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF ERIE)

JENEL VITALE, being duly sworn, deposes and says that she is the claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

Jenel Vitale

Sworn to before me this
26th day of June 2024.

Notary Public

LEONARD D. ZACCAGNINO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02ZA4803599
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES FEBRUARY 28, 2027

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 10, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Humphrey, Shaun, Estate of, by Ashley Rae Isaac v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Ashley Rae Isaac 12299 Mileblock Road Lawtons, New York 14091
Claimant's attorney:	Melissa D. Wischerath, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of
ASHLEY RAE ISAAC, as Administrator of
of the Estate of SHAUN HUMPHREY, Deceased,

Claimant,

- against -

NOTICE OF CLAIM

ERIE COUNTY,
ERIE COUNTY SHERIFF'S DEPARTMENT,
SHERIFF JOHN C. GARCIA, in his official and individual capacity as Sheriff of Erie County.

Respondents.

This paper received at the
Erie County Attorney's Office
from John Maccarrick on
the 9th day of July, 2024
at 11:28 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S DEPARTMENT,
SHERIFF JOHN C. GARCIA
JOHN DOE #1-4

PLEASE TAKE NOTICE, that ASHLEY RAE ISAAC, as Administrator of the Estate of SHAUN HUMPHREY, deceased, has, and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA, and JOHN DOE #1-4 and in support of said claim states the following:

1. The Post Office address of claimant is 12299 Mileblock Road, Lawtons, New York 14091.

2. The attorneys for claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202.

3. On or about the 22nd day of April 2024, the claimant, ASHLEY RAE ISAAC, was appointed Administrator of the Estate of SHAUN HUMPHREY, pursuant to an Order of the

Surrogate's Court of the Seneca Nation of Indians and the Cattaraugus Territory, and Limited Letters of Administration of the Estate of SHAUN HUMPHREY were issued to the claimant, ASHLEY RAE ISAAC, and the said claimant thereupon duly qualified and thereafter acted and is still acting as such Administrator.

4. The claim on behalf of the decedent, SHAUN HUMPHREY, is for wrongful death and civil rights violations, including without limitation, loss of life, conscious pain and suffering, and for violation of his state and federal constitutional and statutory rights; and the claim of ASHLEY RAE ISAAC, as Administrator of the Estate of SHAUN HUMPHREY, deceased, is for funeral expenses, medical care and treatment, pecuniary loss, grief and anguish, loss of love, loss of nurture, guidance and counsel, and civil rights violations and wrongful death, along with punitive damages, attorneys' fees, and costs on behalf of decedent's distributes.

5. The claim arose at the Erie County Holding Center, located at 40 Delaware Avenue, in the City of Buffalo, County of Erie and State of New York.

6. The claim arose in substance as follows: On or about the 8th day of August, 2023, the claimant's decedent, SHAUN HUMPHREY, was falsely arrested from his residence located at 12083 Sulphur Springs Rd. Cattaraugus Seneca Territory, and while under the care, custody, and control of the ERIE COUNTY SHERIFF'S DEPARTMENT, at the Erie County Holding Center, located at 40 Delaware Avenue, in the City of Buffalo, County of Erie and State of New York, was caused to suffer serious injuries and death, due to the failure(s) of ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and JOHN DOE #1-4; SHAUN HUMPHREY was subjected to an unreasonable search and seizure, assault, battery, excessive force, law enforcement brutality, involuntary detention, false imprisonment, false arrest, negligence, abuse of process, including violation of claimant's Civil Rights under 42 USC Section

1983, and negligent supervision, retention and hiring, and failure to train, resulting in serious injuries, death, and constitutional deprivations to the decedent. Upon information and belief, the incident herein described, and the resultant injuries, death, and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, including but not limited to SHERIFF JOHN C. GARCIA, and more particularly, among other things, instead of providing necessary medical assistance, evaluation and treatment, the decedent was unlawfully restrained and placed in a dangerous prone position with deputies kneeling on decedent's neck and back while medical providers and other deputies and staff idly stood by and did nothing to help even though first responders had been called and were available to provide medical aide; in assaulting and restraining the decedent while suffering from a medical event; in falsely arresting decedent; in failing to screen, assess, and/or ensure for and/or provide timely and proper medical treatment to decedent; in their failure to provide medications and proper medical treatment that decedent required; the denial of treatment by defendants amounts to deliberate indifference to a serious medical need, in violation of the Eighth and/or Fourteenth Amendments' prohibition against cruel and unusual punishment and 42 U.S.C. § 1983; in their refusal to make a reasonable accommodation by providing him with access to proper treatment and medications, thereby discriminating against him on the basis of disability, even though accommodation would in no way alter the nature of the healthcare program; in the negligent handling of decedent; and in the neglect care and treatment of decedent while in the holding center; and was unconstitutionally deprived of his liberty and otherwise tortuously and maliciously harmed by the actions of the defendants, all in violation of Title 42 of the United States Code, Section 1983 et. seq. and the Americans with Disabilities Act. Said negligent and improper restraint, and the delay in medical

treatment led to the untimely and wrongful death of SHAUN HUMPHREY on or around August 15, 2023; furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, including but not limited to SHERIFF JOHN C. GARCIA, and the regulations, rules and standards promulgated thereunder; failing or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to decedent; in failing or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its deputies, staff, and/or employees.

7. Upon information and belief, the incident herein described, and the resultant injuries, death, and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, including but not limited to SHERIFF JOHN C. GARCIA, and more particularly, among other things, in having a custom of restraining an individual in the prone position; in having a custom of delaying first responders access to persons in law enforcement custody; in having a custom of using restraint and force on detainees experiencing medical events; in having a custom of not intervening when a deputy is unlawfully utilizing a dangerous prone position on a detainee; in their failing and omitting to properly and in a timely manner administer, provide and/or ensure for adequate medical treatment, including but not limited to examinations and medications; in deliberately, purposefully, and knowingly maintaining a dangerous prone position on decedent while he was experiencing a medical event; in deliberately, purposefully, and knowingly failing to intervene to stop the unnecessary restraint and provide medical attention; furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of the respondents, in their

failure to properly and adequately train, supervise, instruct its employees, staff and/or deputies with regard to the excessive force and restraint; and in violating claimant's state and federal constitutional and statutory rights by failing to provide adequate medical care and failing to take reasonable measures to guarantee the safety of claimant's decedent.

8. Upon information and belief, as a result of the aforesaid incident, claimant's decedent, SHAUN HUMPHREY, sustained severe bodily injuries and was painfully and seriously injured and died; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system; and more particularly SHAUN HUMPHREY sustained injuries that resulted in his death.

9. As a result of the aforesaid incident, injuries and death of decedent, SHAUN HUMPHREY, the claimant, ASHLEY RAE ISSAC, as Administrator of the Estate of SHAUN HUMPHREY, claims damages for pecuniary loss on behalf of decedent's distributees, civil rights violations, punitive damages, and compensatory and equitable damages, including an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE, claimant requests that ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and JOHN DOE #1-4, honor and pay the claims on behalf of ASHLEY RAE ISSAC, Individually and as Administrator of the Estate of SHAUN HUMPHREY.

DATED: Buffalo, New York
July 8th, 2024.

A. Issac

ASHLEY RAE ISSAC, Individually and as
Administrator of the Estate of
SHAUN HUMPHREY, Deceased

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
MELISSA D, WISCHERATH, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[MDW: # 73610.0001]

VERIFICATION

ASHLEY RAE ISAAC, states that she is the claimant in this action; that she has read the foregoing NOTICE OF CLAIM and knows the contents thereof; that the same is true to her knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, she believes them to be true.

Pursuant to CPLR 2106, I affirm this 8th day of July, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

A. Isaac

ASHLEY RAE ISAAC, as Administrator of the
Estate of SHAUN HUMPHREY, Deceased

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 12, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Barrett, Karra v. Deena Mueller-Funke, et al.*
Document Received:	Affirmation
Name of Claimant:	Karra Barrett 1534 Electric Avenue, #1 Lackawanna, New York 14218
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

Karra Barrett, Petitioner,

-against-

Affirmation in Support

Honorable Kelly Brinkworth, Justice of the Family Court, Respondent.

Family Court Docket No. NN-3825-23

I, Karra Barrett, do hereby affirm:

1. I am the Petitioner. I reside at 1534 Electric Avenue, #1, Lackawanna, New York 14218 in the County of Erie.

2. I am about to commence an Article 78 Petition for Writ of Mandamus.

3. I am seeking relief from this Court by way of an Order directing the above-named Justice to issue an F.C.A. §1061 Order pursuant to her oral ruling on January 29, 2024 that *sua sponte* placed my minor child into foster care. Upon information and belief, Justice Brinkworth has been provided a proposed F.C.A. §1061 Order approved my family court counsel, the attorney for the child, and the attorney for the local department of social services and, to date, has refused to executed the same.

4. My sole source of income is Supplemental Security Income.

5. I receive $943.00/monthly.

6. I support myself and zero others in my household.

7. I own no property.

8. I make this application pursuant to §1101 of the CPLR upon the ground that I am unable to pay costs, fees and expenses necessary to pursue the case and am unable to obtain the funds to do so, and unless an order is entered relieving me from the obligation to pay, I will be unable to prosecute the case.

9. No other person is beneficially interested in the recovery sought herein.

10. No previous application for the same or similar relief has been made by me in this case.

WHEREFORE, I respectfully ask for an order permitting me to prosecute this action as a poor person.

Now on motion of Karra Barrett (Insert your name), Petitioner (Insert: plaintiff(s) / petitioner(s) / defendant(s) /respondent(s))

it is hereby

ORDERED that:

A. The motion is denied on the grounds that the _____ (Insert: plaintiff(s) / petitioner(s) / defendant(s) / respondent(s)) failed to make

1 ___ A sufficient showing of a meritorious cause of action/defense and/or

2 ___ A sufficient showing of indigence

Papers may be resubmitted upon payment of fees, in a timely manner

-OR-

B. _The motion is granted and the _____ (Insert: plaintiff(s) / petitioner(s) / defendant(s) / respondent(s)) _____ (Insert your name) _____ (is / are) permitted to proceed herein as a poor person(s), and it is further

ORDERED that the County Clerk shall make no charge in connection with the prosecution/defense of this matter/proceeding, and it is further

ORDERED that any recovery by judgment or settlement in favor of the _____ (Insert: plaintiff(s) / petitioner(s) / defendant(s) / respondent(s)) shall be paid to the Clerk of the Court to await distribution pursuant to court order.

_____

Hon.
JUSTICE OF SUPREME COURT

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 12, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Costello, Shayna v. County of Erie, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Shayna L. Costello 3539 Walden Avenue Lancaster, New York 14086
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

SHAYNA L. COSTELLO,

Complainant,

v.

COUNTY OF ERIE, JOSEPH MACDONALD, FRED CZERNIEJEWSKI, DANIEL BALLARD, ZACK DUDZIAK,

Respondents.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10234057

Federal Charge No. 16GC402670

I, Shayna L. Costello, residing at 3539 Walden Ave., Lancaster, NY, 14086, charge the above-named respondents, whose address is Attn: Jeremy C. Toth, Esq. First Assistant County Attorney 95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of arrest record, pregnancy-related condition, sex, sexual orientation, opposed discrimination/retaliation, disability.

Date most recent or continuing discrimination took place is 1/1/2024.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of arrest record, pregnancy-related condition, sex, sexual orientation, opposed discrimination/retaliation, disability, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I also charge the above-named respondents with violating the Americans with Disabilities Act (ADA) (covers disability relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

shayna

Middle Intial

l

Last Name

costello

Street Address

3539 walden avenue

City

lancaster

State

NY

Zip

14086

Are you completing this form for someone else?

No

RECEIVED

FEB 2 3 2024

Buffalo EFAX/INBOX

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Employment (including paid internship and domestic workers)

Are you currently working for the employer you are filing against?

No

Date of hire

02/16/2021

Last day of work

02/17/2024

Position held or applied for

wwtpo

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Demoted me
Denied me promotion/pay raise
Denied me training
Gave me a disciplinary notice or negative performance review
Suspended me
Denied my request for an accommodation for my disability, or pregnancy-related condition
Sexual harassment
Harassed or intimidated me on any basis indicated here

Basis

Basis of alleged discrimination in employment:

Arrest Record (that was resolved in your favor or adjourned in contemplation of dismissal or youthful offender record or sealed conviction record)
Pregnancy-Related Condition (a medical condition related to pregnancy or childbirth, including lactation, or denial of reasonable accommodation of such condition)
Sex (because of your gender, includes sexual stereotyping, sexual harassment, pregnancy)
Sexual Orientation (heterosexual, homosexual, bisexual, asexual, whether actual or perceived)
Retaliation (if you filed a discrimination case before, were a witness or helped someone else with a discrimination case, or opposed or reported discrimination due to category listed on this page)

Please specify sexual orientation:

bisexual

Please specify sex:

female

Please specify what you did to oppose discrimination or how you engaged in protected activity.

complaint against erie county sewer , sex discrimination , harassment , sexual harassment , union representative harassment , including but not limited to joseph macdonald , fred czerniejewski , daniel ballard , zack dudziak .

You are filing a complaint against

Entity that discriminated against you:

Name of entity

erie county division of sewerage management

Street Address

3690 lakeshore road

City

buffalo

State

ny

Zip

14219

In what county or borough did the violation take place?

Erie

Phone Number

7165747718

Email address

shaynaivxx@gmail.com

Fax Number

Company Website

Date of the most recent act of alleged discrimination

01/01/2024

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.
If you have supporting documentation or evidence, you may provide it later.

I am writing to formally lodge a complaint regarding sexual harassment that I have experienced in the workplace. I believe it is important to bring this matter to your attention to ensure a safe and respectful work environment for all employees. i have over the last three years experienced a slew of sexual discrimination based on gender by the erie county division of sewerage management , Joseph Macdonald chief operator has used retaliation against myself to push me out of the job position and haws made it impossible for women to work in this field . sexual harrassment , can provide written evidence of this , spanning from april 2021 - jan 2024 , from higher ups and collegues , including Dan Ballard , Zack Dudziack , Fred czerniejewski union representative. Acts such as but not limited to verbally spread harassment oif a sexual nature about myself , false claims that i had fornicated in parking lots , statements about my body and my size and my age , statements often turned into harassing jokes, messages on social media trying to engage in some kind of outside of work relationship . superiors to me adding my social media and messaging me sexually explicit remarks , (screenshots available) . had my shift switched to avoid harrassment, used seperate facilities , ate lunch on my car , to avoid the harrassment, still continued outsidde of work hours on my social media , made to feel less than , made to feel inferrior. I was treated as an object and not as a valued team member for three years , i was madde to feel as though being uncomfortable was wrong. i was the only and stil am the only female working in my position at this time . there is not another female working as an operator at the sewers at this time and that is because pf the disgusting things that you allow your employees to say and do to females in the work place to ensure women dont do skilled trades. i have filed for fmla to try and reconcile a substance abuse issuse and was faced with termination and retalition for admitting my need for assistance . this is wrong. i was driven to substance abuse by the unfair treatment of myself during my employment at erie county. this is an unsafe workplace for women i was then forced to resign due to the inability of myself to feesably cope with the harassment i would face at work should i return after treatment. i was stripped of a promotion and submitted to 5 years probabtion and coerced under duress to sign documents wihthout having proper review or representation. i have been bullied and intimidated by higher ups and it has led me to a place wheere my life has become unmanagable. working for erie county has caused irreprable damage to my life and my health and well being. 7165747718

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

sc

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

shayna l costello

Enter today's date.

02/23/2024

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 16, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Simmons, Taniqua v. Cariol Horne and Erie County Clerk*
Document Received:	Summons and Complaint
Name of Claimant:	Taniqua Simmons 800 Humboldt Parkway Buffalo, New York 14211
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

FILED
ACTIONS & PROCEEDINGS
JUN 27 2024
ERIE COUNTY
CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF Erie

Taniqua Simmons

(Names of Plaintiff(s)/Petitioner(s)

vs

Cariol Horne
Erie County Clerk

(Names of Defendant(s)/Respondent(s)

Summons
Index No. 809140/2024

To the Person(s) Named as Defendant(s) Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: June 27 (Date of Summons). 2024

This paper received at the
Erie County Attorney's Office
from Sir Henry Gve on
the 8 day of July, 2024
at 4:19 a.m./p.m.
Assistant County Attorney

Taniqua Simmons
(Plaintiff(s) name - person bringing on lawsuit)
800 Humboldt Pkwy
(Plaintiff(s) street address)
Bflo. ny 14211
(Plaintiff(s) city, state, zip)
716-444-2188
(Plaintiff(s) telephone no.)

Erie County Clerk
(Defendant(s) name - person(s) sued)
92 Franklin St
(Defendant(s) street address)
Bflo. ny 14202
(Defendant(s) city, state, zip)

Cariol Horne
69 Wasmuth
Buffalo. ny 14211

Venue: Plaintiff(s) designate(s) _____ County as the place of trial. The basis of this designation is: (Enter County above; then select one category below, listing specific County)

☑ Plaintiff(s)' Residence in Erie County.
☑ Defendant(s)' Residence in Erie County.
☐ Other -- Describe: _____.

NOTE: THIS FORM OF SUMMONS MUST BE SERVED WITH A COMPLAINT

Taniqua Simmons

800 Humboldt Pkwy

Buffalo, New York 14211

(716) 444-2188

Pro Se

FILED
ACTIONS & PROCEEDINGS
JUN 27 2024
ERIE COUNTY
CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ERIE

TANIQUA SMMONS	)	CASE NO. 809140/2024
PLAINTIFF	)	
	)	
v.	)	
	)	
	)	
CARIOL HORNE	)	
DEFENDANT	)	
AND	)	
ERIE COUNTY CLERK	)	
NEW YORK STATE	)	
MICHAEL P. KEARNS	)	
DEFENDANT	)	

COMPLAINT

Come now Taniqua Simmons, Plaintiff and brings this action for damages against the Defendants Cariol Horne, and Erie County Clerk in support hereof would respectfully show unto the Court the following facts and matters to wit:

1. Plaintiff is a resident of Buffalo, New York, whose address is 800 Humboldt

Pkwy., 14211.

2. Defendant Cariol Horne, is an adult resident of the State of New York residing at 69 Wasmuth St., Buffalo, New York 14211, and said Defendant may be found for service at this same address, which is located in Erie County, New York. Further, the cause of action which is the subject of this suit occurred and accrued in Erie County, New York.

3. Defendant Erie County Clerk is located in the Old County Hall, 92 Franklin St., Buffalo, New York 14202, and said Defendant may be found for service at this same address, which is located in Erie County, New York.

4. The Plaintiff is the lawful and rightful owner of the property at 69 Wasmuth St. Buffalo, New York 14211., who engaged into a verbal agreement during the month of August 2020 to sell the same said property to the Defendant. The agreed upon purchase price was $10,000.00, with the provision that the outstanding property tax bill of $7000.00 would be extinguished by the Defendant.

5. Prior to the aforementioned agreement the Defendant was a high profile social activist struggling to obtain redress over a denied pension from the City of Buffalo's Police Department. Her plight was well known to the Plaintiff and the Defendant Horne shared her desperate need of housing for her family with the Plaintiff while inquiring about the subject property. Although the property had been vacant for several years and certainly needed numerous repairs a group of Arab investors had already offered the Plaintiff's husband $50,000.00 to purchase the property as is. Nonetheless, the Defendant Horne was so aggressive In her undertaking to acquire the subject property she actually enlisted the assistance of George Thomas the nearby neighbor at 63 Wasmuth St.to literally break into the vacant property in order to examine the interior condition of the house to assess the needed repairs.

After conducting this unauthorized walk-thru she promptly contacted the Plaintiff and offered a sum of $10,000.00 to purchase the property and shortly afterwards made an additional request to hire the Plaintiff's husband to repair the damaged roof. The Defendant Horne made four (4) separate payments on August 26th, 27th, 29th, & the 31st 2020 totaling $5,000.00 to the Plaintiff with the promise of paying the balance of $5000.00 as well as assuming Responsibility for $7,000.00 in property taxes levied on the same subject parcel. (see Exhibit A)

6. Without any authorization from the Plaintiff, and without satisfying the terms of the agreement pertaining to her financial obligations she moved into the property with her family and set up a permanent household. Whenever, the Plaintiff raised the issue about not receiving the $5,000.00 balance due, the Defendant Horne asked for more time because she was still fighting for her pension. On April 13, 2021 Supreme Court Justice Dennis Ward reinstated the Defendant Horne's pension eligibility and awarded her back pay for the period between July 26, 2008 thru August 4, 2010.

7. Concurrently, the Defendant Horne exploited a contention over an outstanding water bill of $ 6,952.52 which ironically was exacerbated by the Defendant Horne's unauthorized occupancy causing the delay in the Plaintiff's Petition to the water company requesting a vacant building adjustment for the years in which the property was vacant. The balance was eventually reduced to $327.00. on August 18, 2021 by Damon Sykes at the Veolia Water Co. (see Exhibit B)

8. The Defendant Horne proffered excuse after excuse for not fulfilling her obligation to the Plaintiff, all the while setting up two different Go Fund Me accounts to supposedly to solicit funds from the public to facilitate remunerating the outstanding $5,000.00 debt owed to the Plaintiff. Although several thousand

dollars were generated between the two Go Fund Me accounts the Plaintiff received no proceeds from these two funding campaigns.
Subsequently, the Defendant Horne initiated a dialogue with the Plaintiff Attempting to persuade the Plaintiff to sign the two requisite property transfer tax forms (**TP-584 & RP-5217),** which would then permit the Defendant Horne to record the deed lawfully and create an opportunity for the Defendant Horne to apply for an equity loan which the Defendant Horne once again implied would be used to retire the balance due to the Plaintiff.

9. On August 6, 2021 the Defendant Horne decided to execute a most unconscionable act of fraud by back dating the RP-5217 to September 25, 2020, the date on which the Plaintiff had signed the deed before learning she would not be paid the $5,000.00 balance due on the purchase of her property at 69 Wasmuth St. the Defendant Horne then doubled down and notated on the signature line for the Seller" Refuses To Sign", and proceeded to submit this paperwork along with the deed to the Defendant Erie County Clerk for recording.

10. The Plaintiff received notification from the Defendant Erie County Clerk that a deed had in fact been recorded by the Defendant Erie County Clerk with the flawed RP-5217 paperwork despite the instructions that accompany the forms that outline the New York State law requirements regarding improper execution. (see Exhibit C1 +C2).

11. The Plaintiff notified the Defendant Erie County Clerk's office by certified letter on November 6, 2021 of the discrepancies contained in the paperwork submitted by the Defendant Horne and requested that the ECC office remove the Improperly recorded deed from their records. (see Exhibit D). Also, the Plaintiff had previously filed a police report with the Buffalo Police Department on August 14, 2021 describing the commission of fraud by the Defendant Horne. (see Exhibit E).

12. The Defendant Erie County Clerk's office responded to the Plaintiff on January 6, 2022 informing the Plaintiff that their office could not remove a document from the land records index absent a court order. (see Exhibit F).

13. A cursory examination of this case by the Defendant Erie County Clerk would have revealed the blatant evidence pointing to the fact of the Defendant Horne being guilty of filing a false instrument, namely, a quit claim deed that indicates a false $1.00 purchase price on an actual $10,000.00 transaction as a transfer tax avoidance scheme. The Plaintiff refused to sign the document.

14. The Plaintiff has suffered severe economic harm and emotional distress due to the malfeasance associated with this document filing and recording carried out by the Defendants. City of Buffalo grant money allocated to assist property owners with home improvements have been denied to the Plaintiff because of an outstanding City of Buffalo property tax bill assigned to the Plaintiff that is the result the Defendant Horne's failure to

15. The Plaintiff has an aggregate of screenshots of text messages shared between the Plaintiff and Defendant Horne which provides prima facie evidence of the material facts set forth herein. The Plaintiff relies upon the New York Court of Appeals case of ***People v. Rodriguez 2022 NY Slip Op 03307*** Decided May 19, 2022, and an underlying case of ***People v. Price 29 NY3d 472, 477 [2017],*** regarding the admission of screenshots as evidence. The injunctive relief being sought by the Plaintiff was not brought pursuant to an Article 78 petition because the harm was not caused by any administrative decision emanating from an agency hearing or such, but in fact is the result of a ministerial oversight and error. There is no substantive dispute between the Plaintiff and Defendant Erie County Clerk regarding this issue.

CONCLUSION

The Plaintiff seeks relief from the Court by way of a Conventional Writ of Mandamus ordering the Defendant Erie County Clerk to remove the subject recorded quitclaim deed (Book-11385 Page-919) from the land records immediately. Secondly, the Plaintiff seeks monetary damages in the amount of $75,000.00 from Defendant Horne pursuant to a tort action relying upon the material facts of the instant case substantiating the Plaintiff's claim that she was and continues to be harmed by the Defendant Horne's fraudulent conduct that was both intentional and negligent; (1) There was a material misrepresentation or omission of the facts on several occasions, (2) The Defendant Horne possessed a knowledge of the falsity of these statements, (3) There was a clear intent to defraud the Plaintiff, (4) There was reasonable reliance on the part of the Plaintiff, and (5) The Plaintiff was significantly harmed by Defendant Horne's actions, as per New York State tort fraud law required elements. She lied.

VERIFICATION

I. Taniqua Simmons declare under penalty of perjury under the law of New York State that I am the Petitioner in the above titled action, that I have read the Complaint and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

State of New York)
)
County of Erie) ss.

Country of _____)

Signed this 27 day of June, 2024

Taniqua Simmons
Signature

Taniqua Simmons
Printed name

800 Humboldt Pkwy
Address

Buffalo, NY 14211
City, State, Zip Code

716-444-2188
Telephone Number

#01HA6271159
Exp 29 Oct 2024

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 23, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Heeter, Benjamin, et al. v. Michael Keane, Acting, DA, et al.*
Document Received:	Summons and Complaint
Name of Claimant:	Benjamin Heeter Lake View, New York
Claimant's attorney:	Nicolas J. Rotsko, Esq. Fluet 1751 Pinnacle Drive, Suite 1000 Tysons, Virginia 22102

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

BENJAMIN HEETER et al.

Plaintiff(s)

v.

LETITIA JAMES, In Her Official Capacity As Attorney General of The State Of New York et al.

Defendant(s)

Civil Action No. 24-cv-623

SUMMONS IN A CIVIL ACTION

EC DISTRICT ATTORNEY
JUL 12 2024 PM 3:34

To: *(Defendant's name and address)* MICHAEL J. KEANE, in his official capacity as Acting District Attorney for Erie County, New York
Erie County District Attorney's Office
25 Delaware Avenue
Buffalo, New York 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Nicolas J. Rotsko, Esq.
Fluet
1751 Pinnacle Drive, Suite 1000
Tysons, VA 22102
T: (703) 590-1234

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 7/3/2024

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BENJAMIN HEETER
Lake View, NY 14085, *and*

FIREARMS POLICY COALITION, INC.
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149,

COMPLAINT

Plaintiffs,

Civil Action No.:

v.

LETITIA JAMES, in her official capacity as
Attorney General of the State of New York
Office of the Attorney General
The Capitol
Albany, NY 12224

STEVEN G. JAMES, in his official capacity as
Superintendent of the New York State Police
1220 Washington Avenue, Building 22
Albany, NY 12226, *and*

MICHAEL J. KEANE, in his official capacity as
Acting District Attorney for Erie County, New York
Erie County District Attorney's Office
25 Delaware Avenue
Buffalo, New York 14202,

Defendants.

Plaintiffs, by and through counsel of record, bring this Complaint against Defendants, New York officials responsible for enforcing state laws infringing the right of law-abiding, peaceable citizens to purchase body armor for defense of self and family and for other lawful purposes, and allege as follows:

INTRODUCTION

1. The Second Amendment to the United States Constitution guarantees "the right of the people to keep and bear Arms." U.S. CONST. amend. II. Under this constitutional provision, Plaintiffs, and other law-abiding residents of New York, have a fundamental, constitutionally-guaranteed right to keep common arms for their own defense and the defense of their household.

2. Despite this guarantee, Defendants have enforced New York State's flat prohibition on the purchase and sale of the most common and ergonomic body armors by ordinary citizens, making it criminal for law-abiding, peaceable citizens (who are not in so-called "eligible professions") to exercise their fundamental right to acquire, keep, bear, and sell such arms. N.Y. PENAL LAW § 270.21 & 22; N.Y. GENERAL BUSINESS LAW ("GBL") § 396-eee ("Body Armor Ban" or "Ban").

3. New York's Body Armor Ban, and Defendants' enforcement thereof, deny individuals who reside in New York, including Plaintiffs, their fundamental, individual right to keep and bear defensive arms in common use.

4. Under *New York State Rifle and Pistol Association v. Bruen*, 597 U.S. 1 (2022), and *D.C. v. Heller*, 554 U.S. 570 (2008), the State of New York has no lawful basis to pick and choose which of its citizens have access to the full suite of rights protected by the Second Amendment. "[T]he Second Amendment extends, prima facie, to all instruments

that constitute bearable arms, even those that were not in existence at the time of the founding." *Heller*, 554 U.S. at 582.

JURISDICTION & VENUE

5. This Court has subject matter jurisdiction over all claims for relief pursuant to 28 U.S.C. §§ 1331 and 1343.

6. Plaintiffs seek remedies under 28 U.S.C. §§ 1651, 2201, and 2202, and 42 U.S.C. §§ 1983 and 1988.

7. Venue lies in this Court under 28 U.S.C. §§ 1391(b)(1) and (b)(2).

PARTIES

8. Plaintiff Benjamin Heeter is a natural person, a resident of New York, an adult over the age of 21, a citizen of the United States, and otherwise legally eligible to purchase and possess body armor but for New York's Ban. 18 U.S.C § 931. Plaintiff Heeter is a member of Firearms Policy Coalition, Inc. ("FPC").

9. Plaintiff FPC is a nonprofit membership organization incorporated in Delaware with a primary place of business in Clark County, Nevada. FPC works to create a world of maximal human liberty and freedom, and to promote and protect individual liberty, private property, and economic freedoms. It seeks to protect, defend, and advance the People's rights, especially but not limited to the inalienable, fundamental, and individual right to keep and bear arms, and protect, defend, and advance the means by which individuals may exercise the right to carry, possess, and use firearms. FPC serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, outreach, and other programs. FPC's members reside both within and outside New York.

10. FPC brings this action on behalf of its members, including the named Plaintiff herein, who are injured by the operation and enforcement of the Body Armor Ban.[1]

11. FPC, as an organization, has been directly injured by the enactment of the Body Armor Ban and Defendants' enforcement of the laws, regulations, policies, practices, and customs challenged herein. FPC has and continues to spend time and other resources, including funding, addressing and responding to the enactment of the Body Armor Ban, consuming resources that would have been directed elsewhere. For example, FPC has incurred costs in legal fees analyzing how the Body Armor Ban affects its members. FPC has also designed and implemented a New York Hotline program to answer questions and provide legal information to its New York members and the public. FPC will incur ongoing expenses to operate the Hotline, including internal FPC staff time and expenses related to outside counsel who will assist with the Hotline. FPC expects to continue to be required to expend additional resources addressing New York's laws affecting the right to keep and bear arms, including the Body Armor Ban, unless and until New York's unconstitutional laws are enjoined.

12. Defendant Letitia James is the Attorney General of the State of New York. As Attorney General, she exercises, delegates, or supervises all the powers and duties

[1] FPC recognizes that "[i]t is the law of this Circuit that an organization does not have standing to assert the rights of its members in a case brought under 42 U.S.C. § 1983", *Nnebe v. Daus*, 644 F.3d 147, 156 (2d Cir. 2011), but FPC contends that this circuit precedent is erroneous and should be overruled by a court competent to do so, particularly in light of *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) ("Either the organization can claim that it suffered an injury in its own right or, alternatively, it can assert 'standing solely as the representative of its members . . . ,'" quoting *Warth v. Seldin*, 422 U.S. 490, 511 (1975)).

of the New York Department of Law, which is responsible for enforcing New York's restrictions on the sale of body armor imposed by GBL § 396-eee ("Unlawful sale or delivery of body armor). Her official address is Office of the Attorney General, The Capitol, Albany, NY 12224-0341. She is being sued in her official capacity.

13. Defendant Steven G. James is the Superintendent of the New York State Police. As Superintendent, subject to the oversight and supervision of the Governor, he exercises, delegates, or supervises all the powers and duties of the New York Division of State Police, including executing and enforcing New York's laws and regulations governing the possession of arms, including the criminalization of purchase and sale of body armor, at PENAL LAW § 270.21 & 22. His official address is New York State Police Office of the Superintendent, Building 22, 2220 Washington Avenue, Albany, New York 12226. He is being sued in his official capacity.

14. Defendant Michael J. Keane is the Acting District Attorney for Erie County, New York. As District Attorney, Defendant Keane "is the prosecutorial officer with the responsibility to conduct all prosecutions for crimes and offenses cognizable by the courts of the county in which [she] serves." *People v. Di Falco,* 44 N.Y.2d 482, 487, 377 N.E.2d 732, 735 (1978). His official address is Erie County District Attorney's Office, 25 Delaware Avenue, Buffalo, New York 14202. He is being sued in his official capacity.

I. NEW YORK'S ILLEGAL BODY ARMOR BAN

15. In the weeks immediately after *Bruen* was decided, New York enacted some of the most sweeping arms restrictions in American history, many of which have been already challenged in court. *See, e.g., Hardaway v. Nigrelli*, 639 F. Supp. 3d 422 (W.D.N.Y. 2022) (enjoining ban on guns in places of worship), *vacated* as moot following legislative

amendment, *Antonyuk v. Chiumento*, 89 F.4th 271, 345 (2d Cir. 2023); *Antonyuk v. Hochul*, 639 F. Supp. 3d 232 (N.D.N.Y. 2022) (challenging numerous restrictions passed in the wake of *Bruen*), *vacated* in part, *Antonyuk v. Chiumento*, 89 F.4th 271, 387-88 (2d Cir. 2023); *Christian v. Nigrelli*, 642 F. Supp. 3d 393 (W.D.N.Y. 2022) (enjoining New York's attempt to establish a default rule turning all private property into a gun-free zone), *affirmed Antonyuk v. Chiumento*, 89 F.4th 271, 387 (2d Cir. 2023); *Srour v. New York City, New York*, No. 22-CV-3, 2023 WL 7005172, at *5 (S.D.N.Y. Oct. 24, 2023).

16. As part of its illogical[2] regulatory scheme, New York bans the purchase of body armor, which the state broadly defines as: "any product that is a personal protective body covering intended to protect against gunfire, regardless of whether such product is to be worn alone or is sold as a complement to another product or garment." N.Y. PENAL LAW § 270.20.

17. Under New York law, "[a] person is guilty of the unlawful purchase of body armor when, not being engaged or employed in an eligible profession, they **knowingly purchase or take possession** of body armor . . . . This section shall not apply to individuals or entities engaged or employed in eligible professions, which shall include police officers . . . , peace officers . . . , persons in military service in the state of New York or military or other service for the United States, and such other professions designated by the department of state in accordance with . . . the executive law. Unlawful purchase of body armor is a class A misdemeanor for a first offense and a class E felony for any subsequent offense." N.Y. PENAL LAW § 270.21 (emphasis added).

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[2] *Cf.* Drew A. Swank, *Body Armor and the Law: A Survey of Current Federal and State Statutes*, 28 COOLEY L. REV. 389, 415 (2011) (explaining that prohibitions on the purchase of body armor are illogical).

18. Nor does New York allow anyone to "sell, exchange, give or dispose of body armor . . . to an individual whom they know or reasonably should have known is not engaged or employed in an eligible profession . . . . Unlawful sale of body armor is a class A misdemeanor for a first offense and a class E felony for any subsequent offense." *Id.* § 270.22.[3]

19. New York's Body Armor Ban not only makes it illegal for non-eligible persons (*i.e.* most New York State residents) to possess body armor, but also eliminates the market for body armor in New York by prohibiting both the purchase and sale of this purely defensive arm. *Id.* (criminalizing body armor sales to most New York State residents); *see also* GBL § 396-eee(4) (imposing fines of up to $10,000 per sale of body armor to "any individual or entity not engaged or employed in an eligible profession . . . .").

II. THE SCOPE OF THE SECOND AMENDMENT INCLUDES BODY ARMOR

20. Throughout history and cross-culturally, people have worn armor to ensure their own safety while travelling or appearing in public. *See Body Armor History*, GlobalSecurity.org (last accessed June 5, 2024), https://www.globalsecurity.org/military/systems/ground/body-armor2.htm.

21. Body armor is a purely defensive class of arms, as opposed to the inherent dual-use nature of projectile weapons. As such, up to and including the present

[3] The term "dispose of" under New York's Penal Law is defined to mean "to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of." N.Y. Penal Law § 265.00(6).

day, body armor remains extremely popular among Americans.[4] This is because, in part, body armor can be employed in a variety of situations; for example, a parent concerned about school shootings may wish to provide their child a backpack with protective lining[5] (which is illegal under New York's Body Armor Ban); or, citizens concerned about the violent civil unrest that swept the country during the summer leading up to the 2020 Presidential election—such as the May 30, 2020 riot in Niagara Square, Buffalo, New York—may wish to obtain body armor as a precautionary measure (which again is illegal under New York's Body Armor Ban).

(Niagara Square, Buffalo, New York, May 30, 2020; WBEN/Tim Wenger)

22. The tradition of keeping and bearing armor has a long and rich history in America, spanning the early European explorers' heavy reliance on armor, through

[4] *See* Jaclyn Diaz, *Sales of body armor are on the rise. Who's buying and why?*, NPR (June 14, 2022, 5:00AM), https://www.npr.org/2022/06/14/1103935711/body-armor-sales-increase-rise-mass-shootings-bans ("Dave Goldberg, the CEO of National Body Armor, said his company experienced a boost in sales immediately following the mass shooting at a grocery store in Buffalo.").

[5] Elaina Athans, *'Anything to keep kids safe': Parent considers bulletproof backpacks*, ABC 11 NEWS (March 30, 2023), https://abc11.com/school-safety-student-guns-at-shooting/13051540/.

Colonial-era mandates requiring able-bodied men and municipalities to keep armor ready at hand, to the mass market for bullet proof garments that began during the Civil War era and continues to the present. In essence, Americans have always "used armor when the benefits outweighed the burdens", with very little regulation. Joseph G.S. Greenlee, *The Tradition of Armor Use and Regulation in America* (manuscript, at 42), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4679833.

23. The history of the United States is replete with examples of American citizens choosing to wear protective vestments in order to protect themselves. The history of body armor on the North American continent long predates the American Revolution. *See* BASHFORD DEAN, HELMETS AND BODY ARMOR 287 (Yale University Press, 1920) ("Curiously enough, soft armor was quite in vogue at the time of the colonization of America. In 1663, Roger North records that 'an abundance of silken back and breast plates were made and sold that were pretended to be pistol proof in which any man dressed was safe as in a house . . ."); *See also* Greenlee, *The Tradition of Armor Use and Regulation in America* (manuscript, at 7-28) (detailing common armor used during exploration and early colonization of America).

24. The United States Court of Appeals for the Tenth Circuit recognized the continuing utility of body armor for at-risk 21st-century Americans in a notable pre-*Heller* case. *United States v. Patton*, 451 F.3d 615, 629 (10th Cir. 2006) ("[W]earing body armor is not an inherently threatening act. Much of the time, wearing body armor is an act of self-defense, which reduces rather than increases crime. This case illustrates the point: Mr. Patton was not armed at the time he was apprehended and—according to his story—

was wearing the vest solely because his prior gang activity, now abandoned, made him vulnerable to attack.").

25. Moreover, some of the greatest developments in the history of body armor have been discovered by Americans. Initially, American-made body armor remained unwieldy and relatively ineffectual, including the examples created in the early 20th Century—*e.g.*, the Brewster Body Shield, created in 1917 by Dr. Guy Otis Brewster of Dover, New Jersey. *See* Adrian Burrows, *Bizarre World War I – The New Body Armor that Failed*, HISTORY IS NOW MAGAZINE (March 5, 2014), https://www.historyisnowmagazine.com/blog/2014/3/5/bizarre-world-war-i-the-body-armor-invention-that-failed.

26. In 1965, the great Polish-American inventor Stephanie Louise Kwolek, synthesized Kevlar while working at DuPont. *See Kevlar Inventor Stephanie Kwolek Dies*, BBC NEWS (June 21, 2014), https://www.bbc.com/news/world-us-canada-27951043. Because Kevlar is easily used to fashion effective body armor, "the material has saved thousands of lives," *id.*, but cannot be purchased by most residents of New York State. Penal Law § 270.21 & 22; GBL § 396-eee.

27. Body armor is frequently used in non-military applications, including to protect civilians who are at risk of being targeted by criminals by virtue of their occupation (*e.g.*, security guards and journalists). U.S. Department of Justice, Office of Justice Programs, *National Institute of Justice Guide: Body Armor*, NATIONAL INSTITUTE OF JUSTICE (December 2014), https://www.ojp.gov/pdffiles1/nij/247281.pdf. This is because "**wearing body armor saves lives**" *Id.* at 3.

28. Body armor is in common use in every state for lawful purposes. Indeed, a recent analysis of the body armor market concluded that American civilians spent $41.9 million on body armor in 2022, which is projected to increase to $69.2 million by 2034, as the materials to make body armor become more and more lightweight, thereby increasing the popularity of body armor. PRECEDENCE RESEARCH, BODY ARMOR MARKET (2023).[6]

29. Among those who commit crimes, by contrast, only a negligible percentage choose to wear body armor while perpetrating their crimes. For example, in 1984, New York enacted Penal Law § 270.20, which made it a felony to wear a "body vest" during commission of crime in possession of a gun, but research discloses only a handful of cases applying that statute in the 40 years since its enactment.

30. New York's Body Armor Ban is, therefore, a ban on acquiring and keeping arms that are commonly possessed and used for lawful purposes, including self-defense in public and at home.

A. New York's Body Armor Ban is unconstitutional.

31. The Supreme Court in *Heller* left no doubt that body armor is protected by the Second Amendment:

> Before addressing the verbs 'keep' and 'bear,' we interpret their object: 'Arms.' The 18th-century meaning is no different from the meaning today. The 1773 edition of Samuel Johnson's dictionary defined 'arms' as 'weapons of offence, **or armour of defence.**' Timothy Cunningham's important 1771 legal dictionary defined 'arms' as '**anything that a man wears for his defence**, or takes into his hands, or useth in wrath to cast at or strike another.'

[6] The same market analysis found that the U.S. military spent $387.5 million on body armor that year, and law enforcement spent $271.4 million on body armor.

554 U.S. at 581 (internal citations omitted and emphasis added); *see also Maloney v. Singas*, 351 F. Supp. 3d 222, 235 (E.D.N.Y. 2018) (determining that nunchaku fall within the ambit of the Second Amendment, despite not being firearms).

32. "Self-defense is a basic right, recognized by many legal systems from ancient times to the present day." *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 767 (2010).

33. To codify this preexisting right, the Second Amendment to the United States Constitution provides: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." U.S. CONST. amend. II.

34. The term "arms" had an expansive meaning at the time of the ratification of the Bill of Rights, and included tools that have a purely defensive purpose, such as body armor. *Heller*, 554 U.S. at 58; *Cf.* Stephen A. Halbrook, *What the Framers Intended: A Linguistic Analysis of the Right to 'Bear Arms,'* 49 LAW AND CONTEMPORARY PROBLEMS 401--12 (1986).

35. "Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad." *Id.* at 634–35.

36. "The very enumeration of the right [to keep and bear arms] takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon." *Heller*, 554 U.S. at 634.

37. Courts in and outside of this state have long understood that body armor is a class of arms protected by the Second Amendment. *United States v. Serrano*, 191

F. Supp. 3d 287, 292 (S.D.N.Y. 2016) ("[A]ssuming that 'body armor' is analogous to a firearm . . ."); *United States v. Smith*, No. CRIM. 09-20070, 2009 WL 3241992, at *1 (E.D. Mich. Oct. 8, 2009) ("Defendant Smith concedes that the term "arms" in the operative clause of the Second Amendment protects both weapons of offense and armor of defense.").

38. Here, stripping the People of the ability to purchase, sell, and take possession of armor—arms that are inherently non-lethal—is contrary to Second Amendment.[7]

39. The Second Amendment is an "unqualified command." *Bruen*, 142 S. Ct. at 2130. When a law, like New York's Body Armor Ban, prevents citizens from acquiring arms that are in common use for lawful purposes, then that law violates the Second Amendment. *Bruen*, 142 S. Ct. at 2129–30; *Heller*, 554 at 628. New York's ban cannot be justified by reference to any countervailing governmental interest. *Id.*

40. In order to justify a law that affects Plaintiffs' Second Amendment protected rights, the government bears the affirmative burden of proving that the regulation is consistent with our nation's history and tradition. *Bruen*, 142 S. Ct. at 2127. As a matter of law, any regulation that flatly bans the purchase of an entire class of common arms frequently used for self-defense and other lawful purposes is inconsistent with this nation's

[7] *See Caetano v. Massachusetts*, 577 U.S. 411, 421 (2016) ("Moreover, a weapon is an effective means of self-defense only if one is prepared to use it, and it is presumptuous to tell Caetano she should have been ready to shoot the father of her two young children if she wanted to protect herself. Courts should not be in the business of demanding that citizens use more force for self-defense than they are comfortable wielding.") (Alito, J., concurring in the judgment).

history and tradition, and thus violates the Second Amendment. *Id.* at 2128; *Heller*, 554 U.S. at 624.

41. New York cannot meet its burden; there exists no American tradition of depriving citizens of the ability to lawfully purchase, sell, or take possession of purely defensive arms and armor. Indeed, there were no restrictions concerning body armor at all prior to 1900. Greenlee, *The Tradition of Armor Use and Regulation in America* (manuscript, at 38-41).

42. Moreover, in the present day, the overwhelming majority of states do not prohibit non-felons from purchasing, possessing, and wearing body armor regardless of the armor's level of protection. *See Body Armor Laws By State 2023 - Know Your Rights*, Spartan Armor Systems (January 4, 2023), https://www.spartanarmorsystems.com/body-armor-laws-by-state-know-your-rights (conducting a state survey).

43. Because New York's Body Armor Ban cannot pass muster under *Heller* and *Bruen*, and deprives Plaintiff Heeter, other FPC members, and most New Yorkers of their ability to acquire and possess an entire class of purely defensive arms, enforcement of the Body Armor Ban should be permanently enjoined.

THE EFFECT ON PLAINTIFFS

44. Plaintiff Heeter lives in New York. He intends to exercise his right to keep and bear body armor for lawful purposes. Specifically, if allowed, Plaintiff Heeter would purchase (and would have already purchased) Safe Life Defense Level IV armor, or BulletSafe Level IV armor. Plaintiff Heeter would immediately purchase and possess this armor (and would have done so already) were it not for Defendants' enforcement of New York's Ban. In light of Defendants' actions, including the credible threat of arrest,

confiscation, prosecution, fines, and imprisonment arising from New York's Body Armor Ban and their recent actions to enforce it, Plaintiff Heeter has refrained from acquiring Safe Life Defense or BulletSafe body armor.

45. Plaintiff Heeter's desire and intention to purchase Safe Life Defense or BulletSafe body armor arose in large part from a close call he experienced in May 2020, as violent riots swept America's cities. Plaintiff Heeter left work at the Buffalo Niagara Medical Campus on the evening of May 30, 2020, and took his normal route home through Niagara Square. Shortly after he drove through the square, a protest turned into a violent mob, accosting motorists and lighting a vehicle on fire, resulting in a state of emergency. Plaintiff Heeter narrowly missed being surrounded by the mob. Plaintiff Heeter desires to purchase body armor, in part so that he can keep it in his car in the event of similar civil unrest, which concerns him as the next presidential election approaches.[8]

(Niagara Square, Buffalo, New York, May 30, 2020; Thomas O'Neil-White/WBFO News,)

[8] https://buffalonews.com/news/local/watch-now-protesters-beat-driver-smash-car-in-niagara-square/article_87493131-a9c8-5d62-867a-aba74ed4b188.html.

46. Despite the obvious benefits of body armor, New York has deprived Plaintiff Heeter of a marketplace to obtain it. By outlawing all transactions that would enable an ordinary law-abiding citizen to acquire body armor, the Ban has completely destroyed the civilian market for body armor (with the narrow exception of the "eligible professions"). Plaintiff Heeter is unable to purchase body armor in New York because Defendants' enforcement of the Ban has extinguished any legal market for such arms.

COUNT ONE - AGAINST ALL DEFENDANTS

42 U.S.C. § 1983 ACTION FOR DEPRIVATION OF PLAINTIFFS' RIGHTS UNDER THE SECOND AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION

47. Plaintiffs restate the above paragraphs as if fully set forth herein.

48. There is an actual and present controversy between the parties.

49. The Second Amendment to the United States Constitution guarantees ordinary, law-abiding citizens their fundamental right to keep and bear arms. The Fourteenth Amendment incorporates that individual right as against the states.

50. The right to keep and bear arms includes, but is not limited to, the right of individuals to acquire and possess common arms for all lawful purposes, including self-defense.

51. New York bans ordinary citizens from purchasing or possessing an entire class of arms—body armor—while authorizing the Department of State to exempt certain categories of favored groups.

52. 42 U.S.C. § 1983 creates a cause of action against government actors who deprive individuals of their federal constitutional rights under the color of law.

53. Defendants, individually and collectively, under color of law and at all relevant times, have deprived residents of New York—including Plaintiff Heeter and other FPC members—of their individual rights through enforcement of the Body Armor Ban.

54. For all the reasons asserted herein, Defendants have acted in violation of, and continue to act in violation of, 42 U.S.C. § 1983.

55. Plaintiffs are therefore entitled to permanent injunctive relief against enforcement of the Body Armor Ban.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for the following relief:

1. A declaratory judgment that Plaintiffs have a fundamental right to keep and bear arms, including by acquiring body armor;

2. A declaratory judgment that New York's Body Armor Ban, and all related regulations, policies, and/or customs designed to enforce or implement the same, prevent Plaintiffs from exercising their fundamental right to keep and bear arms, including by acquiring and possessing body armor, as guaranteed under the Second Amendment to the United States Constitution, and is thus unconstitutional;

3. A permanent injunction prohibiting each Defendant, and Defendants' respective employees, officers, agents, representatives, and all those acting in concert or participation with them, from enforcing the challenged regulations making up, in part, New York's Body Armor Ban, and all related regulations, policies, and/or customs designed to enforce or implement the same;

4. Attorneys' fees, expert fees, and costs pursuant to 42 U.S.C. § 1988, and any other applicable law; and

5. Any and all other and further legal and equitable relief against Defendants as necessary to effectuate the Court's judgment, or as the Court otherwise deems just and proper.

Dated: McLean, Virginia
July 1, 2024

FLUET

By: /s/ Nicolas J. Rotsko
Nicolas J. Rotsko, Esq.

Attorneys for Plaintiffs
1751 Pinnacle Drive
Suite 1000
Tysons, VA 22102
T: (703) 590-1234
F: (703) 590-0366
nrotsko@fluet.law

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 31, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Cash, Terrance, et al. v. Erie County Sheriff's Office*
Document Received:	Verified Petition
Name of Claimant:	Terrance Cash 117 Mayer Street Buffalo, New York 14207
Claimant's attorney:	Elliott Dolby Shields, Esq. Roth & Roth, LLP 192 Lexington Avenue, Suite 802 New York, New York 10016

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

TERRANCE CASH and ROTH AND ROTH, LLP,

Petitioners,

-against-

ERIE COUNTY SHERIFF'S OFFICE,

Respondent,

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules.

INDEX NO.: 809867/2024

NOTICE OF PETITION

PLEASE TAKE NOTICE that upon the annexed verified petition of Elliot D. Shields, on behalf of Petitioners Terrance Cash and Roth & Roth, LLP, verified on July 11, 2024, and all exhibits annexed thereto, an application will be made to this Court at the courthouse located at 25 Delaware Ave, Buffalo, NY 14202, on August 20, 2024, at 10:30 a.m. or as soon thereafter as counsel can be heard, for an Order and Judgment pursuant to Article 78 of the New York Civil Practice Law and Rules for an Order:

1. Requiring Respondents to provide Petitioner with a copy of all documents requested in its January 24, 2024 FOIL request that do not fall within any of the exemption of Pub. Officer's Law §87;
2. Awarding attorney's fees and costs in favor of Petitioner against Respondent in an amount to be determined at the conclusion of this proceeding, pursuant to POL § 89(4)(c); and

3. Granting Petitioner such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that Petitioners intend to serve reply papers in this matter, and so pursuant to CPLR §§ 2214 and 7804(c), any answer and supporting affidavits shall be served and filed at least seven days before the return date of this application and any adjourned date.

Dated: July 11, 2024
New York, New York

Yours, etc.,

ROTH & ROTH, LLP

~//s//~

By: Elliot D. Shields
Attorneys for Petitioners
192 Lexington Avenue, Suite 802
New York, New York 10016
(212) 425-1020

TO: Erie County Sheriff's Office, 10 Delaware Avenue, Buffalo, New York, 14202

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-4	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report

Attachments

24COMM. 15D-4

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG AUG 7 '24 PM1:15

August 5, 2024

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, NY 14202

Dear Honorable Members:

RE: Comm. 12E-34 Compliance Report

In accordance with Comm. 12E-34, please find an update of Child Protective caseloads for the month of July.

	July	Change Since June
Caseload size at the last day of the Month	1,085	-370
Number of CPS workers assigned at least five cases last day of month	84	0
Average number of cases per worker	12.92	-4.40
Cases Closed in Month	869	215
Intake during Month	571	-116
Overdue Investigations at the last day of month	233	-68
Timely Determinations during month	445	87

Thank you.

Sincerely,

Karen Rybicki

Karen Rybicki, Acting Commissioner
Erie County Department of Social Services

cc: Erie County Executive Mark Poloncarz

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-5	DEPUTY COMPTROLLER FOR AUDIT & CONTROL	EC Comptroller's Office - Audit of County Owned Vehicles

Attachments

24COMM. 15D-5

EC LEG AUG 28 '24 PM12:09

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 28, 2024

Mr. William Geary
Commissioner of Public Works
95 Franklin Street,
Buffalo, NY 14227

Re: Erie County Comptroller's Office Audit of County Owned Vehicles

Dear Commissioner Geary:

The Erie County Comptroller's Office, Division of Audit and Control is commencing a performance audit of Erie County owned vehicles, specifically passenger vehicles and light-duty pick-up trucks and assigned 24-hour take-home vehicles.

The scope of the audit will include an examination of the policies and procedures in place for the assignment of the motor vehicles, along with the recordkeeping within the Division of Fleet Services and other departments or offices maintaining and assigning their own vehicles. The audit period will be January 1, 2023 through June 30, 2024. The scope of this audit will not be changed without written notice.

The audit objectives will include an evaluation of the internal and system controls over the use of 24-hour take-home vehicles and an evaluation of the efficiency and effectiveness of deploying those vehicles. Additional objectives will include testing and evaluating documentation, inventory including the purchase process, recordkeeping practices, and IRS regulations to the established policies, procedures and guidelines of Erie County.

We will contact your office to arrange an entrance conference where we will review the County vehicle policies and procedures while also outlining our audit process. We encourage you to bring any additional personnel to the meeting who may be assisting our auditors during the audit. If there are any concerns that you would like us to examine, please feel free to bring them to our attention as well.

Please contact me at 716.858.6927 or by email at Mary.Nytz-Hosler@Erie.gov, if you have any questions or concerns. Thank you in advance for your assistance and cooperation.

Sincerely,

Mary K. Nytz-Hosler
Deputy Comptroller for Audit and Control

cc: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Erie County Legislature
Hon. Kevin Hardwick, Erie County Comptroller
Mark Cornell, Budget Director
Erie County Fiscal Stability Authority

95 FRANKLIN STREET • ROOM 100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-6	DEPARTMENT OF SOCIAL SERVICES	COMM. 12E-34 Compliance Report

Attachments

24COMM. 15D-6

EC LEG SEP 5 '24 PM1:18

EC LEG SEP 5 '24 PM1:18

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 5, 2024

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, NY 14202

Dear Honorable Members:

RE: Comm. 12E-34 Compliance Report

In accordance with Comm. 12E-34, please find an update of Child Protective caseloads for the month of August.

	August	Change Since July
Caseload size at the last day of the Month	963	-122
Number of CPS workers assigned at least five cases last day of month	87	3
Average number of cases per worker	11.07	-1.85
Cases Closed in Month	735	-134
Intake during Month	566	-5
Overdue Investigations at the last day of month	158	-75
Timely Determinations during month	389	-56

Thank you.

Sincerely,

Karen Rybicki

Karen Rybicki, Acting Commissioner
Erie County Department of Social Services

cc: Erie County Executive Mark Poloncarz

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-7	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County

Attachments

24COMM. 15D-7

COUNTY OF ERIE

EC LEG SEP 6 '24 PM 3:1

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/dld

TO: Olivia Owens, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: September 4, 2024

RE: Transmittal of New Claims Against Erie County

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 13 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Anthony Whitt v. Erie County Office of Child Support, et al.;
2. Yousef Ahmed v. County of Erie, et al.;
3. Jay Ayoub v. County of Erie, et al.;
4. Majd Ayoub v. County of Erie, et al.;
5. Elvi Dougherty v. County of Erie, et al.;
6. Soliegh Dougherty v. County of Erie, et al.;
7. Timothy Georger v. County of Erie, et al.;
8. Ibrahim Khatib v. County of Erie, et al.;
9. Hannah Krull v. County of Erie, et al.;
10. Mohammed Noor v. County of Erie, et al.
11. Rashan Dunston v. County of Erie, et al.;
12. Scott Willis v. County of Erie, et al.; and
13. Bradley Ensminger v. County of Erie, et al.

JCT:dld
Attachments

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 2, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Whitt, Anthony v. Erie County Office of Child Support Enforcement, et al.*
Document Received:	Order to Show Cause
Name of Claimant:	Anthony Whitt 320 Niagara Falls Boulevard Tonawanda, New York 14223
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

At a Term of the Supreme Court of the State of New York, held in and for the County of Erie on the 21 th day of March, 2024,

Present: Hon. Hon. Michael A. Siragusa, Justice

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ERIE

In the Matter of the Application of

Anthony W. Whitt, Petitioner

ORDER TO SHOW CAUSE

-against-

Index No, [illegible]/2024

COMMISSIONER TANGULER GRAY OF CHILD SUPPORT SERVICES (ENFORCEMENT AGENCY)

DEPUTY COMMISSIONER EILEEN M. STACK OF OTDA (CHILD SUPPORT PROCESSING CENTER)

ERIE COUNTY OFFICE OF CHILD SUPPORT ENFORCEMENT AGENCY

COMMISSIONER ROBERTA REARDON OF THE DEPARTMENT OF LABOR, Respondents

For a Judgment Pursuant to Article 78

Of the Civil Practice Law and Rules

STATE OF NEW YORK)

COUNTY OF ERIE)ss

Upon the annexed affidavit in support of an Order to Show Cause of Anthony W. Whitt, verified on the 27th the day of Feb, 2024, the Verified Petition, and Supporting papers ", sworn to on the 21 day of Feb, 2024. It is;

Date of Hearing: June 4, 2024 at 9:30 a.m. at 50 Delaware Ave., Part 13, Buffalo, New York 14202

Anthony W. Whitt

Date Petition was approved: _____

Supporting papers

Order to Show Cause

Affidavit in Support to Show Cause

Notice of Petition

Verification of Petition

Request for Judicial Intervention

Application for Index Number

Affidavit in Support of Request for Reduction/Waiver of Fees

Exhibits " A-k"

ORDERED, that Respondents, " COMMISSIONER TANGULER GRAY OF CHILD SUPPORT SERVICES (ENFORCEMENT AGENCY), DEPUTY COMMISSIONER EILEEN M. STACKOF OTDA (CHILD SUPPORT PROCESSING CENTER) ERIE COUNTY OFFICE OF CHILD SUPPORT ENFORCEMENT AGENCY and COMMISSIONER ROBERTA REARDON OF THE DEPARTMENT OF LABOR " show cause at a Term of this Court , to be held in the County of Erie, on the 4th day of June, 2024, or as soon thereafter as counsel may be heard, why a judgment should not be made and entered in this matter pursuant to Article 78 of the Civil Practice Law and Rules.

VACATING Respondents Unconstitutional behavior and illegal acts of " Unfair Practices " violating; 15 U.S.C. 1692f;

"-A debt collector may not; collect any interest, fee, charge, or expense incidental to the principal obligation unless it was authorized by the original debt or otherwise permitted by law.

Violating New York's Self-Support Reserves income level for a single person /Federal poverty guidelines;

- Retroactive support (Support Arrears) may not be counted as arrears for these actions.

Violating 18 U.S.C. Subsection 241 (Conspiracy against rights);

-If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by The Constitution or Laws of The United States, or because of his having so exercised the same".

Violating The Petitioners 4th Amendment to " Search and Seizure ", 5th and 14th the " Due Process of Law ".

DIRECTING Respondents to refrain from and restrain Respondent from Petitioners financial assets, such as; personal property, bank accounts, Brokerage accounts, wages/earnings, benefits etc.

GRANTING such other and further relief as the Court may deem just and proper. It is further,

ORDERED that pending the hearing of this special proceeding and pursuant to section 7805 of the N.Y. Civil Practice Law and Rules, Respondents and all other officers, employees, agents, attorneys and persons working in active concert or participation with Respondents are " STAYED ", and prohibited from taking action related to enforcing Respondents Unfair practices started on the 17th of August, 2023, against Petitioner. It is further

ORDERED that service of a copy of this Order, together with the papers upon which it is granted, upon both the Respondents, and the Attorney General ~~by email~~, or on before April 19, 2024 pursuant to the NYS Civil Practice Law & Rules

~~2024~~, shall be deemed sufficient.

Dated: March 26, 2024

Sworn to before me on the ~~27~~ 4

Day of February, 2024.

So ordered.

Hon. Michael A. Siragusa

Hon. ~~JUDGE~~ SIGNATURE

NOTARY PUBLIC

LAQUITA E RUCKER
Notary Public, State of New York
No. 01RU6326228
Qualified in Erie County
Commission Expires 06/15/2027

PETITIONER

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Ahmed, Yousef v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Yousef A. Ahmed 55 Ascot Circle Amherst, New York 14051
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

YOUSEF A. AHMED

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John MacCarthon
the 30th day of July, 2024
at 11:58 (a.m.)/p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that YOUSEF A. AHMED, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 55 Ascot Circle, Amherst, NY 14051.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of YOUSEF A. AHMED is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for

consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 5:00 p.m., the claimant YOUSEF A. AHMED and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, YOUSEF A. AHMED, while lawfully and properly on public property, was in the process of leaving the demonstration and walked towards Capen Hall, and was exercising the rights and privileges guaranteed to him under the United States and New York State Constitutions, including his Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, his Right to Equal Protection, and his right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers targeted Claimant because of his leadership role in certain student groups and because he was videotaping their conduct. Unnamed officers violently tackled Claimant. Claimant was in the process of leaving the demonstration when unnamed officers locked/blocked the doors to Capen Hall, preventing Claimant from leaving the vicinity of the demonstration. Unnamed officers chased Claimant along the sidewalk area outside Capen Hall and violently tackled Claimant to the ground. At least four unnamed

officers violently tackled and piled on Claimant. Claimant was held down by the officers and was kicked, kneed, and struck while he laid on the ground, unable to breathe. Despite Claimant having been apprehended by numerous officers and not resisting his arrest, Claimant was subjected to violent force by responding officers. Claimant YOUSEF A. AHMED was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of

YOUSEF A. AHMED, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting YOUSEF A. AHMED from freely exercising his guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and his right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be

assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, YOUSEF A. AHMED, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system. Claimant suffered serious injuries to his thumb, hands, head, and brain and was unable to breathe for an extended period of time. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE

DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of YOUSEF A. AHMED, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

YOUSEF A. AHMED, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Yousef A. Ahmed

Sworn to before me on this
29th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CG6432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

DATED: Buffalo, New York
July 29th, 2024

YOUSEF A. AHMED

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

4817173v1 - 071944.0001

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Ayoub, Jay v. County of Erie, Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Jay M. Ayoub 230 Palmdale Drive Buffalo, New York 14221
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

JAY M. AYOUB

NOTICE OF CLAIM

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that JAY M. AYOUB, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 230 Palmdale Drive, Buffalo, NY 14221.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of JAY M. AYOUB is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 6:30 p.m., the claimant JAY M. AYOUB and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, JAY M. AYOUB, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to him under the United States and New York State Constitutions, including his Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, his Right to Equal Protection, and his right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, kicked, kneed, punched, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently tackled Claimant and struck Claimant repeatedly, including in the shoulders. Unnamed officers violently piled on Claimant, rendering breathing very difficult and causing him to fear for his life for a prolonged period. Despite Claimant having been apprehended by numerous officers and not resisting his arrest, Claimant was subjected to violent force by responding officers. Claimant JAY M.

AYOUB was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of JAY M. AYOUB, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting JAY M. AYOUB from freely exercising his guaranteed United

States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and his right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure

that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, JAY M. AYOUB, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system; and more particularly, Claimant, JAY M. AYOUB, sustained injuries in the nature of inability to breathe, serious shoulder and arm injuries, and other injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on

behalf of JAY M. AYOUB, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

JAY M. AYOUB

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

JAY M. AYOUB, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Jay M. Ayoub

Sworn to before me on this
24th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CO5432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Ayoub, Majd v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Majd M. Ayoub 230 Palmdale Drive Buffalo, New York 14221
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

MAJD M. AYOUB

Claimant,

-against-

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that MAJD M. AYOUB has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 230 Palmdale Drive, Buffalo, NY 14221.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of MAJD M. AYOUB is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 5:00 p.m., the claimant MAJD M. AYOUB and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, MAJD M. AYOUB, while lawfully and properly on public property, was in the process of leaving the demonstration, and was exercising the rights and privileges guaranteed to him under the United States and New York State Constitutions, including his Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, his Right to Equal Protection, and his right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers targeted Claimant because of his leadership role in certain student groups and because he was monitoring their conduct. Unnamed officers violently tackled Claimant. Claimant was in the process of leaving the demonstration when unnamed officers prevented Claimant from leaving the vicinity of the demonstration. Unnamed officers violently tackled Claimant to the ground.

At least five unnamed officers violently tackled and piled on Claimant. Claimant was held down by the officers and was kicked, kneed, and struck while he laid on the ground. Despite Claimant having been apprehended by numerous officers and not resisting his arrest, Claimant was subjected to violent force by responding officers. Claimant MAJD M. AYOUB was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of MAJD

M. AYOUB, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting MAJD M. AYOUB from freely exercising his guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and his right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be

assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, MAJD M. AYOUB, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system. Claimant suffered serious injuries to his shoulders, arms, torso, and hips, and was unable to breathe for an extended period of time. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE

DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of MAJD M. AYOUB, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

MAJD M. AYOUB

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

MAJD M. AYOUB, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Majd M. Ayoub

Sworn to before me on this
29th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CC6432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Dougherty, Elvi v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Elvi J. Dougherty 87 Chenango Street Buffalo, New York 14213
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

ELVI J. DOUGHERTY

NOTICE OF CLAIM

Claimant,

-against-

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
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POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that ELVI J. DOUGHERTY, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 87 Chenango Street, Buffalo, NY 14213.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of ELVI J. DOUGHERTY is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 7:00 p.m., the claimant ELVI J. DOUGHERTY and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, ELVI J. DOUGHERTY, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to her under the United States and New York State Constitutions, including her Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, her Right to Equal Protection, and her right to monitor was willfully, maliciously, intentionally and/or negligently pushed and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently apprehended Claimant. Unnamed officers violently applied zip tie handcuffs. Despite Claimant having been apprehended by numerous officers and not resisting her arrest, Claimant was subjected to violent force by responding officers. Claimant ELVI J. DOUGHERTY was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery,

excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of ELVI J. DOUGHERTY, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting ELVI J. DOUGHERTY from freely exercising her guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of

Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and her right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police

Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, ELVI J. DOUGHERTY, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system. Claimant suffered injuries to her hands and wrists, as well as other injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of ELVI J. DOUGHERTY, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

ELVI J. DOUGHERTY

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

ELVI J. DOUGHERTY, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of herself. She has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Elvi J. Dougherty

Sworn to before me on this
24th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CO6432875
Notary Public, State of New York
Qualified In Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Dougherty, Soliegh v. County of Erie, Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Soliegh M. Dougherty 87 Chenango Street Buffalo, New York 14213
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

SOLIEGH M. DOUGHERTY

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John MacCarricken
the 30th day of July, 2024
at 11:55 a.m./p.m.

Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

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CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that SOLIEGH M. DOUGHERTY, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 87 Chenango Street, Buffalo, NY 14213.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of SOLIEGH M. DOUGHERTY is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 7:00 p.m., the claimant SOLIEGH M. DOUGHERTY and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, SOLIEGH M. DOUGHERTY, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to her under the United States and New York State Constitutions, including her Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, her Right to Equal Protection, and her right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently swiped Claimant's feet from underneath her while she stood stationary, tripped Claimant, and tackled Claimant. Unnamed officers piled on Claimant and violently pushed Claimant into the ground and applied pressure to her back, shoulders, and head. Despite Claimant having been apprehended by numerous officers and not resisting her arrest, Claimant was subjected

to violent force by responding officers. Claimant SOLIEGH M. DOUGHERTY was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of SOLIEGH M. DOUGHERTY, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping,

suppressing, quashing and prohibiting SOLIEGH M. DOUGHERTY from freely exercising her guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and her right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg

Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, SOLIEGH M. DOUGHERTY, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system. Claimant suffered injuries to her chest, arms, and shoulders, as well as other injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY

CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of SOLIEGH M. DOUGHERTY, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

SOLIEGH M. DOUGHERTY

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

SOLIEGH M. DOUGHERTY, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Soliegh M. Dougherty

Sworn to before me on this
24th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CO5432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Georger, Timothy v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Timothy P. Georger 500 Cayuga Road, Apt. 1 Cheektowaga, New York 14225
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

TIMOTHY P. GEORGER

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that TIMOTHY P. GEORGER, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 500 Cayuga Road, Apt. 1, Cheektowaga, NY 14225.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of TIMOTHY P. GEORGER is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 4:00 p.m., the claimant TIMOTHY P. GEORGER and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York beginning at 4:00 p.m. near the student union and, beginning around 5:00 p.m., in and around the "Flint Loop area." At approximately 8:20 p.m., the Claimant, TIMOTHY P. GEORGER, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to him under the United States and New York State Constitutions, including his Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, his Right to Equal Protection, and his right to monitor was willfully, maliciously, intentionally and/or negligently pushed and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently apprehended Claimant. Unnamed officers violently applied zip tie handcuffs. Despite Claimant having been apprehended by numerous officers and not resisting his arrest, Claimant was subjected to violent force by responding officers. Claimant TIMOTHY P. GEORGER was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom

of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of TIMOTHY P. GEORGER, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting TIMOTHY P. GEORGER from freely exercising his guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of

Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and his right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police

Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, TIMOTHY P. GEORGER, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of TIMOTHY P. GEORGER, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

TIMOTHY P. GEORGER

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

TIMOTHY P. GEORGER, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Timothy P. Georger

Sworn to before me on this
29th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CO6432876
Notary Public, State of New York
Qualified In Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Khatib, Ibrahim v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Ibrahim V. Khatib 448 7th Street Buffalo, New York 14201
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

IBRAHIM V. KHATIB

NOTICE OF CLAIM

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that IBRAHIM V. KHATIB, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 448 7th Street, Buffalo, NY 14201.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of IBRAHIM V. KHATIB is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for

consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 8:00 p.m., the claimant IBRAHIM V. KHATIB and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, IBRAHIM V. KHATIB, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to him under the United States and New York State Constitutions, including his Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, his Right to Equal Protection, and his right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently tackled Claimant. Unnamed officers violently knocked Claimant's phone out of his hands while he attempted to record the incident and violent pushed Claimant to the ground. Despite Claimant having been apprehended by numerous officers and not resisting his arrest, Claimant was subjected to violent force by responding officers. Claimant IBRAHIM V. KHATIB was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse

of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of IBRAHIM V. KHATIB, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting IBRAHIM V. KHATIB from freely exercising his guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal

Protection, and his right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police

Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, IBRAHIM V. KHATIB, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of IBRAHIM V. KHATIB, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 19, 2024

IBRAHIM V. KHATIB

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

IBRAHIM V. KHATIB, being duly sworn deposes and says that he is the claimant above named and makes this claim on behalf of himself. He has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.

Ibrahim V. Khatib

Sworn to before me on this
24th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CC6432876
Notary Public, State of New York
Qualified In Erie County
My Commission Expires May 24, 2026

65831104v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Krull, Hannah v. County of Erie, Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Hannah R. Krull 41 Sidney Street, Lower Apt. Buffalo, New York 14211
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

HANNAH R. KRULL

NOTICE OF CLAIM

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

This paper received at the
Erie County Attorney's Office
from John MacCarrick on
the 30th day of July, 2024
at 11:58 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that HANNAH R. KRULL, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 41 Sidney Street, Lower Apt., Buffalo, NY 14211.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of HANNAH R. KRULL is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 4:00 p.m., the claimant HANNAH R. KRULL and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York beginning at 4:00 p.m. near the student union and, beginning around 5:00 p.m., in and around the "Flint Loop area." At approximately 8:20 p.m., after unnamed officers had interrupted and prevented the completion of the group's prayer efforts, the Claimant, HANNAH R. KRULL, while lawfully and properly on public property, and exercising the rights and privileges guaranteed to her under the United States and New York State Constitutions, including her Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, her Right to Equal Protection, and her right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently tackled Claimant. Unnamed officers violently tackled Claimant while she attempted to record the incident and violent pushed Claimant to the ground. Unnamed officers piled on Claimant and violently pushed Claimant into concrete. Despite Claimant having been apprehended by numerous

officers and not resisting her arrest, Claimant was subjected to violent force by responding officers. Claimant HANNAH R. KRULL was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of HANNAH R. KRULL, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983, and

Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting HANNAH R. KRULL from freely exercising her guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and her right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department,

the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, HANNAH R. KRULL, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system. Claimant suffered injuries to her hands and arms, as well as other injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY

CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of HANNAH R. KRULL, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 29, 2024

HANNAH R. KRULL

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

6583110v1 - 099700.0007

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

HANNAH R. KRULL, being duly sworn deposes and says that she is the claimant above named and makes this claim on behalf of herself. She has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Hannah R. Krull
Hannah R. Krull

Sworn to before me on this
24th day of July 2024

Robert M. Corp
Notary Public

ROBERT M. CORP
NO. 02CO6432876
Notary Public, State of New York
Qualified In Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700.0007

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 19, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Mohammed, Noor v. County of Erie, Erie County Sheriff's Office, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Noor A. Mohammed 70 Lincoln Avenue Lackawanna, New York 14218
Claimant's attorney:	Robert M. Corp Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

NOOR A. MOHAMMED

Claimant,

-against-

ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,
CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from John MacCarrone on
the 30th day of July, 2024
at 11:56 a.m./p.m.
Assistant County Attorney

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S OFFICE,
TOWN OF AMHERST,
AMHERST POLICE DEPARTMENT,
CITY OF BUFFALO,
BUFFALO POLICE DEPARTMENT,
VILLAGE OF KENMORE,
KENMORE POLICE DEPARTMENT,
TOWN OF TONAWANDA,
TOWN OF TONAWANDA POLICE DEPARTMENT,

CITY OF TONAWANDA,
CITY OF TONAWANDA POLICE DEPARTMENT,
TOWN OF HAMBURG,
HAMBURG POLICE DEPARTMENT,
VILLAGE OF HAMBURG,
VILLAGE OF HAMBURG POLICE DEPARTMENT,
POLICE OFFICER SEAN FORD,
POLICE OFFICER MICHAEL MARITATO,
POLICE OFFICER BRADLEY CARUANA,
POLICE OFFICERS JOHN DOE #1-60

PLEASE TAKE NOTICE, that NOOR A. MOHAMMED, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, and in support of said claim states the following: and

1. The Post Office address of the Claimant is 70 Lincoln Avenue, Lackawanna, NY 14218.

2. The attorneys for Claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of NOOR A. MOHAMMED is for personal injuries and civil rights violations, including without limitation, loss income and medical expenses, and for consequential, general and equitable damages generally, along with punitive damages, attorneys' fees and costs.

4. The claim arose on the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area" and Capen Hall. A New York State University Police with the State University at Buffalo's police report relating to the incident is attached as Exhibit A.

5. The claim arose in substance as follows: On the 1st day of May, 2024, at approximately 6:45 p.m., the claimant NOOR A. MOHAMMED and numerous other individuals were present and/or involved in a peaceful civic action demonstration at the State University of New York – University of Buffalo, North Campus in Amherst, New York in and around the "Flint Loop area." At approximately 8:20 p.m., the Claimant, NOOR A. MOHAMMED, while lawfully and properly on public property, had left the demonstration and was in Capen Hall, and exercising the rights and privileges guaranteed to her under the United States and New York State Constitutions, including her Rights to Freedom of Speech, Freedom of Assembly, and Freedom to Petition the Government for Redress of Grievances, her Right to Equal Protection, and her right to monitor was willfully, maliciously, intentionally and/or negligently pushed, tackled, and assaulted, resulting in serious injuries and constitutional deprivations to the Claimant. Unnamed officers violently tackled Claimant. Unnamed officers grabbed Claimant from behind and violently tackled Claimant while she attempted to record the incident and violent pushed Claimant to the ground. Unnamed officers piled on Claimant and violently pushed Claimant into the floor while numerous officers laid on top of her. Unnamed officers knocked off religious clothing that Claimant was wearing at the time of the incident. Despite Claimant having

been apprehended by numerous officers and not resisting her arrest, Claimant was subjected to violent force by responding officers. Claimant NOOR A. MOHAMMED was subjected to a violation of Claimant's Civil Rights under 42 USC Section 1983, assault, battery, excessive force, police brutality, freedom of speech, equal protection, right to monitor, negligence, abuse of process, and failure to train and supervise, resulting in serious injuries and constitutional deprivations to Claimant.

6. The subject demonstration was compliant with the terms of UB's Picketing and Assembling Policy. Upon information and belief, SUNY Buffalo has allowed numerous other demonstrations to go forward after sunset since the Picketing and Assembling Policy was amended in April 2020.

7. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, acting individually and/or in concert, and more particularly, among other things, by violating the Constitutional rights and privileges of NOOR A. MOHAMMED, secured, embodied and expressly guaranteed in the First, Fourth and Fourteenth Amendments of the United States Constitution and under 42 USC 1983,

and Article 1, Sections 8 and 9 of the New York State Constitution by stopping, suppressing, quashing and prohibiting NOOR A. MOHAMMED from freely exercising her guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly and Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and her right to monitor, and by using unnecessary and unlawful force in the performance of their duties as police officers; in failing to intervene; and in negligently and unlawfully pushing, assaulting and injuring the Claimant without provocation, furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60, in failing and/or omitting to be cognizant or aware that their actions or inactions would foreseeably cause injury to Claimant; in failing and/or omitting to use appropriate care and discretion; in failing and/or omitting to properly and adequately train, supervise, instruct its police officers and/or employees; in failing and/or omitting to provide police officers with training when taking an individual into custody; in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that the people of this state and this country will not be assaulted or injured by members of the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town

of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and in failing and/or omitting to ensure that the Erie County Sheriff's Office, the Amherst Police Department, the Kenmore Police Department, the Town of Tonawanda Police Department, the City of Tonawanda Police Department, the Hamburg Police Department, and/or the Village of Hamburg Police Department, respectively, and their respective members will not stop, suppress or quash the people of this state and this country from freely exercising their guaranteed United States and New York Constitutional rights of Freedom of Speech, Freedom of Assembly, Freedom to Petition the Government for Redress of Grievances, Right to Equal Protection, and/or right to monitor and in failing and/or omitting to establish, implement and enforce policies, rules, regulations and standards to ensure that citizens will not be subjected to injurious crowd control tactics

8. Upon information and belief, as a result of the aforesaid incident, the Claimant, NOOR A. MOHAMMED, sustained bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system. Claimant suffered injuries to her head and eye, endured difficulty breathing, and suffered other injuries. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimant requests ERIE COUNTY, ERIE COUNTY SHERIFF'S OFFICE, TOWN OF AMHERST, AMHERST POLICE DEPARTMENT, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, VILLAGE OF KENMORE, KENMORE POLICE DEPARTMENT, TOWN OF TONAWANDA, TOWN OF TONAWANDA POLICE DEPARTMENT, CITY OF TONAWANDA, CITY OF TONAWANDA POLICE DEPARTMENT, TOWN OF HAMBURG, HAMBURG POLICE DEPARTMENT, VILLAGE OF HAMBURG, VILLAGE OF HAMBURG POLICE DEPARTMENT, POLICE OFFICER

SEAN FORD, POLICE OFFICER MICHAEL MARITATO, POLICE OFFICER BRADLEY CARUANA, AND POLICE OFFICERS JOHN DOE #1-60 honor and pay the claim on behalf of NOOR A. MOHAMMED, including an award of attorneys' fees and costs pursuant to 42 USC 1988.

DATED: Buffalo, New York
July 19, 2024

NOOR A. MOHAMMED

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
ROBERT M. CORP, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333

48171731 - 071944.0001

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

NOOR A. MOHAMMED, being duly sworn deposes and says that she is the claimant above named and makes this claim on behalf of herself. She has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Noor A. Mohammed

Sworn to before me on this
29th day of July 2024

Notary Public

ROBERT M. CORP
NO. 02CO6432876
Notary Public, State of New York
Qualified in Erie County
My Commission Expires May 24, 2026

6583110v1 - 099700 0007

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 20, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Dunston, Rashan v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Rashan Dunston 168 Olympic Avenue Buffalo, New York 14215
Claimant's attorney:	Joshua Scrivani LoTempio P.C. Law Group 181 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

RECEIVED
AUG 02 2024
ERIE COUNTY
DEPARTMENT OF LAW

IN THE MATTER OF THE CLAIM OF:

RASHAN DUNSTON
168 Olympic Avenue
Buffalo, New York 14215

Claimant

-against-

NOTICE OF CLAIM

COUNTY OF ERIE
95 Franklin Street, Rm. 1634
Buffalo, New York 14202

CITY OF BUFFALO
65 Niagara Square, Room 1100
Buffalo, New York 14202

BUFFALO POLICE DEPARTMENT
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE COMMISIONER JOSEPH GRAMAGLIA
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICE KESSLER
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER HYNES
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER KLUGE
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER GOODSPEED
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER GERVASSE
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER CROWLEY
68 Court Street
Buffalo, New York 14202

Respondents

TO: COUNTY OF ERIE
95 Franklin Street, Rm. 1634
Buffalo, New York 14202

CITY OF BUFFALO
65 Niagara Square, Room 1100
Buffalo, New York 14202

BUFFALO POLICE DEPARTMENT
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE COMMISIONER JOSEPH GRAMAGLIA
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICE KESSLER
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER HYNES
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER KLUGE
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER GOODSPEED
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER GERVASSE
68 Court Street
Buffalo, New York 14202

BUFFALO POLICE OFFICER CROWLEY

68 Court Street
Buffalo, New York 14202

And New York Secretary of State
Robert J. Rodriguez
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

PLEASE TAKE NOTICE, that Claimant, RASHAN DUNSTON, hereby makes claim against Respondents, COUNTY OF ERIE, CITY OF BUFFALO, BUFFALO POLICE DEPARTMENT, BUFFALO POLICE COMMISIONER JOSEPH GRAMAGLIA, BUFFALO POLICE OFFICE KESSLER, BUFFALO POLICE OFFICER HYNES, BUFFALO POLICE OFFICER KLUGE, BUFFALO POLICE OFFICER GOODSPEED, BUFFALO POLICE OFFICER GERVASSE, BUFFALO POLICE OFFICER CROWLEY and demands damages for pain and suffering, excessive force, false imprisonment, unlawful search, medical expenses, physical injuries, and psychological injuries sustained by Claimant as a result of the wrongful, negligent, and intentional acts and/or omissions of Respondents, their agents, servants, and/or employees and in support thereof, Claimant states:

1. Claimant's post office address is 168 Olympic Avenue, Buffalo, New York 14215.

2. The name and address of the Claimants' attorney is LOTEMPIO P.C. LAW GROUP, 181 Franklin Street, Buffalo, New York 14202. The attorney's phone number is (716) 855-3761.

3. Upon information and belief, the incident complained of occurred on or about May 25, 2024 at approximately 3:48am, when the Claimant was pulled over for a license plate lamp violation and subsequently pulled out of his vehicle by way of excessive force, placed into hand cuffs, and placed into the back of a Buffalo police vehicle causing injuries to the Claimant. Additionally, the Buffalo Police Department, their agents, servants, and/or employees proceeded

to unlawfully search the Claimant's vehicle without consent or probable cause.

4. Upon information and belief, the incidents complained of occurred at or near the intersection of Suffolk Street and Oakmont Avenue in the City of Buffalo, County of Erie and State of New York.

5. Upon information and belief, the Respondents, their agents, servants, and/or employees acted in a wrongful, negligent, and/or intentional manner.

6. Upon information and belief, Claimant's claim arose in the following manner:

> Claimant, Rashan Dunston had been pulled over about an hour before the subject incident (appx. 2:48am) due to a license plate lamp violation. Mr. Dunston was ultimately given a citation for not having a current inspection sticker. An hour later, at approximately 3:48am, Mr. Dunston was pulled over a second time, again for a license plate lamp violation. During the confrontation, Mr. Dunston advised the officer that his vehicle did not have a lamp, that had been pulled over an hour before, and was attempting to show the officer his citation. The officer asked for Mr. Dunston's identification, and Mr. Dunston asked to speak with a supervisor. Mr. Dunston's request for a supervisor was verbally denied, and he was asked for his identification and/or information or else he would be pulled out of the vehicle. Without giving Mr. Dunston any time to get his license, the officers opened up Mr. Dunston's vehicle door and started to reach towards him/pat him down. Mr. Dunston clearly declared that he was going to retrieve his identification from his pocket. As Mr. Dunston reached towards his pocket to obtain his identification, the officers grabbed his arms and told him to stop reaching (despite Mr. Dunston attempting to follow their instruction to get his identification and Mr. Dunston clearly indicating that he was going to retrieve his identification from his pocket). The officers proceeded to grab Mr. Dunston and said that they were going to rip him out of his own vehicle. The officers violently grabbed Mr. Dunston's arms and pulled him out of his vehicle, while Mr. Dunson was explaining to the officers that he is on disability for nerve damage and shoulder issues. The officers proceeded to handcuff him, physically lift both of his arms above his head, and searched him. The officers threatened him with arrest and said that he smelled like alcohol, despite the fact that Mr. Dunston does not drink and there was no evidence at all to indicate the presence of alcohol. The officers placed Mr. Dunston into the back of a Buffalo police vehicle and then proceeded to unlawfully search his vehicle without consent or probable cause.

7. Upon information and belief, the wrongful, negligent, and/or intentional acts and/or omissions of Respondents, their agents, servants, and/or employees in the scope of their employment,

include, but are not limited to:

a. Negligent hiring, training, retaining, and supervising employees and/or officers of the Respondents;

b. Being aware of excessive force, harassment and/or abuse by employees/officers of the Respondents and negligently allowing said conduct to continue unabated;

c. Negligently failing to protect the Claimant;

d. Negligently inflicting emotional distress;

e. Negligently falsely imprisoned the Claimant;

f. Negligent and/or intentional use of excessive force;

g. Negligent and/or intentionally unlawfully searched the Claimants vehicle;

h. Deprivation of Claimant's New York State Rights; and;

i. Deprivation of Claimant's United States Constitutional Rights

8. As a result of this incident, Claimant sustained significant damages, including, but not limited to, deprivation of liberty, false imprisonment, unlawful search, physical injuries to his shoulders, neck and back, mental anguish/trauma, pain and suffering, and medical expenses.

9. This notice is made and served by the Claimant, in Compliance with the provisions of 50-h of the General Municipal Law and such other laws and statutes as are in the case made and provided.

PLEASE TAKE FURTHER NOTICE, that Claimant, RASHAN DUNSTON, demands payment of this claim and unless this claim is paid within a reasonable time, it is Claimant's intention to commence suit against the Respondents.

DATED: Buffalo, New York
July 26, 2024

LOTEMPIO P.C. LAW GROUP

JOSHUA F. SCRIVANI, ESQ.
Attorneys for Claimant
181 Franklin Street
Buffalo, New York 14202
(716) 855-3761
jscrivani@lotempiopc.com

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

RASHAN DUNSTON, being duly sworn, deposes and says:

I am the Claimant in the above-captioned matter. I have read the foregoing Notice of Claim and know the contents thereof. The same is true to my own knowledge except as to those matters stated to be alleged to be upon information and belief, and as to those matters, I believe the same to be true.

RASHAN DUNSTON

Sworn to before me this
26 day of July, 2024.

NOTARY PUBLIC

JOSHUA F. SCRIVANI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02SC6376375
Qualified in Erie County
Commission Expires June 11, 2026

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 20, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Willis, Scott v. City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Scott Willis 75 North Parrish Drive Amherst, New York 14228
Claimant's attorney:	David M. Goodman, Esq. The Coppola Firm PLLC 4033 Maple Road, Suite 100 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from MONIQUE GEISWEIN
the 7th day of AUGUST, 2024
at 11:41 a.m./p.m.
Assistant County Attorney

SUPREME COURT :: STATE OF NEW YORK
COUNTY OF ERIE

----------X

SCOTT WILLIS
75 North Parrish Drive
Amherst, New York 14228

Claimant,

v.

NOTICE OF CLAIM

CITY OF BUFFALO
c/o City of Buffalo Law Department
65 Niagara Square, Room 1100
Buffalo, New York 14202

COUNTY OF ERIE
c/o Erie County Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, New York 14202

Respondents.

----------X

Claimant, Scott Willis, serves the following as and for a Notice of Claim:

1. The name of the Claimant is Scott Willis. His post office address is 75 North Parrish Drive, Amherst, New York 14228. The name of Claimant's attorney is David M. Goodman, Esq. His post office address is The Coppola Firm PLLC, 4033 Maple Road, Suite 100, Buffalo, New York 14226.

2. The nature of the claim is tort, personal injury.

3. The time when, the place where, and the manner in which the claim arose is as follows: June 20, 2024 at 9:00 a.m. on the Empire State Trail/Erie Canal Trail/Shoreline Trail, westbound just past Rotary Row. The manner in which the claim arose is as follows: Claimant was riding his bicycle on the trail when he encountered low hanging tree limbs and a large,

raised hump on the left side of the trail causing him to lose control and tumble off his bicycle. The hump hazard measured approximately five (5) feet in length and approximately four (4) inches in height. Annexed to this Notice of Claim are thirty six (36) photographs depicting the hazard and the area wherein the Claim arose.

4. The items of damage or injuries claimed to have been sustained so far include, but are not limited to, damage to Claimant's bicycle, and a clavicular fracture requiring surgery. The amount of damages claimed exceeds the jurisdictional limits of all lower Courts.

DATED: Buffalo, New York
August 1, 2024

THE COPPOLA FIRM PLLC

David M. Goodman, Esq.
Attorneys for Claimant
4033 Maple Road, Suite 100
Buffalo, New York 14226
(716) 839-9700
dgoodman@coppolalegal.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I hereby affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: August 1, 2024

Scott Willis

Scott Willis

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 23, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Ensminger, Bradley v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Bradley Ensminger 13 Wisteria Avenue Amherst, New York 14226
Claimant's attorney:	Christina M. Gullo, Esq. The Kantor Law Firm, PLLC 348 Harris Hill Road Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

RECEIVED
AUG 16 2024
ERIE COUNTY
DEPARTMENT OF LAW

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF:
BRADLEY ENSMINGER
13 Wisteria Avenue
Amherst, New York 14226,

NOTICE OF INTENTION TO FILE A CLAIM

Claimant,

v.

STATE OF NEW YORK
Letitia James, Esq., Attorney General
Empire State Plaza,
Justice Building, 2nd Floor,
Albany New York 12224,

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
100 Seneca Street,
Buffalo, New York 14203,

TOWN OF AMHERST
5583 Main Street,
Williamsville, New York 14221, and

ERIE COUNTY
92 Franklin Street, Room 1634,
Buffalo, New York 14202,

Respondents.

TO: STATE OF NEW YORK
Letitia James, Esq., Attorney General
Empire State Plaza
Justice Building, 2nd Floor
Albany New York 12224;

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
100 Seneca Street
Buffalo, New York 14203;

TOWN OF AMHERST
5583 Main Street
Williamsville, New York 14221; and

ERIE COUNTY
92 Franklin Street, Room 1634
Buffalo, New York 14202.

PLEASE TAKE NOTICE that the undersigned, BRADLEY ENSMINGER, intends to file a claim against the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their agents, servants, and/or employees, as follows:

1. The name and post office address of the Claimant is as follows: BRADLEY ENSMINGER: 13 Wisteria Avenue, Amherst, New York 14226.

2. The attorneys for the Claimant, BRADLEY ENSMINGER, are as follows: Christina M. Gullo, Esq., of The Kantor Gullo Law Firm, PLLC: 348 Harris Hill, Suite A, Williamsville, New York 14221.

3. The claim of BRADLEY ENSMINGER is for personal injuries and for property related damages through the negligence, recklessness, and carelessness in the acts, or omissions to act, on the part of the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors.

4. The incident giving rise to this claim occurred on or about the 20th day of July, 2024, at approximately 5:40 p.m., at or near the intersection of Sheridan Drive and Sweet Home Road, in the Town of Amherst, County of Erie, and State of New York, property that, upon information and belief, is owned, sponsored, inspected, maintained, studied and patrolled by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors.

5. The incident giving rise to this claim arose in the following manner: on or about the 20th day of July, 2024, at approximately 5:40 p.m., the Claimant, BRADLEY ENSMINGER, while operating his 2017 Harley Davidson Street Glide Special Motorcycle, bearing the New York License Plate Number: 10RT30, was making a right turn eastbound onto Sheridan Drive from Sweet Home Road, in the Town of Amherst, County of Erie, and State of New York. While in the process of executing his turn, the Claimant, BRADLEY ENSMINGER, while on his motorcycle, was caused to contact a slippery, dangerous, and/or unsafe condition/defect; namely, reflective glass beads covering the roadway/his right of way/his path of travel/the crosswalk, causing the Claimant, BRADLEY ENSMINGER, to lose control of his motorcycle, causing serious personal injuries and property damage. Upon information and belief, the subject condition which caused the subject incident, consisted of reflective glass beads which, upon information and belief, were left out on the roadway while being used to paint, re-stripe, re-pave, and/or otherwise maintain the subject roadway and/or intersection.

6. Upon information and belief, the Respondents, its employees, agents, servants, assigns, and/or independent contractors, created and caused the defect, hazard, and or condition, which caused the subject incident, through an affirmative act of negligence.

7. Upon information and belief, the Respondents had prior notice of the condition through complaints from the public, through correspondence with the Respondents employees, agents, servants, assigns, and/or independent contractors, and/or through prior similar accidents or incidents.

8. Upon information and belief, the Respondents made special use of, and derived a special benefit from, the portion of the roadway upon which the defect was located.

9. The claim for personal injuries and damages includes, but is not limited to: past and future lost wages, past and future medical expenses, past and future pain, past and future suffering, and property damage.

10. Upon information and belief, the Claimant, BRADLEY ENSMINGER, sustained severe personal injuries due to the negligence, recklessness, and carelessness in the acts, or omissions to act, by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their agents, servants, and/or employees, for their: (1) failure to properly maintain the roadway; (2) failure to properly guard; (3) failure to properly warn; (4) failure to properly address prior complaints; (5) failure to properly inspect, maintain, repair, post, and patrol the roadway and roadway markings; (6) reckless and/or negligent construction, repair, paving, and/or painting of the roadway; (7) breach of duty to not create a defective condition; (8) failure to exercise reasonable care in remedying the defective condition; (9) breach of continuing duty to maintain its public rights-of-way in a reasonably safe condition; and (10) violation of the Respondents' special duty and/or proprietary functions.

11. The collision and corresponding injuries to Claimant resulted from the negligence, recklessness, and carelessness in the acts, or omissions to act, by the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, their employees, agents, servants, assigns, and/or independent contractors, without any negligence on the part of the Claimant contributing hereto.

12. The subject occurrence was reported to the Amherst Police Department, and emergency reports were filed with them.

13. Upon information and belief, a result of the aforementioned, the Claimant, BRADLEY ENSMINGER, sustained personal injuries and/or aggravated and exacerbated injuries including but not limited to: right knee injury, abrasions, and road rash; in addition to the following property damage: damaged motorcycle, damaged motorcycle gear, and damaged motorcycle helmet.

14. Upon information and belief, as a result of the serious injuries sustained by the Claimant, BRADLEY ENSMINGER, the Claimant has and will suffer past and future medical expenses; past and future pain and suffering; inability to perform household duties; inability to perform normal activities of daily living; susceptibility to future injury; disfigurement; and will suffer additional damages into the future.

15. The undersigned therefore presents this claim for adjustment in payment, and notifies you, that unless it is adjusted, compromised, and/or paid within the time provided by law from the date of its presentation to you, the undersigned will commence an action thereon.

WHEREFORE, the Claimant, BRADLEY ENSMINGER, hereby claims and demands from the Respondents, the STATE OF NEW YORK, the NEW YORK STATE DEPARTMENT OF TRANSPORTATION, the TOWN OF AMHERST, and the COUNTY OF ERIE, compensation for the damages sustained by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, their employees, agents, servants, assigns, and/or independent contractors.

Dated: August 13, 2024
Williamsville, New York

By: _____

CHRISTINA M. GULLO, ESQ.
The Kantor Gullo Law Firm, PLLC
Attorneys for the Claimant
348 Harris Hill, Suite A
Williamsville, New York 14221
Phone: (716) 626-0404

AFFIRMATION OF SERVICE

I affirm under penalty of perjury pursuant to CPLR Section 2106 that a true copy of the foregoing Notice of Intention to File Claim, was caused to be served upon: (1) the STATE OF NEW YORK; (2) the NEW YORK STATE DEPARTMENT OF TRANSPORTATION; (3) the TOWN OF AMHERST; (4) the COUNTY OF ERIE; and (5) the New York Attorney General, by certified mail, return receipt requested.

Affirmed at Williamsville, New York
This 13th day of August, 2024.

Christina M. Gullo, Esq.
Attorney for the Claimant

VERIFICATION

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

BRADLEY ENSMINGER, being duly sworn, depose and say that he is the Claimant in the foregoing claim, that he has read the foregoing NOTICE OF INTENTION TO FILE A CLAIM and knows the contents thereof; that the same is true to his knowledge except as to those matters alleged to be upon information and belief as to those matters, they believe them to be true.

BRADLEY ENSMINGER

Sworn to before me this
8 day of August, 2024.

NOTARY PUBLIC

NICOLE CAMPANELLA
Notary Public, State of New York
No. 01CA0021273
Qualified in Erie County
Commission Expires February 20, 2028

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15D-8	DIRECTOR OF BUDGET & MANAGEMENT	June 2024 Budget Monitoring Report

Attachments

24COMM. 15D-8

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG SEP 6 '24 PM3:11

August 16, 2024

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: June 2024 Budget Monitoring Report

Dear Honorable Members:

Please find attached the Budget Monitoring Report (BMR) for the period ending June 30, 2024. Additionally, please see a position vacancy report as of June 30, 2024.

The BMR shows that for the first six (6) months of 2024 the County has a $8,314,681 positive variance, which can be attributed to several key factors.

On the positive, Interest Earnings revenue is more than $9.6 million over budget for the period and has exceeded the total budgeted amount for the year by more than $5.9 million ($13.4 million total earned; $7.5 million budgeted). Given the County's strong cash position, the continuation of historic interest rates and the Comptroller's aggressive investment strategies, we should expect Interest Earnings to continue to be a significant source of overall positive variance within the 2024 Adopted Budget.

Additionally, the County has realized $4.1 million in county-share savings for the period on total personnel related costs which can be mostly attributed to vacancy savings. This is despite being nearly $2.6 million over budget on overtime expenses, almost exclusively within the Sheriff's Police Services Division, which has expended 76% ($4.5 million) of their annual budget ($6 million) through the first half of the year.

On the negative side, sales tax receipts continue to be a concern and, likely, will be for the remainder of the year. June-related sales tax receipts were -2.45% (or -$1.27 million) compared to June 2023. Through the first half of the year, sales tax receipts are -1.62% (from -1.99%) or -$4.9 million (from -$4.7 million) compared to 2023. To meet the 2024 Adopted Budget for sales tax ($639,334,423), it would require growth of 9.61% for the remainder of the year. While taking several additional factors into account, I now estimate a year-end sales tax shortfall of approximately $24.4 million (up from $21.7 million in May).

As the year progresses, we will continue to closely monitor sales tax receipts and growth trends and report to your Honorable Body. I think it is also important to note that even though sales tax is among the largest individual variables in determining an overall budget variance, it is not the only variable. As you can see in this BMR, as of the first half of 2024, we still have a modest positive variance, that has grown slightly, despite the underperformance of sales tax.

As always, I am available to attend a meeting of your Honorable Body's Finance and Management Committee to report on the March BMR or any other fiscal matters.

Sincerely,

Mark Cornell
Director of Budget and Management

cc: County Executive Mark C. Poloncarz
Erie County Fiscal Stability Authority

January-June 2024 Budget Monitoring Report (BMR)
Summary by Account Type

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed
Revenue							
** Property Tax	(299,034,343)	(299,034,343)	(299,034,343)	0	100%	(0)	100%
** Property Tax Related	(16,308,176)	(5,942,478)	(5,545,725)	(396,753)	93%	(10,762,451)	34%
** Sales Tax	(639,334,423)	(331,594,958)	(321,782,706)	(9,812,252)	97%	(317,551,717)	50%
** Sales Tax to Local Govt.	(441,736,833)	(229,099,086)	(222,321,116)	(6,777,970)	97%	(219,415,717)	50%
** Other Sources	(53,022,384)	(31,144,422)	(40,406,315)	9,261,893	130%	(12,616,069)	76%
** Fees, Fines or Charges	(34,184,832)	(21,993,415)	(21,496,093)	(497,322)	98%	(12,688,739)	63%
*** **Local Source Revenue**	**(1,483,620,991)**	**(918,808,702)**	**(910,586,298)**	**(8,222,404)**	**99%**	**(573,034,693)**	**61%**
*** **Federal Revenue**	**(210,357,791)**	**(118,292,878)**	**(115,096,913)**	**(3,195,966)**	**97%**	**(95,260,878)**	**55%**
*** **State Revenue**	**(254,759,976)**	**(115,718,627)**	**(107,471,590)**	**(8,247,037)**	**93%**	**(147,288,386)**	**42%**
*** **Interfund Revenue**	**(9,823,386)**	**(9,823,386)**	**(9,823,386)**	**0**	**100%**	**0**	**100%**
**** **County Revenue**	**(1,958,562,144)**	**(1,162,643,594)**	**(1,142,978,187)**	**(19,665,407)**	**98%**	**(815,583,957)**	**58%**
Expense							
** Salaries	299,043,603	142,430,723	132,595,795	9,834,928	93%	166,447,808	44%
** Non-Salaries	37,375,055	18,097,792	20,042,962	(1,945,169)	111%	17,332,093	54%
** Countywide Adjustments	(5,706,309)	(912,191)	0	(912,191)	0%	(5,706,309)	0%
*** **Personnel Related Expense**	**330,712,349**	**159,616,324**	**152,638,757**	**6,977,567**	**96%**	**178,073,592**	**46%**
*** **Fringe Benefit Total**	**175,618,050**	**89,847,416**	**83,567,891**	**6,279,525**	**93%**	**92,050,159**	**48%**
** Supplies and Repairs	13,147,992	5,964,031	3,987,347	1,976,684	67%	9,160,645	30%
** Other	43,640,177	19,289,045	16,404,290	2,884,756	85%	27,235,887	38%
** Contractual	760,166,382	384,509,935	371,817,430	12,692,506	97%	388,348,952	49%
** Equipment	12,726,005	6,511,870	6,581,288	(69,419)	101%	6,144,717	52%
** Allocations	162,335,618	83,879,106	83,674,429	204,677	100%	78,661,189	52%
** Program Specific	676,698,262	349,483,242	352,449,451	(2,966,209)	101%	324,248,811	52%
** Debt Services	45,281,873	14,647,477	14,647,477	0	100%	30,634,396	32%
*** **All Other Operating Expense**	**1,713,996,310**	**864,284,706**	**849,561,711**	**14,722,995**	**98%**	**864,434,598**	**50%**
**** **County Expense**	**2,220,326,709**	**1,113,748,446**	**1,085,768,359**	**27,980,088**	**97%**	**1,134,558,350**	**49%**
***** **Net**	**261,764,565**	**(48,895,148)**	**(57,209,829)**	**8,314,681**		**318,974,393**	

Note on the BMR:
The BMR helps the Budget Office identify, understand and resolve financial issues that may emerge during the year. The positive period variance indicated should not be interpreted as a projection of a year-end positive balance

January-June 2024 Budget Monitoring Report (BMR)
Detail by Account

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
Revenue								
400000 Real Property Taxes	(299,034,343)	(299,034,343)	(299,034,343)	0	100.00%	(0)	100.00%	
** Property Tax	(299,034,343)	(299,034,343)	(299,034,343)	0	100.00%	(0)	100.00%	
400010 Exemption Removal	(980,000)	(980,000)	(804,948)	(175,052)	82.14%	(175,052)	82.14%	
400030 Gn/Sale-Tax Acq Prop	(10,000)	0	0	0	0.00%	(10,000)	0.00%	
400040 Other Pay/Lieu-Tax	(4,800,000)	(4,664,692)	(4,444,021)	(220,671)	95.27%	(355,979)	92.58%	
400050 Int&Pen on R P Taxes	(15,533,598)	(365,753)	(365,753)	0	100.00%	(15,167,845)	2.35%	
400060 Omitted Taxes	(4,000)	(4,000)	(2,970)	(1,030)	74.25%	(1,030)	74.25%	
466060 Prop Tax Rev Adjust	5,019,422	71,967	71,967	0	100.00%	4,947,455	1.43%	
** Property Tax Related	(16,308,176)	(5,942,478)	(5,545,725)	(396,753)	93.32%	(10,762,451)	34.01%	
402000 Sales Tax EC Purp	(241,067,475)	(125,031,214)	(121,326,232)	(3,704,982)	97.04%	(119,741,243)	50.33%	County Share of sales tax is showing a neg variance of $9.8M through June is down 1.72% YTD compared to the same period of 2023.
402100 1% Sales Tax-EC Purp	(227,615,560)	(118,054,291)	(114,549,457)	(3,504,834)	97.03%	(113,066,103)	50.33%	
402120 .25% Sales Tax	(56,883,796)	(29,503,151)	(28,635,672)	(867,479)	97.06%	(28,248,124)	50.34%	
402130 .5% Sales Tax	(113,767,592)	(59,006,302)	(57,271,344)	(1,734,958)	97.06%	(56,496,248)	50.34%	
** Sales Tax	(639,334,423)	(331,594,958)	(321,782,706)	(9,812,252)	97.04%	(317,551,717)	50.33%	
402140 Sales Tax to Loc Gov	(441,736,833)	(229,099,086)	(222,321,116)	(6,777,970)	97.04%	(219,415,717)	50.33%	
** Sales Tax to Local Govt.	(441,736,833)	(229,099,086)	(222,321,116)	(6,777,970)	97.04%	(219,415,717)	50.33%	
402300 Hotel Occupancy Tax	(13,000,000)	(7,214,035)	(6,149,445)	(1,064,590)	85.24%	(6,850,555)	47.30%	
402500 OTB Betting & Gaming	(2,190,000)	(1,289,562)	(1,156,769)	(132,793)	89.70%	(1,033,231)	52.82%	Under the now expired Seneca Compact, the one remaining gaming payment originally expected in July will be held in escrow until a new Compact is signed.
402510 Video Lottery Aid	(288,560)	(288,560)	(288,560)	0	100.00%	0	100.00%	
402520 Gaming Facilities Aid	(102,665)	(102,665)	(650,498)	547,833	633.61%	547,833	633.61%	
402610 Medical Marj Exc Tax	(160,000)	(66,667)	(70,357)	3,690	105.54%	(89,643)	43.97%	
402620 Tax-Cannabis	0	0	(29,564)	29,564	0.00%	29,564	0.00%	
415010 Post Mortem Toxicol	(5,000)	(2,500)	(54,300)	51,800	2172.00%	49,300	1086.00%	
415100 Real Property Trans	(228,045)	(114,023)	(88,380)	(25,643)	77.51%	(139,665)	38.76%	
415160 Mortgage Tax	(617,104)	(308,552)	(301,593)	(6,959)	97.74%	(315,511)	48.87%	
415360 Legal Settlements	(25,200)	(12,600)	(11,580)	(1,020)	91.90%	(13,620)	45.95%	
415500 Prisoner Transport	(193,282)	(96,641)	(96,641)	0	100.00%	(96,641)	50.00%	
415620 Commissary Reimb	(306,630)	(306,630)	(306,630)	0	100.00%	0	100.00%	
415622 Jail Phone Revenue	0	0	0	0	0.00%	0	0.00%	
416540 Insurance	(133,048)	(81,746)	(68,820)	(12,926)	84.19%	(64,228)	51.73%	
416570 Post Exposure Rabies	(225,000)	(112,500)	(110,703)	(1,797)	98.40%	(114,297)	49.20%	
416920 Medicd-Early Interve	(250,000)	0	0	0	0.00%	(250,000)	0.00%	
417200 Day Care Repay Recov	(52,883)	(26,442)	(60,235)	33,794	227.81%	7,352	113.90%	
417500 Repay Em Ast/Adults	(288,602)	(144,301)	(149,511)	5,210	103.61%	(139,091)	51.81%	
417510 Repay Medical Asst	(2,143,048)	(1,071,524)	(1,246,864)	175,340	116.36%	(896,184)	58.18%	
417520 Repay-Family Assist	(287,277)	(143,639)	(110,431)	(33,207)	76.88%	(176,846)	38.44%	
417530 Repay-Foster Care/Ad	(1,219,938)	(609,969)	(543,378)	(66,591)	89.08%	(676,560)	44.54%	
417550 Repay-SafetyNetAsst	(3,699,123)	(1,849,562)	(2,371,234)	521,673	128.21%	(1,327,889)	64.10%	
417560 Repay-Serv For Recip	(20,966)	(10,483)	(8,484)	(1,999)	80.93%	(12,482)	40.47%	
417570 SNAP Fraud Incentives	(51,213)	(25,607)	(21,120)	(4,487)	82.48%	(30,093)	41.24%	
417580 Repaymts-Handi Child	(131,824)	(65,912)	(56,520)	(9,392)	85.75%	(75,304)	42.88%	
418025 Recov-SafetyNet Bur	0	0	(34,928)	34,928	0.00%	34,928	0.00%	
418030 Repayments-IV D Adm	(4,283,586)	(2,290,608)	(2,160,859)	(129,749)	94.34%	(2,122,727)	50.45%	
418110 Comm Coll Respreads	(7,784,245)	(7,784,245)	(7,784,245)	0	100.00%	0	100.00%	
418112 Comm Coll Resp. Adj.	(68,753)	(34,377)	(32,216)	(2,161)	93.71%	(36,537)	46.86%	
418130 Comm Coll Reimb	(1,182,624)	(591,312)	(576,166)	(15,146)	97.44%	(606,458)	48.72%	
418410 OCSE Medical Payments	(929,000)	(282,522)	(51,913)	(230,609)	18.37%	(877,087)	5.59%	
418430 Donated Funds	(95,000)	0	0	0	0.00%	(95,000)	0.00%	
420020 ECC Cap Cons-Otr Gvt	(94,494)	(47,247)	0	(47,247)	0.00%	(94,494)	0.00%	
420499 OthLocal Source Rev	(42,500)	(21,250)	(22,998)	1,748	108.23%	(19,502)	54.11%	
420500 Rent-RI Prop-Concess	(2,500)	(1,250)	(704)	(546)	56.35%	(1,796)	28.17%	
420520 Rent-RI Prop-Rtw-Eas	0	0	(16,590)	16,590	0.00%	16,590	0.00%	

January-June 2024 Budget Monitoring Report (BMR)
Detail by Account

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
420550 Rent-663 Kensington	(14,292)	(7,146)	(7,146)	0	100.00%	(7,146)	50.00%	
420560 Rent-1500 Broadway	(230,768)	(115,384)	(129,610)	14,226	112.33%	(101,158)	56.16%	
421550 Forft Crime Proceed	(68,029)	(10,000)	(72,084)	62,084	720.84%	4,055	105.96%	
421560 Shared Revenue (ICE)	(300,000)	(300,000)	(300,000)	0	100.00%	0	100.00%	
422000 Copies	(8,100)	(4,050)	(3,907)	(143)	96.46%	(4,193)	48.23%	
422040 Gas Well Drill Rents	(1,500)	(750)	(500)	(250)	66.67%	(1,000)	33.33%	
422050 E-Payable Rebates	0	0	(419)	419	0.00%	419	0.00%	
423000 Refunds P/Y Expend	(1,000)	(500)	(173,034)	172,534	34606.71%	172,034	17303.36%	
445000 Recovery Int - SID	(286,728)	(143,364)	(83,335)	(60,029)	58.13%	(203,393)	29.06%	Through 50% of the year, interest earnings stand at $13.4M and have exceed the total annual budget by $5.9M.
445030 Int & Earn - Gen Inv	(6,966,215)	(3,483,103)	(11,993,331)	8,510,228	344.33%	5,027,116	172.16%	
445040 Int & Earn-3rd Party	(500,000)	(250,001)	(1,407,400)	1,157,399	562.96%	907,400	281.48%	
466000 Misc Receipts	(388,650)	(194,325)	(49,764)	(144,561)	25.61%	(338,886)	12.80%	
466020 Minor Sale - Other	(26,500)	(13,250)	(3,756)	(9,494)	28.35%	(22,744)	14.18%	
466070 Refunds P/Y Expenses	(1,821,646)	(145,823)	(146,805)	982	100.67%	(1,674,841)	8.06%	
466090 Misc Trust Fd Rev	0	0	(190,000)	190,000	0.00%	190,000	0.00%	
466120 Other Misc DISS Rev	(3,400)	(1,700)	(1,716)	16	100.92%	(1,684)	50.46%	
466130 Oth Unclass Rev	0	0	(890)	890	0.00%	890	0.00%	
466150 Chlamydia Study Forms	(8,000)	(4,000)	(2,626)	(1,374)	65.65%	(5,374)	32.83%	
466180 Unanticip P/Y Rev	0	0	(14,128)	14,128	0.00%	14,128	0.00%	
466260 Intercept-LocalShare	(90,471)	(45,236)	(71,717)	26,481	158.54%	(18,754)	79.27%	
466280 Local Srce - ECMCC	(20,000)	(10,000)	(11,055)	1,055	110.55%	(8,945)	55.28%	
466360 Stadium Reimbursement	(790,000)	(395,000)	(223,986)	(171,014)	56.71%	(566,014)	28.35%	
466370 Key Bnk Ctr Reimb	(360,000)	(240,000)	(180,000)	(60,000)	75.00%	(180,000)	50.00%	
467000 Misc Depart Income	(8,653)	(4,327)	(2,067)	(2,260)	47.77%	(6,586)	23.88%	Through 50% of the year, the County has achieved 76% of the annual Other Sources revenue budget.
479100 Other Contributions	(67,022)	(33,511)	(29,216)	(4,295)	87.18%	(37,806)	43.59%	
480020 Sale-Excess Material	(925,250)	(729,000)	(649,986)	(79,014)	89.16%	(275,264)	70.25%	
480030 Recycling Revenue	(34,050)	(17,025)	(25,600)	8,575	150.37%	(8,450)	75.18%	
** Other Sources	(53,022,384)	(31,144,422)	(40,406,315)	9,261,893	129.74%	(12,616,069)	76.21%	
406610 STD Clinic Fees	(222,470)	(111,235)	(107,015)	(4,220)	96.21%	(115,455)	48.10%	
415000 Medical Exam Fees	(780,000)	(390,000)	(351,959)	(38,041)	90.25%	(428,041)	45.12%	
415050 Treasurer Fees	(125,000)	(112,711)	(82,629)	(30,082)	73.31%	(42,371)	66.10%	
415105 Passport Fees	(50,000)	(25,000)	(47,390)	22,390	189.56%	(2,610)	94.78%	
415110 Court Fees	(368,755)	(184,378)	(195,050)	10,673	105.79%	(173,705)	52.89%	
415120 Small Claims AR Fees	(600)	(300)	0	(300)	0.00%	(600)	0.00%	
415130 Auto Fees	(5,405,783)	(2,871,319)	(2,543,185)	(328,133)	88.57%	(2,862,598)	47.05%	
415140 Comm of Educ Fees	(129,463)	(64,732)	(45,299)	(19,433)	69.98%	(84,164)	34.99%	
415150 Recording Fees	(4,500,000)	(2,291,476)	(2,424,796)	133,320	105.82%	(2,075,204)	53.88%	
415180 Vehicle Use Tax	(5,995,431)	(2,997,716)	(2,854,484)	(143,231)	95.22%	(3,140,947)	47.61%	
415185 E-Z Pass Tag Sales	(8,750)	(4,375)	(5,200)	825	118.86%	(3,550)	59.43%	
415200 Civil Serv Exam Fees	(47,500)	15,773	0	15,773	0.00%	(47,500)	0.00%	
415210 3rd Party Deduct Fee	0	0	5,000	(5,000)	0.00%	(5,000)	0.00%	
415510 Civil Proc Fees-Sher	(1,102,000)	(572,305)	(751,086)	178,781	131.24%	(350,914)	68.16%	
415520 Sheriff Fees	(45,000)	(22,500)	(19,130)	(3,370)	85.02%	(25,870)	42.51%	
415600 Inmate Discip Surch	(17,500)	(8,750)	5,202	(13,952)	-59.45%	(22,702)	-29.72%	
415605 Drug Testing Charge	(30,000)	(15,000)	(11,311)	(3,689)	75.40%	(18,689)	37.70%	
415610 Restitution Surcharge	(20,000)	(10,000)	(4,684)	(5,316)	46.84%	(15,316)	23.42%	
415630 Bail Fee-Alt / Incar	(4,500)	(2,250)	(3,117)	867	138.54%	(1,383)	69.27%	
415640 Probation Fees	(400,000)	(200,000)	(183,885)	(16,115)	91.94%	(216,115)	45.97%	
415650 DWI Program	(745,569)	(310,654)	0	(310,654)	0.00%	(745,569)	0.00%	
415670 Elec Monitoring Ch	(8,000)	(4,000)	(6,299)	2,299	157.48%	(1,701)	78.74%	
415680 Pmt-Home Care Review	(10,000)	(5,000)	(238)	(4,762)	4.76%	(9,762)	2.38%	
416020 Comm Sanitat & Food	(1,175,000)	(587,500)	(561,254)	(26,246)	95.53%	(613,746)	47.77%	
416030 Realty Subdivisions	(12,000)	(6,000)	(3,579)	(2,421)	59.65%	(8,421)	29.83%	
416040 Individ Sewr Sys Opt	(425,000)	(212,500)	(212,673)	173	100.08%	(212,327)	50.04%	

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416090 Pen & Fines-Health	(20,000)	(10,000)	(7,375)	(2,625)	73.75%	(12,625)	36.88%	
416150 PPD Tests	(8,580)	(4,290)	(41)	(4,249)	0.96%	(8,539)	0.48%	
416160 TB Outreach	(47,380)	(23,690)	(16,615)	(7,075)	70.14%	(30,765)	35.07%	
416190 ImmunizationsService	(8,283)	(4,142)	(526)	(3,615)	12.71%	(7,757)	6.35%	
416580 Training Course Fees	(63,910)	(31,955)	(43,530)	11,575	136.22%	(20,380)	68.11%	
416590 Tobacco Enforc Fines	0	0	0	0	0.00%	0	0.00%	
416610 Pub Health Lab Fees	(245,000)	(122,500)	(154,080)	31,580	125.78%	(90,920)	62.89%	
418040 Inspec Fee Wght/Meas	(135,546)	(67,773)	(74,913)	7,140	110.54%	(60,633)	55.27%	
418050 Item Price Waivr Fee	(227,000)	(113,500)	(127,291)	13,791	112.15%	(99,709)	56.08%	
418400 Subpoena Fees	(5,641)	(2,821)	(4,370)	1,550	154.94%	(1,271)	77.47%	
418500 Park & Rec Chgs-Camp	(240,000)	(120,000)	(152,990)	32,990	127.49%	(87,010)	63.75%	
418510 Park & Rec Chgs-Shel	(495,000)	(386,258)	(401,470)	15,212	103.94%	(93,531)	81.10%	
418520 Chgs-Park Emp Subsis	(16,200)	(8,100)	(8,100)	0	100.00%	(8,100)	50.00%	
418530 Golf Chg-Other Fees	(360,000)	(184,007)	(135,391)	(48,617)	73.58%	(224,609)	37.61%	
418540 Golf Chg-Greens Fees	(795,000)	(461,641)	(546,383)	84,742	118.36%	(248,617)	68.73%	
418550 Sale of Forest Prod	(9,500)	(4,750)	(3,158)	(1,592)	66.48%	(6,342)	33.24%	
418590 Spec Events Receipts	(3,000)	(1,500)	(2,350)	850	156.67%	(650)	78.33%	
420000 Tx&Assm Svs-Oth Govt	(170,000)	(170,000)	(177,150)	7,150	104.21%	7,150	104.21%	
420010 Elec Exp Other Govt	(8,858,658)	(8,858,658)	(8,858,658)	0	100.00%	0	100.00%	
420030 Police Svcs-Oth Gvt	(307,550)	(153,775)	(180,034)	26,259	117.08%	(127,516)	58.54%	
420190 Gen Svc-Oth Gov	(960)	(480)	(480)	0	100.00%	(480)	50.00%	
420271 CESQG Charges	(87,500)	(43,750)	(10,845)	(32,905)	24.79%	(76,655)	12.39%	
421000 Pistol Permits	(225,645)	(112,823)	(77,931)	(34,892)	69.07%	(147,714)	34.54%	
421500 Fines&Forfeited Bail	(6,000)	(3,000)	(6,145)	3,145	204.83%	145	102.42%	
421510 Fines and Penalties	(2,238)	(1,119)	(290)	(829)	25.92%	(1,948)	12.96%	After 50% of the year, the County has achieved 63% of the annual Fees, Fines, or Charges revenue budget.
466010 NSF Check Fees	(2,920)	(1,460)	(1,941)	481	132.92%	(979)	66.46%	
466190 Item Pricing Penalty	(200,000)	(100,000)	(94,201)	(5,799)	94.20%	(105,799)	47.10%	
466340 STOPDWI VIP Prs Fees	(15,000)	(7,500)	(5,775)	(1,725)	77.00%	(9,225)	38.50%	
** Fees, Fines or Charges	(34,184,832)	(21,993,415)	(21,496,093)	(497,322)	97.74%	(12,688,739)	62.88%	
*** **Local Source Revenue**	**(1,483,620,991)**	**(918,808,702)**	**(910,586,298)**	**(8,222,404)**	**99.11%**	**(573,034,693)**	**61.38%**	
405570 ME 50% Fed Presch	(4,284,000)	(2,142,000)	(2,034,036)	(107,964)	94.96%	(2,249,964)	47.48%	
410070 FA-IV-B Preventive	(1,035,686)	(517,843)	(620,642)	102,799	119.85%	(415,044)	59.93%	
410080 FA-Admin Chargeback	1,835,629	688,361	917,816	(229,455)	133.33%	917,813	50.00%	
410120 FA-SNAP ET 100%	(1,277,842)	(638,921)	(169,393)	(469,528)	26.51%	(1,108,449)	13.26%	
410150 SSA-SSI Pri Inc Prg	(17,600)	(8,800)	(14,600)	5,800	165.91%	(3,000)	82.95%	
410240 HUD Rev D14.267 CoC	(6,736,386)	(3,375,572)	(2,537,631)	(837,941)	75.18%	(4,198,755)	37.67%	Federal Aid
410500 FA-Civil Defense	(351,547)	167,142	167,141	0	100.00%	(518,688)	-47.54%	
410510 Fed Drug Enforcement	(19,841)	(9,921)	0	(9,921)	0.00%	(19,841)	0.00%	Formula-driven Federal Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.
410520 Fr Ci Bflo Pol Dept	(30,375)	(15,188)	(15,185)	(2)	99.99%	(15,190)	49.99%	
411000 MH Fed Medi Sal Sh	(923,677)	(446,839)	(446,232)	(607)	99.86%	(477,445)	48.31%	
411490 Fed Aid - TANF FFFS	(38,997,091)	(28,756,687)	(29,301,855)	545,167	101.90%	(9,695,236)	75.14%	
411495 FA - SYEP	(2,199,422)	(1,839,801)	(1,897,301)	57,500	103.13%	(302,121)	86.26%	
411500 Fed Aid - MA In House	1,643,550	787,534	853,946	(66,412)	108.43%	789,604	51.96%	
411520 FA-Family Assistance	(35,525,442)	(15,119,626)	(15,195,293)	75,668	100.50%	(20,330,149)	42.77%	
411540 FA-Social Serv Admin	(21,532,936)	(12,864,982)	(12,325,226)	(539,756)	95.80%	(9,207,710)	57.24%	
411550 FA-Soc Serv Adm A-87	(1,883,161)	(952,856)	(470,799)	(482,057)	49.41%	(1,412,362)	25.00%	
411570 Fed Aid - SNAP Admin	(16,603,064)	(8,352,973)	(6,855,734)	(1,497,239)	82.08%	(9,747,330)	41.29%	
411580 Fed Aid - SNAP ET 50%	(4,485,073)	(2,242,537)	(1,484,099)	(758,438)	66.18%	(3,000,974)	33.09%	
411590 FA-HEAP	(4,902,090)	(3,451,045)	(2,609,431)	(841,614)	75.61%	(2,292,659)	53.23%	
411610 FA-Serv/Recipients	(5,178,420)	(3,948,110)	(2,572,118)	(1,375,992)	65.15%	(2,606,302)	49.67%	
411640 FA-Daycare Block Grt	(44,938,536)	(24,099,438)	(28,387,582)	4,288,144	117.79%	(16,550,954)	63.17%	
411670 FA-Refugee&Entrants	(126,706)	(70,933)	(112,675)	41,742	158.85%	(14,031)	88.93%	
411680 FA-Foster Care/Adopt	(21,361,805)	(10,205,711)	(8,510,674)	(1,695,037)	83.39%	(12,851,131)	39.84%	
411690 FA-IV-D Incentives	(459,960)	(229,980)	(223,422)	(6,558)	97.15%	(236,538)	48.57%	

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411700 FA-TANF Safety Net	(342,046)	(171,023)	(143,117)	(27,906)	83.68%	(198,929)	41.84%	
411780 Fed Aid-Medicaid Adm	(140,187)	(70,094)	(100,000)	29,907	142.67%	(40,187)	71.33%	
414000 Federal Aid	(384,872)	(355,435)	(368,880)	13,445	103.78%	(15,992)	95.84%	
414010 Federal Aid - Other	0	0	(33,388)	33,388	0.00%	33,388	0.00%	After 50% of the year, the County has achieved 55% of the budgeted Federal revenue.
414020 Misc Federal Aid	(99,205)	(49,603)	(61,973)	12,371	124.94%	(37,232)	62.47%	
414030 FMAP Revenue	0	0	(544,531)	544,531	0.00%	544,531	0.00%	
*** **Federal Revenue**	**(210,357,791)**	**(118,292,878)**	**(115,096,913)**	**(3,195,966)**	**97.30%**	**(95,260,878)**	**54.71%**	
405000 State Aid Fr Da Sal	(77,682)	(38,841)	0	(38,841)	0.00%	(77,682)	0.00%	
405010 St Re Indigent Care	(30,000)	(15,000)	(15,000)	0	100.00%	(15,000)	50.00%	
405170 SA-Crt Fac Incen Aid	(2,747,000)	(1,373,500)	(1,265,666)	(107,834)	92.15%	(1,481,334)	46.07%	
405190 StAid-Octane Testing	(25,885)	(12,943)	(13,296)	354	102.73%	(12,589)	51.37%	
405500 SA-Spec Need Presch	(40,214,184)	(20,838,314)	(20,376,355)	(461,959)	97.78%	(19,837,829)	50.67%	State Aid
405520 SA-NYS DOH El Serv	(4,293,914)	(2,146,957)	(1,832,308)	(314,649)	85.34%	(2,461,606)	42.67%	
405530 SA-Admin Preschool	(411,150)	(372,850)	(441,375)	68,525	118.38%	30,225	107.35%	Formula-driven State Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.
405540 SA-Art VI-P H Work	(3,996,089)	(2,181,433)	(1,889,378)	(292,055)	86.61%	(2,106,711)	47.28%	
405560 SA-NYS DOH El Admin	(546,948)	(273,474)	(273,474)	0	100.00%	(273,474)	50.00%	
405590 SA-Medicaid El Admin	(140,187)	(70,094)	(100,000)	29,907	142.67%	(40,187)	71.33%	
405595 SA-Med Anti Fraud	(494,633)	(329,755)	(248,308)	(81,447)	75.30%	(246,325)	50.20%	
406000 SA-Fr Prob Serv	(1,399,470)	(699,735)	(699,735)	0	100.00%	(699,735)	50.00%	
406010 SA-Fr Nav Law Enforc	(80,500)	(40,250)	86,107	(126,357)	-213.93%	(166,607)	-106.97%	
406020 SA-Snomob Lw Enforc	(10,000)	(5,000)	(10,545)	5,545	210.90%	545	105.45%	
406500 Refugee Hlth Assment	(91,041)	(44,600)	(31,643)	(12,957)	70.95%	(59,398)	34.76%	
406550 Emerg Med Training	(447,420)	(223,710)	(176,090)	(47,620)	78.71%	(271,330)	39.36%	
406560 SA-Art VI-PubHlthLab	(5,187,524)	(2,165,570)	(2,409,073)	243,503	111.24%	(2,778,451)	46.44%	
406810 SA-Foren Mntl Hea Sr	(2,905,867)	(1,452,934)	(1,185,564)	(267,370)	81.60%	(1,720,303)	40.80%	
406830 SA-Mental Health II	(37,114,024)	(19,270,115)	(17,526,554)	(1,743,561)	90.95%	(19,587,470)	47.22%	
406860 State Aid - OASAS	(18,493,119)	(8,981,193)	(8,611,822)	(369,371)	95.89%	(9,881,297)	46.57%	
406880 State Aid - OPWDD	(593,260)	(288,571)	(286,297)	(2,274)	99.21%	(306,963)	48.26%	
406890 Handpd Park Surch	(14,000)	(7,000)	(5,063)	(1,937)	72.33%	(8,937)	36.16%	
407500 SA-MA In House	1,643,550	821,775	1,026,811	(205,036)	124.95%	616,739	62.48%	
407510 SA-Spec Need Adult	(2,310)	(1,155)	0	(1,155)	0.00%	(2,310)	0.00%	
407520 SA-Family Assistance	0	0	(24,606)	24,606	0.00%	24,606	0.00%	
407540 SA-Soc Serv Admin	(36,608,638)	(14,846,782)	(14,892,062)	45,280	100.31%	(21,716,576)	40.68%	
407550 SA-Ex Fd Stmp Emp&Tr	0	0	(839,506)	839,506	0.00%	839,506	0.00%	
407600 SA-Sec Det Other Co	(447,136)	(223,568)	(219,431)	(4,137)	98.15%	(227,705)	49.07%	
407610 SA-Sec Det Loc Yth	(2,965,001)	(1,471,751)	(1,307,050)	(164,701)	88.81%	(1,657,951)	44.08%	
407625 SA-Raise the Age	(9,602,312)	(5,349,958)	(4,822,059)	(527,899)	90.13%	(4,780,253)	50.22%	
407630 SA-Safety Net Assist	(10,318,315)	(5,159,158)	(4,284,416)	(874,742)	83.04%	(6,033,899)	41.52%	
407640 SA-Emrg Assist/Adult	(502,801)	(251,401)	(209,766)	(41,635)	83.44%	(293,035)	41.72%	
407650 SA-Foster Care/Adopt	(39,937,079)	(13,738,454)	(10,931,421)	(2,807,033)	79.57%	(29,005,658)	27.37%	
407670 SA-EAF Prev POS	(5,591,938)	(2,451,555)	(1,928,275)	(523,280)	78.66%	(3,663,663)	34.48%	
407680 SA-Serv Fr Recipnts	(7,674,682)	(3,932,048)	(4,494,305)	562,257	114.30%	(3,180,377)	58.56%	
407710 SA-Legal Serv/Disab	(105,504)	(52,752)	0	(52,752)	0.00%	(105,504)	0.00%	
407730 State Aid - Burials	(1,034)	(517)	(261)	(256)	50.48%	(773)	25.24%	
407740 SA-Veterns Srv Agenc	(70,000)	169,167	0	169,167	0.00%	(70,000)	0.00%	
407780 SA-Daycare Block Grt	(3,769,160)	(1,884,580)	(1,317,164)	(567,416)	69.89%	(2,451,996)	34.95%	
407795 State Aid - Code Blue	(483,696)	(288,934)	161,333	(450,267)	-55.84%	(645,029)	-33.35%	
408000 SA-Youth Progs	(25,181)	(12,590)	(12,590)	1	100.00%	(12,591)	50.00%	
408020 Youth-Reimb Programs	(796,576)	(398,288)	(390,000)	(8,288)	97.92%	(406,576)	48.96%	
408030 Homeless/Run NR RHY1	(117,000)	(58,500)	(33,000)	(25,500)	56.41%	(84,000)	28.21%	
408040 Homeless/Run Re RHY2	(84,000)	(42,000)	(29,966)	(12,034)	71.35%	(54,034)	35.67%	
408055 Youth Sports/Edu Opp	(416,312)	(172,104)	(103,156)	(68,948)	59.94%	(313,156)	24.78%	
408056 Youth Team Sports	(465,902)	(258,834)	(232,951)	(25,883)	90.00%	(232,951)	50.00%	

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408061 STSJP - RTA	(450,000)	(225,000)	(212,923)	(12,077)	94.63%	(237,077)	47.32%	
408065 Yth-Supervision	(1,112,531)	(150,000)	(167,848)	17,848	111.90%	(944,683)	15.09%	
408530 SA-Crim Justice Prog	(726,411)	(349,456)	(135,599)	(213,856)	38.80%	(590,812)	18.67%	
409000 State Aid Revenues	(5,744,729)	(2,434,031)	(2,648,111)	214,080	108.80%	(3,096,618)	46.10%	
409010 State Aid - Other	(8,042,174)	(1,310,894)	(1,571,876)	260,982	119.91%	(6,470,298)	19.55%	
409020 SA-Misc	(56,615)	(28,308)	(53,095)	24,788	187.57%	(3,520)	93.78%	
409030 SA-Main-Lieu of Rent	(157,578)	(78,789)	(79,350)	561	100.71%	(78,228)	50.36%	
409060 SA-Prob Pretrial Ser	(815,014)	(706,326)	(407,507)	(298,819)	57.69%	(407,507)	50.00%	
*** **State Revenue**	**(254,759,976)**	**(115,718,627)**	**(107,471,590)**	**(8,247,037)**	**92.87%**	**(147,288,386)**	**42.19%**	
486010 Resid Equity Tran-In	(9,823,386)	(9,823,386)	(9,823,386)	0	100.00%	0	100.00%	
*** **Interfund Revenue**	**(9,823,386)**	**(9,823,386)**	**(9,823,386)**	**-**	**100.00%**	**0**	**100.00%**	
**** **County Revenue**	**(1,958,562,144)**	**(1,162,643,594)**	**(1,142,978,187)**	**(19,665,407)**		**(815,583,957)**	**58.36%**	

January-June 2024 Budget Monitoring Report (BMR)
Detail by Account

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
Expenses								
500000 Full Time - Salaries	290,764,686	138,490,795	129,672,463	8,818,332		161,092,223	44.60%	Through 50% of the year, the County has expended 44% of budgeted salaries.
500010 Part Time - Wages	4,871,881	2,367,644	1,356,680	1,010,964		3,515,201	27.85%	
500020 Regular PT - Wages	2,013,109	983,140	985,218	(2,078)		1,027,891	48.94%	
500030 Seasonal - Wages	1,393,927	589,144	581,435	7,710		812,492	41.71%	
** Salaries	299,043,603	142,430,723	132,595,795	9,834,928		166,447,808	44.34%	
500300 Shift Differential	2,609,786	1,272,907	1,324,652	(51,745)		1,285,134	50.76%	After 50% of the year, overtime is showing a neg variance of $2.6M, $1.6M of which is related to the Sheriff's Police Services Division. They have utilized $4.5M or 76% of their annual budget.
500320 Uniform Allowance	677,700	338,850	241,500	97,350		436,200	35.64%	
500330 Holiday Worked	2,969,750	1,501,737	1,419,980	81,758		1,549,770	47.81%	
500340 Line-up Pay	3,067,434	1,495,374	1,403,811	91,563		1,663,623	45.77%	
500350 Other Employee Pymts	2,469,132	1,204,109	795,124	408,984		1,674,008	32.20%	
501000 Overtime	25,581,253	12,284,816	14,857,895	(2,573,079)		10,723,358	58.08%	
** Non-Salaries	37,375,055	18,097,792	20,042,962	(1,945,169)		17,332,093	53.63%	
504990 Reductions Per Srv	(2,000,000)	(975,000)	0	(975,000)		(2,000,000)	0.00%	Teamsters & NYSNA Salary Reserves will be utilized to address increased personnel costs in the Sheriff's Office at year-end.
504995 HELP-Personnel Reser	(7,706,309)	(1,937,191)	0	(1,937,191)		(7,706,309)	0.00%	
504998 Net Impact Teamsters	2,300,000	1,150,000	0	1,150,000		2,300,000	0.00%	
504999 Net Impact NSYNA	1,700,000	850,000	0	850,000		1,700,000	0.00%	
** Countywide Adjustments	(5,706,309)	(912,191)	0	(912,191)		(5,706,309)	0.00%	
*** **Personnel Related Expense**	**330,712,349**	**159,616,324**	**152,638,757**	**6,977,567**		**178,073,592**	**46.15%**	
502000 Fringe Benefits	158,826,572	74,119,068	0	74,119,068		158,826,572	0.00%	All departmental Fringe Benefit expense is budgeted in account 502000. Actual expense is recorded at the detailed level indicated. The exception is the budget for Workers Compensation and ECMC legacy-related expense.
502010 Employer FICA	0	0	9,227,043	(9,227,043)		(9,227,043)	0.00%	
502020 Empler FICA-Medicare	0	0	2,146,558	(2,146,558)		(2,146,558)	0.00%	
502030 Employee Health Ins	0	0	18,884,457	(18,884,457)		(18,884,457)	0.00%	
502040 Dental Plan	0	0	810,325	(810,325)		(810,325)	0.00%	
502050 Workers' Compensation	10,963,766	5,667,797	6,102,208	(434,412)		4,861,558	55.66%	
502060 Unemployment Ins	0	0	157,566	(157,566)		(157,566)	0.00%	
502070 Hosp & Med-Retirees'	1,559,412	779,706	14,068,690	(13,288,984)		(12,509,278)	902.18%	After 50% of the year, the County has spent 48% of the total budgeted Fringe Benefit expense.
502090 Hlth Ins Waiver	0	0	1,491,342	(1,491,342)		(1,491,342)	0.00%	
502100 Retirement	14,600,000	14,600,000	34,646,313	(20,046,313)		(20,046,313)	237.30%	
502130 WkrsCmp OtherFd Reim	(9,126,357)	(4,820,011)	(3,147,620)	(1,672,391)		(5,978,737)	34.49%	
502140 3rd Party Recoveries	(1,205,343)	(499,143)	(818,991)	319,848		(386,352)	67.95%	
*** **Fringe Benefit Total**	**175,618,050**	**89,847,416**	**83,567,891**	**6,279,525**		**92,050,159**	**47.59%**	
505000 Office Supplies	1,216,476	631,923	334,040	297,882		882,436	27.46%	
505200 Clothing Supplies	884,771	416,613	248,840	167,774		635,931	28.12%	
505400 Food & Kitchen Supp	2,399,823	891,122	811,557	79,565		1,588,266	33.82%	
505600 Auto Tr & Hvy Eq Sup	2,931,931	1,383,441	918,712	464,728		2,013,219	31.33%	
505800 Medical & Hlth Supp	2,273,227	998,140	726,930	271,210		1,546,298	31.98%	
506200 Maintenance & Repair	3,438,088	1,640,955	947,268	693,687		2,490,820	27.55%	
507000 E-Z Pass Supplies	3,675	1,838	0	1,838		3,675	0.00%	
** Supplies and Repairs	13,147,992	5,964,031	3,987,347	1,976,684		9,160,645	30.33%	
555000 General Liability	9,944,652	2,898,644	(2,616)	2,901,260		9,947,268	-0.03%	Risk Retention expense is budgeted in account 555000 while actual expense is recorded at a detailed level in the accounts indicated. In total Risk Retention is on budget for the period.
555010 Settlmts/Jdgmnts-Lit	0	13,197	2,153,172	(2,139,975)		(2,153,172)	0.00%	
555030 Litig & Rel Disburs.	0	38,288	148,445	(110,157)		(148,445)	0.00%	
555040 Expert/Cons Fees-Lit	0	279,889	996,653	(716,764)		(996,653)	0.00%	
555050 Insurance Premiums	0	634,568	569,583	64,985		(569,583)	0.00%	
* Risk Retention	9,944,652	3,864,586	3,865,237	(650)		6,079,415	38.87%	
510000 Local Mileage Reimb	1,872,403	915,764	790,807	124,957		1,081,596	42.23%	
510100 Out Of Area Travel	739,056	376,266	136,390	239,876		602,666	18.45%	
510200 Training And Educat	818,327	420,930	236,386	184,544		581,941	28.89%	
511000 Control Board Expense	647,575	269,873	30,000	239,873		617,575	4.63%	
515000 Utility Charges	3,519,409	1,763,510	1,465,260	298,250		2,054,149	41.63%	
516040 DSS Trng & Edu Pro	1,776,053	608,482	637,131	(28,649)		1,138,922	35.87%	

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Detail by Account

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
530000 Other Expenses	4,346,991	1,918,383	735,541	1,182,842		3,611,449	16.92%	
530010 Chargebacks	1,482,248	1,092,126	1,029,511	62,615		452,737	69.46%	
530030 Pivot Wage Subsidies	2,588,524	1,382,742	1,141,643	241,099		1,446,881	44.10%	
545000 Rental Charges	15,904,939	6,676,384	6,336,384	340,000		9,568,555	39.84%	
** Other	43,640,177	19,289,045	16,404,290	2,884,756		27,235,887	37.59%	
* Non Profit Agency Subsidy	33,407,063	21,032,152	21,032,152	0		12,374,912	62.96%	
* Non Profit Purchase of Servic	170,381,535	72,408,617	68,367,323	4,041,294		102,014,212	40.13%	
516020 Pro Ser Cnt and Fees	34,823,500	11,127,270	9,853,339	1,273,931		24,970,161	28.30%	
516021 Indep Proced Review	119,861	94,861	25,000	69,861		94,861	20.86%	
516030 Maintenance Contracts	10,233,947	7,092,217	7,113,856	(21,638)		3,120,091	69.51%	
516042 Foreclosure Action	2,346,130	1,274,069	1,274,069	0		1,072,061	54.31%	
516049 Public Art Fund	153,000	0	0	0		153,000	0.00%	
516039 Shelter Improvements	1,000,000	0	0	0		1,000,000	0.00%	
516038 Weather Emergency Fd	0	0	0	0		0	0.00%	
516080 Life Safety Contract	1,889,800	868,787	924,769	(55,982)		965,031	48.93%	
520000 Municipal Assoc Fees	121,146	121,146	121,146	0		0	100.00%	
516047 Warehouse Build-Out	25,912	0	0	0		25,912	0.00%	
520010 Txs&Asses-Co Ownd Pr	600	250	123	127		477	20.42%	
520020 Co Res Enrl Comm Col	7,900,842	4,443,393	4,443,040	353		3,457,802	56.24%	
520040 Curr Pymts Mass Tran	3,657,200	1,828,600	1,828,600	0		1,828,600	50.00%	
520050 Garbage Disposal	128,824	64,824	50,985	13,839		77,839	39.58%	
520070 Buffalo Bills Maint	3,147,784	985,511	985,511	0		2,162,273	31.31%	
520072 Working Capital Asst	2,016,369	0	0	0		2,016,369	0.00%	
* Professional Srvs Contracts a	67,564,915	27,900,927	26,620,436	1,280,491		40,944,479	39.40%	
516050 Dept Payments-ECMCC	5,728,363	2,504,916	2,365,655	139,261		3,362,708	41.30%	
516051 ECMCC Drug & Alcohol	397,493	397,493	198,746	198,747		198,747	50.00%	
* ECMCC Payments	6,125,856	2,902,409	2,564,401	338,007		3,561,455	41.86%	
516060 Sales Tax Loc Gov 3%	441,736,833	229,099,086	222,321,116	6,777,970		219,415,717	50.33%	
516070 Flat Dist from 1%	12,500,000	12,500,000	12,500,000	0		0	100.00%	
520030 NFTA-Share Sales Tax	28,450,180	18,666,745	18,412,002	254,743		10,038,178	64.72%	
* Sales Tax to Local Government	482,687,013	260,265,831	253,233,118	7,032,714		229,453,895	52.46%	
** Contractual	760,166,382	384,509,935	371,817,430	12,692,506		388,348,952	48.91%	
561410 Lab & Tech Eqt	10,383,209	6,256,187	6,324,567	(68,379)		4,058,642	60.91%	
561420 Office Furn & Fixt	1,912,790	254,966	256,006	(1,040)		1,656,785	13.38%	
561430 Bldg Grs & Hvy Eq	24,506	716	716	0		23,790	2.92%	
561440 Motor Vehicles	405,500	0	0	0		405,500	0.00%	
** Equipment	12,726,005	6,511,870	6,581,288	(69,419)		6,144,717	51.72%	
559000 County Share - Grants	16,673,489	1,136,175	1,136,175	(0)		15,537,314	6.81%	
570000 Interfund Trans-Subs	5,000,000	5,000,000	5,000,000	0		0	100.00%	
570020 Interfund - Road	21,542,267	13,683,046	13,683,046	0		7,859,221	63.52%	
570025 InterFd Co Share 911	8,171,021	3,895,359	3,895,359	0		4,275,662	47.67%	
570028 InterFd Co Share Lib	190,000	0	0	0		190,000	0.00%	
570030 Interfund-ECC Sub	19,804,317	19,804,317	19,804,317	0		0	100.00%	
570050 InterFund Trans-Cap	88,371,831	41,329,698	41,329,698	0		47,042,133	46.77%	
575000 Interfnd Exp Non-Sub	4,138,548	4,188	4,188	0		4,134,360	0.10%	
575040 I/F Expense-Utility	4,752,299	2,222,276	1,599,720	622,557		3,152,579	33.66%	
* Interfund Expense	168,643,772	87,075,060	86,452,503	622,557		82,191,269	51.26%	
910200 ID Budget Services	0	0	0	0		0	0.00%	
910600 ID Purchasing Srv	(283,281)	(141,641)	(130,511)	(11,130)		(152,770)	46.07%	
910700 ID Fleet Services	(2,765,903)	(1,382,952)	(984,993)	(397,959)		(1,780,910)	35.61%	
911200 ID Comptroller's Srv	0	0	0	0		0	0.00%	
911400 ID District Atty Srv	(954,941)	(477,471)	(236,326)	(241,144)		(718,615)	24.75%	
911500 ID Sheriff Div. Srvs	(232,070)	(116,035)	(149,432)	33,397		(82,638)	64.39%	
911600 ID Jail Mgt. Service	0	0	0	0		0	0.00%	

January-June 2024 Budget Monitoring Report (BMR)
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Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
911630 ID Correctional Fac	(28,846)	(14,423)	0	(14,423)		(28,846)	0.00%	
912000 ID DSS Service	0	0	0	0		0	0.00%	
912215 ID DPW Mail Srvs	(12,362)	(6,181)	(4,877)	(1,304)		(7,485)	39.45%	
912220 ID Build&Grounds Srv	0	0	0	0		0	0.00%	
912300 ID Highways Services	32,000	16,000	107	15,893		31,893	0.33%	
912400 ID Mental Health Srv	(50,000)	(25,000)	0	(25,000)		(50,000)	0.00%	
912520 ID Youth Delen Srvs	0	0	0	0		0	0.00%	
912530 ID Youth Bureau Srvs	0	0	0	0		0	0.00%	
912600 ID Probation Services	0	0	0	0		0	0.00%	
912700 ID Health Services	(42,700)	(23,984)	(75,844)	51,860		33,144	177.62%	
912730 ID Health Lab Srv	11,723	5,862	19,656	(13,795)		(7,933)	167.67%	
912740 ID Med Ex Services	0	0	0	0		0	0.00%	
913000 ID Veterans Services	0	0	0	0		0	0.00%	
914000 ID CW Accts Budget	75,462	(1,512)	(7,800)	6,289		83,262	-10.34%	
916000 ID County Attny Srv	(18,443)	(9,222)	(9,222)	0		(9,221)	50.00%	
916200 ID Env & Plan Srv	141,701	70,851	28,512	42,338		113,189	20.12%	
916300 ID Senior Services	0	0	0	0		0	0.00%	
916390 ID Senior Srvs Grant	24,770	12,385	24,770	(12,385)		0	100.00%	
916400 ID Parks Services	(70,986)	(35,493)	(30,450)	(5,043)		(40,536)	42.90%	
916500 ID CPS Services	0	0	0	0		0	0.00%	
916700 ID Emergency Services	0	0	0	0		0	0.00%	
942000 ID Library Services	165,198	82,599	95,641	(13,042)		69,557	57.89%	
980000 ID DISS Services	(2,299,476)	(1,149,738)	(1,317,306)	167,568		(982,170)	57.29%	
* Interdepartmental Billings	(6,308,154)	(3,195,954)	(2,778,074)	(417,880)		(3,530,080)	44.04%	
** Allocations	162,335,618	83,879,106	83,674,429	204,677		78,661,189	51.54%	
525000 MMIS-Medicaid Loc Sh	214,648,032	107,973,138	107,973,138	0		106,674,894	50.30%	The increased phase-out of eFMAP credits by NYS increased weekly MMIS payments by $220,583, an increase of $11.5M to $214.6M for 2024.
525020 UPL Expense	15,450,000	0	0	0		15,450,000	0.00%	
525030 MA - Gross Loc Pymts	38,572	19,286	10,722	8,564		27,850	27.80%	
525040 Family Assistance-FA	36,612,708	15,067,139	15,051,152	15,987		21,561,556	41.11%	
525050 CWS - Foster Care	99,177,933	35,196,687	34,920,672	276,015		64,257,261	35.21%	
525060 Safety Net Assist	39,741,862	19,627,034	19,691,836	(64,802)		20,050,026	49.55%	
525070 Emer Assist To Adlts	1,294,204	647,102	567,284	79,818		726,920	43.83%	
525080 Ed Handicapped Child	413,392	206,696	99,429	107,267		313,963	24.05%	
525091 Child Care - Title XX	2,668,585	1,261,254	1,297,860	(36,607)		1,370,725	48.63%	
525092 Child Care - CCBG	45,998,511	24,030,697	27,589,796	(3,559,100)		18,408,715	59.98%	
525100 Housekeeping - DSS	5,000	2,500	0	2,500		5,000	0.00%	
525110 Meals On Wheels WNY	70,000	35,000	35,000	0		35,000	50.00%	
525120 Adult Special Needs	2,310	0	0	0		2,310	0.00%	
525130 OCFS Yth Fac Charges	8,562,545	4,232,708	4,135,579	97,129		4,426,966	48.30%	For DSH, SFY 2020-21 Final Reconciliation & SFY 2021-22 Initial Reconciliation Payments totalling $39.3M were made on 6/6/24. No additional DSH payments are expected in 2024.
525140 HEAP Program Costs	1,021,244	250,047	671,967	(421,920)		349,277	65.80%	
525150 DSH Expense	121,363,860	94,398,348	94,398,348	0		26,965,512	77.78%	
525160 Indigent Care DSH	10,479,656	5,239,828	5,239,828	0		5,239,828	50.00%	
528000 Svcs Spec Need Child	70,376,758	36,973,505	37,027,434	(53,929)		33,349,324	52.61%	
528010 Srvs Early Inv Prog	8,763,090	4,317,272	3,739,404	577,868		5,023,686	42.67%	
530020 Independent Living	10,000	5,000	0	5,000		10,000	0.00%	
** Program Specific	676,698,262	349,483,242	352,449,451	(2,966,209)		324,248,811	52.08%	
570040 I/F Subsidy Debt Srv	45,281,873	14,647,477	14,647,477	0		30,634,396	32.35%	
** Debt Services	45,281,873	14,647,477	14,647,477	0		30,634,396	32.35%	
*** All Other Operating Expense	1,713,996,310	864,284,706	849,561,711	14,722,995		864,434,598	49.57%	
**** County Expense	2,220,326,709	1,113,748,446	1,085,768,359	27,980,088		1,134,558,350	48.90%	
***** Net	261,764,565	(48,895,148)	(57,209,829)	8,314,681		318,974,393		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIR AD AS LE	51011829	GRP 10	FT	P	04/18/2023	LEGISLATURE MAJORITY STAFF	110		60,403.00		05	100.000
60,403.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		
JR AD AST LE	51017745	GRP 07	FT	P	02/23/2024	LEGISLATURE MAJORITY STAFF	110		50,446.00		05	100.000
50,446.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		
SP AS CH LEG	51017086	GRP 10	FT	P	01/04/2024	LEGISLATURE MAJORITY STAFF	110		60,403.00		07	100.000
60,403.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		

Totals for Legislative Branch

171,252.00 Perm Budget Amt 3 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 3

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
JR AD CON CE	51010521	GRP 13	FT	P	05/18/2024	ERIE COUNTY EXECUTIVE'S OFFICE	110		75,729.00		04	100.000
75,729.00 Perm Budget Amt		1 Perm Vac			0.00 Temp Budget Amt		0 Temp Vac			1		
JR SEC CO EX	51010524	GRP 03	FT	P	06/15/2024	ERIE COUNTY EXECUTIVE'S OFFICE	110		41,521.00		04	100.000
41,521.00 Perm Budget Amt		1 Perm Vac			0.00 Temp Budget Amt		0 Temp Vac			1		

Totals for County Executive Department

117,250.00 Perm Budget Amt		2 Perm Vac			0.00 Temp Budget Amt		0 Temp Vac			2		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
MGT CONS(CE)	51002809	GRP 15	FT	P	04/06/2024	BUDGET & MANAGEMENT DIVISION	110		91,896.00		02	100.000

91,896.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Budget & Management

91,896.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
COPY MA OP	51002707	GRP 03	FT	T	06/01/2024	PRINT, COPY & GRAPHICS	110		37,552.00		02	100.000
	0.00	Perm Budget Amt		0	Perm Vac	37,552.00	Temp Budget Amt		1	Temp Vac	1	

Totals for Information & Support Services

	0.00	Perm Budget Amt		0	Perm Vac	37,552.00	Temp Budget Amt		1	Temp Vac	1	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LABORER	51016351	GRP 03	FT	P	05/18/2024	SURPLUS AND ASSET MANAGEMENT	110		37,552.00		03	100.000
37,552.00 Perm Budget Amt		1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac				1		
RECEPTIONIST	51009675	GRP 03	FT	T	04/06/2024	PROCUREMENT	110		41,521.00		02	100.000
0.00 Perm Budget Amt		0 Perm Vac		41,521.00 Temp Budget Amt		1 Temp Vac				1		

Totals for Bureau of Purchase

37,552.00 Perm Budget Amt		1 Perm Vac		41,521.00 Temp Budget Amt		1 Temp Vac				2		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
MIN WO OB EC	51017023	GRP 11	FT	P	10/25/2023	EQUAL EMPOPPORTUNITY,DIVERSITY&INCLUSION	110		65,847.00		07	100.000
65,847.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
MIN WO OB ES	51017025	GRP 08	FT	P	11/01/2022	EQUAL EMPOPPORTUNITY,DIVERSITY&INCLUSION	110		53,527.00		01	100.000
53,527.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		

Totals for Equal Employment Opportunity

119,374.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCOUNTANT	51011177	GRP 09	FT	T	04/22/2023	ACCOUNTING	110		56,871.00		01	100.000
0.00	Perm Budget Amt		0	Perm Vac	56,871.00	Temp Budget Amt	1	Temp Vac		1		
ASC DECO XIV	51014369	GRP 14	FT	P	11/20/2021	ADMINISTRATION	110		83,635.00		04	100.000
83,635.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CHF ACT CLK	51001506	GRP 07	FT	P	06/18/2024	ACCOUNTING	110		50,446.00		01	100.000
50,446.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
DIR ACT SRV	00003006	GRP 15	FT	P	04/10/2023	ACCOUNTING	110		91,896.00		01	100.000
91,896.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
PR ACCT ANAL	51017151	GRP 13	FT	P	10/21/2023	ACCOUNTING	110		75,729.00		01	100.000
75,729.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
STAFF AUD	51012879	GRP 11	FT	P	04/06/2024	AUDIT & CONTROL	110		65,847.00		01	100.000
65,847.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
Totals for Comptroller												
367,553.00	Perm Budget Amt		5	Perm Vac	56,871.00	Temp Budget Amt	1	Temp Vac		6		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCOUNTANT	51018230	GRP 09	FT	P	03/30/2024	RECORDING	110		56,871.00		01	100.000
56,871.00 Perm Budget Amt			1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac			1		
DOC CLK	51001417	GRP 05	FT	P	11/22/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		44,913.00		01	100.000
	51001419	GRP 05	FT	P	01/22/2024	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		44,913.00		01	100.000
	51001421	GRP 05	FT	P	07/15/2024	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		44,913.00		01	100.000
134,739.00 Perm Budget Amt			3 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac			3		
MOT VEH REP	51014706	GRP 05	FT	T	09/23/2023	AUTO BUREAU BRANCH OFFICES	110		44,913.00		01	100.000
	51016762	GRP 05	FT	P	03/23/2024	AUTO BUREAU BRANCH OFFICES	110		44,913.00		01	100.000
44,913.00 Perm Budget Amt			1 Perm Vac		44,913.00 Temp Budget Amt		1 Temp Vac			2		
MV REP 55A	51005054	GRP 05	FT	P	07/13/2022	AUTO BUREAU BRANCH OFFICES	110		44,913.00		02	100.000
44,913.00 Perm Budget Amt			1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac			1		
SR DOC CLK	00008731	GRP 06	FT	P	09/04/2023	RECORDING	110		47,595.00		01	100.000
	00008736	GRP 06	FT	P	06/07/2024	RECORDING	110		47,595.00		01	100.000
	00008740	GRP 06	FT	T	10/20/2023	RECORDING	110		47,595.00		01	100.000
	00008741	GRP 06	FT	T	04/15/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		47,595.00		01	100.000
	51016761	GRP 06	FT	P	05/01/2024	RECORDING	110		47,595.00		01	100.000
	51017858	GRP 06	FT	P	06/08/2024	RECORDING	110		47,595.00		01	100.000
190,380.00 Perm Budget Amt			4 Perm Vac		95,190.00 Temp Budget Amt		2 Temp Vac			6		
Totals for County Clerk												
471,816.00 Perm Budget Amt			10 Perm Vac		140,103.00 Temp Budget Amt		3 Temp Vac			13		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASST DA III	00000446	GRP 14	FT	P	06/10/2024	LOWER COURTS	110		83,635.00		04	100.000
83,635.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
ASSTCHPROMBU	51017742	GRP 13	FT	P	04/09/2024	ADMINISTRATION	110		75,729.00		07	100.000
75,729.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
AST CNF AD D	51016240	GRP 04	FT	T	01/13/2024	ADMINISTRATION	110		42,940.00		02	100.000
0.00	Perm Budget Amt				0	Perm Vac	42,940.00	Temp Budget Amt	1	Temp Vac		1
FIR DEP DA	00003467	GRP 20	FT	P	03/31/2024	ADMINISTRATION	110		139,031.00		04	100.000
139,031.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
LEGAL SEC	00005835	GRP 07	FT	P	02/28/2024	SUPERIOR COURTS	110		50,446.00		01	100.000
	00005836	GRP 07	FT	P	03/23/2024	SUPERIOR COURTS	110		50,446.00		01	100.000
100,892.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2
SR CL TYP	51016230	GRP 04	FT	T	12/23/2023	LOWER COURTS	110		42,940.00		01	100.000
0.00	Perm Budget Amt				0	Perm Vac	42,940.00	Temp Budget Amt	1	Temp Vac		1
GR JU STEN R	51018538	GRP 14	RPT	P	06/01/2024	GRAND JURY	110		62,726.00		01	100.000
62,726.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1

Totals for District Attorney

462,013.00	Perm Budget Amt				6	Perm Vac	85,880.00	Temp Budget Amt	2	Temp Vac		8

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ADM ASST SH	51017762	GRP 10	FT	P	09/26/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		62,616.00		01	100.000
	51018680	GRP 10	FT	P	06/15/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		62,616.00		01	100.000
125,232.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
AST CH ADMIN	51017136	GRP 13	FT	P	10/11/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		82,514.00		07	100.000
82,514.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CH ACT CL CV	51018678	GRP 07	FT	P	06/15/2024	CIVIL PROCESS	110		57,672.00		01	100.000
57,672.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CHIEF ADMIN	51011940	GRP 17	FT	P	05/02/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		117,354.00		07	100.000
117,354.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
DAT EN OP SH	51016429	GRP 04	FT	T	12/31/2022	CIVIL PROCESS	110		44,824.00		01	100.000
0.00	Perm Budget Amt		0	Perm Vac	44,824.00	Temp Budget Amt	1	Temp Vac		1		
DEP SH CRIM	00002409	GRP 08	FT	P	07/02/2024	POLICE/PATROL SERVICES	110		68,863.00		01	100.000
	00002470	GRP 08	FT	T	05/05/2024	POLICE/PATROL SERVICES	110		68,863.00		01	100.000
	51013111	GRP 08	FT	P	07/09/2024	POLICE/PATROL SERVICES	110		68,863.00		01	100.000
137,726.00	Perm Budget Amt		2	Perm Vac	68,863.00	Temp Budget Amt	1	Temp Vac		3		
DEP SH OF	00002813	GRP 08	FT	P	04/26/2024	PROFESSIONAL STANDARDS	110		64,642.00		01	100.000
64,642.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
DET DEP	51013576	GRP 09	FT	P	07/02/2024	INVESTIGATIVE SERVICES	110		72,856.00		01	100.000
	51018679	GRP 09	FT	P	06/15/2024	INVESTIGATIVE SERVICES	110		72,856.00		01	100.000
145,712.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
PAY CLK SHER	51006947	GRP 06	FT	P	07/11/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		49,583.00		01	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
49,583.00	Perm Budget Amt			1	Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
REC CLK HC	51004832	GRP 06	FT	P	06/28/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		49,583.00		01	100.000
49,583.00	Perm Budget Amt			1	Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
SR EX AST SH	51018681	GRP 13	FT	P	06/15/2024	ADMINISTRATION AND PROFESSIONAL SERVICES	110		82,514.00		07	100.000
82,514.00	Perm Budget Amt			1	Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
Totals for Office of the Sheriff												
912,532.00	Perm Budget Amt			13	Perm Vac	113,687.00 Temp Budget Amt		2 Temp Vac		15		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
AC CL TY CIV	51009142	GRP 04	FT	T	01/27/2024	JAIL MANAGEMENT ADMINISTRATION	110		44,824.00		01	100.000
	0.00 Perm Budget Amt				0 Perm Vac	44,824.00 Temp Budget Amt		1 Temp Vac		1		
ASST COOK HC	00000329	GRP 04	FT	P	12/05/2021	FOOD SERVICES HC	110		44,824.00		02	100.000
	44,824.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
CAP OFFC	00000805	GRP 12	FT	T	07/10/2024	SECURITY HC	110		83,631.00		01	100.000
	51012191	GRP 12	FT	T	06/16/2024	SECURITY HC	110		83,631.00		01	100.000
	0.00 Perm Budget Amt				0 Perm Vac	167,262.00 Temp Budget Amt		2 Temp Vac		2		
CLSITEADM CH	51018409	GRP 30	FT	P	06/20/2024	JAIL MEDICAL SERVICES ADMINISTRATION	110		97,639.00		01	100.000
	97,639.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
COR FAC MED	51007822	GRP 13	FT	P	07/12/2024	CORRECTIONAL FACILITY MEDICAL SERVICES	110		60,568.00		02	100.000
	51012510	GRP 13	FT	P	12/13/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		60,568.00		02	100.000
	121,136.00 Perm Budget Amt				2 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		2		
COR LIEUT	00001929	GRP 13	FT	T	05/24/2024	SECURITY CF	110		69,066.00		01	100.000
	0.00 Perm Budget Amt				0 Perm Vac	69,066.00 Temp Budget Amt		1 Temp Vac		1		
COR OFF	00001999	GRP 11	FT	T	06/15/2024	SECURITY CF	110		58,885.00		01	100.000
	0.00 Perm Budget Amt				0 Perm Vac	58,885.00 Temp Budget Amt		1 Temp Vac		1		
COR OFF CF	51013124	GRP 11	FT	T	06/15/2024	SECURITY CF	110		57,824.00		01	100.000
	51013728	GRP 11	FT	P	05/22/2024	SECURITY CF	110		57,824.00		01	100.000
	51013927	GRP 11	FT	P	03/22/2024	SECURITY CF	110		57,824.00		01	100.000
	51017814	GRP 11	FT	P	01/29/2024	SECURITY CF	110		57,824.00		01	100.000
	51017820	GRP 11	FT	P	04/08/2024	SECURITY CF	110		57,824.00		01	100.000
	51017956	GRP 11	FT	P	03/18/2024	SECURITY CF	110		57,824.00		01	100.000
	51018012	GRP 11	FT	P	06/01/2024	SECURITY CF	110		57,824.00		01	100.000
	51018202	GRP 11	FT	T	03/25/2024	SECURITY CF	110		57,824.00		01	100.000
	51018330	GRP 11	FT	P	04/20/2024	SECURITY CF	110		57,824.00		01	100.000
	51018376	GRP 11	FT	P	01/02/2024	SECURITY CF	110		57,824.00		01	100.000
	51018377	GRP 11	FT	P	01/02/2024	SECURITY CF	110		57,824.00		01	100.000
	51018406	GRP 11	FT	P	02/13/2024	SECURITY CF	110		57,824.00		01	100.000
	51018540	GRP 11	FT	P	05/28/2024	SECURITY CF	110		57,824.00		01	100.000
	51018682	GRP 11	FT	P	05/23/2024	COMMUNITY RE-INTEGRATION PROGRAM	110		57,824.00		01	18.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
693,888.00 Perm Budget Amt					12 Perm Vac	115,648.00 Temp Budget	Amt	2 Temp Vac		14		
DEP SH OF	00002540	GRP 08	FT	P	06/15/2024	SECURITY HC	110		64,642.00		01	100.000
	00002546	GRP 08	FT	T	03/09/2024	SECURITY HC	110		64,642.00		01	100.000
	00002584	GRP 08	FT	T	03/09/2024	SECURITY HC	110		64,642.00		01	100.000
	00002595	GRP 08	FT	T	01/13/2024	SECURITY HC	110		64,642.00		01	100.000
	00002602	GRP 08	FT	P	06/15/2024	SECURITY HC	110		64,642.00		01	100.000
	00002627	GRP 08	FT	T	03/25/2024	SECURITY HC	110		64,642.00		01	100.000
	00002645	GRP 08	FT	P	03/09/2024	SECURITY HC	110		64,642.00		01	100.000
	00002648	GRP 08	FT	T	03/25/2024	SECURITY HC	110		64,642.00		01	100.000
	00002663	GRP 08	FT	T	01/13/2024	SECURITY HC	110		64,642.00		01	100.000
	00002665	GRP 08	FT	P	02/08/2024	SECURITY HC	110		64,642.00		01	100.000
	00002666	GRP 08	FT	P	08/19/2024	SECURITY HC	110		64,642.00		01	100.000
	00002677	GRP 08	FT	P	06/13/2024	SECURITY HC	110		64,642.00		01	100.000
	00002680	GRP 08	FT	P	05/02/2024	SECURITY HC	110		64,642.00		01	100.000
	00002692	GRP 08	FT	T	10/16/2023	SECURITY HC	110		64,642.00		01	100.000
	00002710	GRP 08	FT	P	01/31/2024	SECURITY HC	110		64,642.00		01	100.000
	00002723	GRP 08	FT	T	03/09/2024	SECURITY HC	110		64,642.00		01	100.000
	00002735	GRP 08	FT	P	01/17/2024	SECURITY HC	110		64,642.00		01	100.000
	00002753	GRP 08	FT	T	01/13/2024	SECURITY HC	110		64,642.00		01	100.000
	00002754	GRP 08	FT	T	01/26/2024	SECURITY HC	110		64,642.00		01	100.000
	00002782	GRP 08	FT	P	04/04/2024	TRANSPORTATION	110		64,642.00		01	100.000
	00002809	GRP 08	FT	P	04/06/2024	SECURITY HC	110		64,642.00		01	100.000
	00002817	GRP 08	FT	P	07/06/2024	SECURITY HC	110		64,642.00		01	100.000
	00002819	GRP 08	FT	P	05/03/2024	TRANSPORTATION	110		64,642.00		01	100.000
	00002824	GRP 08	FT	T	03/25/2024	SECURITY HC	110		64,642.00		01	100.000
	00002857	GRP 08	FT	T	06/15/2024	SECURITY HC	110		64,642.00		01	100.000
	00002893	GRP 08	FT	P	04/17/2024	SECURITY HC	110		64,642.00		01	100.000
	51001232	GRP 08	FT	P	02/28/2024	SECURITY HC	110		64,642.00		01	100.000
	51002133	GRP 08	FT	T	06/15/2024	SECURITY HC	110		64,642.00		01	100.000
	51002383	GRP 08	FT	T	06/15/2024	SECURITY HC	110		64,642.00		01	100.000
	51005331	GRP 08	FT	T	01/13/2024	SECURITY HC	110		64,642.00		01	100.000
	51016779	GRP 08	FT	P	06/11/2024	SECURITY HC	110		64,642.00		01	100.000
	51016782	GRP 08	FT	P	02/14/2024	SECURITY HC	110		64,642.00		01	100.000
	51017831	GRP 08	FT	P	03/27/2024	SECURITY HC	110		64,642.00		01	100.000
	51017832	GRP 08	FT	T	03/25/2024	SECURITY HC	110		64,642.00		01	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
1,163,556.00	Perm Budget Amt			18	Perm Vac	1,034,272.00	Temp Budget Amt	16	Temp Vac		34		
HD NRS HC	51007834	GRP 10	FT	T	03/10/2024	CORRECTIONAL FACILITY MEDICAL SERVICES	110		92,075.00		02	100.000
	51010781	GRP 10	FT	P	05/04/2024	HOLDING CENTER MEDICAL SERVICES	110		92,075.00		02	100.000
92,075.00	Perm Budget Amt			1	Perm Vac	92,075.00	Temp Budget Amt	1	Temp Vac		2	
KIT HLP HC	00005417	GRP 03	FT	T	11/04/2023	FOOD SERVICES HC	110		43,389.00		03	100.000
	00005420	GRP 03	FT	P	01/18/2024	FOOD SERVICES HC	110		43,389.00		03	100.000
	00005426	GRP 03	FT	P	03/19/2023	FOOD SERVICES HC	110		43,389.00		03	100.000
86,778.00	Perm Budget Amt			2	Perm Vac	43,389.00	Temp Budget Amt	1	Temp Vac		3	
LIEUT OF	00006275	GRP 11	FT	T	03/24/2024	SECURITY HC	110		78,869.00		01	100.000
	51004549	GRP 11	FT	P	09/09/2024	SECURITY HC	110		78,869.00		01	100.000
	51018676	GRP 11	FT	P	06/15/2024	SECURITY HC	110		78,869.00		01	100.000
	51018677	GRP 11	FT	P	06/15/2024	SECURITY HC	110		78,869.00		01	100.000
236,607.00	Perm Budget Amt			3	Perm Vac	78,869.00	Temp Budget Amt	1	Temp Vac		4	
PRINCLK (CF)	51011704	GRP 08	FT	P	06/01/2023	HOLDING CENTER MEDICAL SERVICES	110		44,279.00		01	100.000
44,279.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
REC CLK HC	00007793	GRP 06	FT	T	01/13/2024	SECURITY HC	110		49,583.00		01	100.000
	51004831	GRP 06	FT	P	01/05/2024	SECURITY HC	110		49,583.00		01	100.000
49,583.00	Perm Budget Amt			1	Perm Vac	49,583.00	Temp Budget Amt	1	Temp Vac		2	
REG NR SS CH	51016202	GRP 10	FT	P	12/27/2023	JAIL MEDICAL SERVICES ADMINISTRATION	110		92,075.00		01	100.000
92,075.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
REG NURS HC	51007848	GRP 08	FT	P	05/28/2024	HOLDING CENTER MEDICAL SERVICES	110		81,989.00		02	100.000
	51010471	GRP 08	FT	T	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110		81,989.00		02	100.000
	51010474	GRP 08	FT	P	05/08/2024	HOLDING CENTER MEDICAL SERVICES	110		81,989.00		02	100.000
	51016085	GRP 08	FT	T	05/18/2024	HOLDING CENTER MEDICAL SERVICES	110		81,989.00		02	100.000
	51016087	GRP 08	FT	T	09/24/2023	HOLDING CENTER MEDICAL SERVICES	110		81,989.00		02	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
163,978.00	Perm Budget Amt			2	Perm Vac	245,967.00	Temp Budget Amt		3	Temp Vac		5		
REG NURSE CH	51013385	GRP 08	FT	T	09/24/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		81,457.00		02	100.000
	51013387	GRP 08	FT	P	05/18/2024	CORRECTIONAL FACILITY MEDICAL SERVICES	110		81,457.00		02	100.000
81,457.00	Perm Budget Amt			1	Perm Vac	81,457.00	Temp Budget Amt		1	Temp Vac		2		
SGT OFFICER	51011037	GRP 11	FT	P	06/01/2024	SECURITY HC	110		74,320.00		01	100.000
74,320.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
SR MD SC SH	51007811	GRP 04	FT	P	05/29/2024	HOLDING CENTER MEDICAL SERVICES	110		44,824.00		01	100.000
	51010834	GRP 04	FT	P	06/01/2024	HOLDING CENTER MEDICAL SERVICES	110		44,824.00		01	100.000
89,648.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		2		
SR NUR PR CH	51018062	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		124,112.00		07	100.000
	51018063	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		124,112.00		07	100.000
	51018064	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		124,112.00		07	100.000
372,336.00	Perm Budget Amt			3	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		3		
Totals for Jail Management												
3,504,179.00	Perm Budget Amt			52	Perm Vac	2,081,297.00	Temp Budget Amt		31	Temp Vac		83		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACC CLK	00000020	GRP 04	FT	T	02/21/2024	SUPPORT COLLECTION UNIT	110		42,940.00		01	37.770
	51017001	GRP 04	FT	T	09/10/2022	PERSONNEL/PAYROLL	110		42,940.00		01	47.220
	0.00	Perm Budget Amt		0	Perm Vac	85,880.00	Temp Budget Amt	2	Temp Vac	2		
ACC CLK TYP	00000067	GRP 04	FT	P	07/01/2023	FINANCIAL RECORDS & SERVICES	110		42,940.00		01	47.370
	00000089	GRP 04	FT	T	06/16/2024	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
	51003940	GRP 04	FT	P	10/18/2023	FINANCIAL RECORDS & SERVICES	110		42,940.00		01	47.220
	85,880.00	Perm Budget Amt		2	Perm Vac	42,940.00	Temp Budget Amt	1	Temp Vac	3		
ADM DIR-SVCS	51002859	GRP 13	FT	T	05/19/2024	CHILD PROTECTIVE SERVICES	110		75,729.00		01	49.200
	0.00	Perm Budget Amt		0	Perm Vac	75,729.00	Temp Budget Amt	1	Temp Vac	1		
AST SS TECLI	51017868	GRP 07	FT	P	03/23/2024	TECHNICAL SUPPORT	110		50,446.00		01	47.220
	50,446.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
ATTORNEY SS	00002135	GRP 14	FT	T	01/14/2024	CHILDREN'S SERVICES	110		83,635.00		01	49.020
	00002140	GRP 14	FT	T	03/13/2024	CHILDREN'S SERVICES	110		83,635.00		01	49.200
	00002149	GRP 14	FT	T	02/25/2024	CHILDREN'S SERVICES	110		83,635.00		01	49.200
	0.00	Perm Budget Amt		0	Perm Vac	250,905.00	Temp Budget Amt	3	Temp Vac	3		
CASE ASST SS	51017008	GRP 06	FT	T	04/06/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		47,595.00		01	49.020
	51018414	GRP 06	FT	T	05/05/2024	ADOPTION	110		47,595.00		01	49.020
	0.00	Perm Budget Amt		0	Perm Vac	95,190.00	Temp Budget Amt	2	Temp Vac	2		
CASEASTSSSPS	51017741	GRP 06	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		47,595.00		01	49.020
	47,595.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
CASEWKR HP	00000973	GRP 09	FT	P	04/17/2023	CPS AFTER HOURS PROGRAM	110		56,871.00		02	49.020
	51009593	GRP 09	FT	P	06/19/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51011952	GRP 09	FT	P	07/19/2023	CPS AFTER HOURS PROGRAM	110		56,871.00		02	49.020
	51013367	GRP 09	FT	P	05/03/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018590	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018591	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018592	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018593	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018594	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018595	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018596	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018597	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51018598	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018599	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018600	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018601	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018602	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018603	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018604	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018605	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018606	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018607	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018608	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018609	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018610	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018611	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018612	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018613	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018614	GRP 09	FT	P	06/29/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51018615	GRP 09	FT	P	06/29/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		02	49.020
	51018616	GRP 09	FT	P	06/29/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		02	49.020
1,763,001.00	Perm Budget Amt		31	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac		31
CASEWORKER	00000913	GRP 09	FT	T	04/20/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	00000945	GRP 09	FT	P	06/15/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	00000948	GRP 09	FT	P	02/10/2024	ADULT & FAMILY SERVICES	110		56,871.00		01	49.020
	00000959	GRP 09	FT	T	05/04/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	00000966	GRP 09	FT	T	06/03/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	00000972	GRP 09	FT	T	03/23/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	00000978	GRP 09	FT	T	12/31/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	00001308	GRP 09	FT	T	03/23/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51002677	GRP 09	FT	T	06/03/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	51003672	GRP 09	FT	T	03/23/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51009583	GRP 09	FT	T	02/24/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51009585	GRP 09	FT	T	03/23/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51009587	GRP 09	FT	P	01/27/2024	ADULT & FAMILY SERVICES	110		56,871.00		01	49.020
	51009744	GRP 09	FT	P	06/15/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51009746	GRP 09	FT	T	06/15/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	51011562	GRP 09	FT	T	05/18/2024	ADULT & FAMILY SERVICES	110		56,871.00		01	49.020
	51011930	GRP 09	FT	T	03/23/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51011956	GRP 09	FT	T	06/01/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51012060	GRP 09	FT	T	06/17/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	51012071	GRP 09	FT	T	03/23/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		01	49.020
	51012904	GRP 09	FT	T	05/18/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
	51014078	GRP 09	FT	T	05/06/2024	ADOPTION	110		56,871.00		01	49.020

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
227,484.00	Perm Budget Amt			4	Perm Vac	1,023,678.00	Temp Budget Amt		18	Temp Vac		22		
CH SUP IN HP	51012141	GRP 07	FT	P	06/19/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		50,446.00		02	37.770
50,446.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
CH SUP INV	00001356	GRP 07	FT	T	04/22/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		50,446.00		01	37.770
	00001376	GRP 07	FT	T	06/15/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		50,446.00		01	37.770
	00001389	GRP 07	FT	T	06/03/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		50,446.00		01	37.770
0.00	Perm Budget Amt			0	Perm Vac	151,338.00	Temp Budget Amt		3	Temp Vac		3		
CH SWE	00001237	GRP 12	FT	P	05/09/2024	TTW-TRANSITION TO WORK TEAMS	110		69,952.00		01	38.490
	51018541	GRP 12	FT	P	06/14/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		69,952.00		01	38.490
139,904.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		2		
CHF ACT CLK	51010953	GRP 07	FT	T	02/01/2024	FINANCIAL RECORDS & SERVICES	110		50,446.00		01	47.220
0.00	Perm Budget Amt			0	Perm Vac	50,446.00	Temp Budget Amt		1	Temp Vac		1		
CLERK	51009644	GRP 01	FT	T	06/15/2024	SNAP ELIGIBILITY TEAMS	110		39,749.00		01	50.000
	51009645	GRP 01	FT	P	06/12/2024	EC WORKS CENTER	110		39,749.00		01	38.490
	51011054	GRP 01	FT	T	06/15/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		39,749.00		01	38.650
39,749.00	Perm Budget Amt			1	Perm Vac	79,498.00	Temp Budget Amt		2	Temp Vac		3		
CLERK TYPIST	00001589	GRP 01	FT	T	06/15/2024	CHILDREN'S SERVICES	110		39,749.00		01	49.020
	00001633	GRP 01	FT	T	04/20/2024	FINANCIAL RECORDS & SERVICES	110		39,749.00		01	47.220
	51009665	GRP 01	FT	T	06/15/2024	FINANCIAL RECORDS & SERVICES	110		39,749.00		01	47.220
	51009677	GRP 01	FT	T	05/04/2024	INVESTIGATIONS AND COLLECTIONS	110		39,749.00		01	37.700
	51009690	GRP 01	FT	T	04/22/2023	FINANCIAL RECORDS & SERVICES	110		39,749.00		01	47.220
	51009695	GRP 01	FT	T	06/15/2024	EC WORKS CENTER	110		39,749.00		01	51.000
0.00	Perm Budget Amt			0	Perm Vac	238,494.00	Temp Budget Amt		6	Temp Vac		6		
CLK SS 55A	00001523	GRP 01	FT	P	08/16/2024	FINANCIAL RECORDS & SERVICES	110		39,749.00		02	47.220

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
39,749.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CSWK ARAB HP	51017991	GRP 09	FT	P	05/04/2024	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
56,871.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
CSWK SPAN HP	00001327	GRP 09	FT	P	10/20/2021	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51006969	GRP 09	FT	P	02/22/2022	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
	51011555	GRP 09	FT	P	07/24/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		02	49.020
	51017351	GRP 09	FT	P	04/27/2022	CHILD PROTECTIVE SERVICES	110		56,871.00		02	49.020
227,484.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		4	
CSWK SPAN SP	00000985	GRP 09	FT	P	06/15/2024	ADULT & FAMILY SERVICES	110		56,871.00		01	49.020
	51004745	GRP 09	FT	P	03/22/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		56,871.00		01	49.020
113,742.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2	
DIR CHD SP E	00003012	GRP 15	FT	T	04/06/2024	LEGAL SERVICES - IVD	110		91,896.00		01	37.770
0.00	Perm Budget Amt			0	Perm Vac	91,896.00	Temp Budget Amt	1	Temp Vac		1	
DIV EQ & INC	51018177	GRP 11	FT	P	10/13/2023	SERVICES DIVISION ADMINISTRATION	110		65,847.00		01	49.020
65,847.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
EMP CO SPAN	51008450	GRP 09	FT	P	11/14/2023	EMPLOYMENT ASSESSMENT	110		56,871.00		01	32.690
56,871.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
EMP COUNS	00003230	GRP 09	FT	P	05/18/2024	EMPLOYMENT ASSESSMENT	110		56,871.00		01	32.690
	00003263	GRP 09	FT	T	03/24/2024	EMPLOYMENT ASSESSMENT	110		56,871.00		01	32.690
	51013182	GRP 09	FT	T	05/18/2024	EMPLOYMENT ASSESSMENT	110		56,871.00		01	32.690
	51016884	GRP 09	FT	P	10/07/2023	EMPLOYMENT ASSESSMENT	110		56,871.00		01	32.690
113,742.00	Perm Budget Amt			2	Perm Vac	113,742.00	Temp Budget Amt	2	Temp Vac		4	
EN CR 2	51017733	GRP 05	FT	T	04/20/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		44,913.00		02	0.000
	51018417	GRP 05	FT	P	06/21/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		44,913.00		02	0.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
44,913.00	Perm Budget Amt			1	Perm Vac	44,913.00	Temp Budget Amt	1	Temp Vac	2		
EN CR A W SS	51006782	GRP 05	FT	P	04/18/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		44,913.00		07	0.000
44,913.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
EN CR WK 1	00003308	GRP 02	FT	T	06/01/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		40,346.00		02	0.000
	00003310	GRP 02	FT	T	05/18/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		40,346.00		02	0.000
0.00	Perm Budget Amt			0	Perm Vac	80,692.00	Temp Budget Amt	2	Temp Vac	2		
FIR DP CO SS	51011563	GRP 18	FT	P	06/22/2024	DSS COMMISS. OFFICE & COMM RELATIONS	110		118,766.00		02	47.220
118,766.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
JR EMP COUNS	51013059	GRP 07	FT	P	06/29/2024	EMPLOYMENT ASSESSMENT	110		50,446.00		01	32.690
50,446.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
MED CASE	00006431	GRP 09	FT	P	09/18/2024	MUR - MEDICAID UTILIZATION REVIEW	110		56,871.00		01	0.000
56,871.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
MGT&ORG CONS	00006354	GRP 14	FT	T	07/29/2023	FISCAL MANAGEMENT	110		83,635.00		01	47.220
0.00	Perm Budget Amt			0	Perm Vac	83,635.00	Temp Budget Amt	1	Temp Vac	1		
PARALEGAL	00006993	GRP 05	FT	P	02/27/2024	CHILDREN'S SERVICES	110		44,913.00		01	49.020
	51009119	GRP 05	FT	P	05/03/2024	LEGAL SERVICES - IVD	110		44,913.00		01	37.770
	51009617	GRP 05	FT	T	03/23/2024	CHILDREN'S SERVICES	110		44,913.00		01	49.020
89,826.00	Perm Budget Amt			2	Perm Vac	44,913.00	Temp Budget Amt	1	Temp Vac	3		
PERS CLK	51018025	GRP 06	FT	P	09/26/2023	PERSONNEL/PAYROLL	110		47,595.00		01	47.220
47,595.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
PR SEC TYP	51007260	GRP 07	FT	T	05/04/2024	DSS COMMISS. OFFICE & COMM RELATIONS	110		50,446.00		01	47.220

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00 Perm Budget Amt				0 Perm Vac	50,446.00 Temp Budget Amt		1 Temp Vac		1		
RECEPTIONIST	51007601	GRP 03	FT	T	06/01/2024	CHILDREN'S SERVICES	110		41,521.00		02	49.020
	51016857	GRP 03	FT	T	07/15/2023	ADMIN. SUPPORT SERVICES ADMIN.	110		41,521.00		02	47.220
	0.00 Perm Budget Amt				0 Perm Vac	83,042.00 Temp Budget Amt		2 Temp Vac		2		
SOC W EX HP	00009798	GRP 06	FT	P	05/08/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	00009913	GRP 06	FT	P	06/21/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51016694	GRP 06	FT	P	07/01/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018024	GRP 06	FT	P	06/12/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018619	GRP 06	FT	P	06/29/2024	EC WORKS CENTER	110		47,595.00		02	38.490
	51018621	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018622	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018623	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018624	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018625	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018626	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018627	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018628	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018629	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
	51018631	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018632	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018633	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018634	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018635	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018636	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018637	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018638	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018639	GRP 06	FT	P	06/29/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		02	50.000
	51018640	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018641	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018642	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018643	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018644	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018645	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018646	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018647	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000
	51018648	GRP 06	FT	P	06/29/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		02	0.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
1,523,040.00	Perm Budget Amt			32	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		32		
SOC WEL EX	00009762	GRP 06	FT	T	06/17/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		01	0.000
	00009832	GRP 06	FT	T	02/24/2024	INVESTIGATIONS AND COLLECTIONS	110		47,595.00		01	37.700
	00009834	GRP 06	FT	P	04/20/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	0.000
	00009837	GRP 06	FT	T	01/27/2024	TTW-TRANSITION TO WORK TEAMS	110		47,595.00		01	38.490
	00009858	GRP 06	FT	T	02/10/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		01	50.000
	00009864	GRP 06	FT	T	01/27/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		01	38.490
	00009866	GRP 06	FT	T	04/09/2024	INVESTIGATIONS AND COLLECTIONS	110		47,595.00		01	37.700
	00009896	GRP 06	FT	T	06/03/2024	CHILD DAY CARE	110		47,595.00		01	49.020
	00009912	GRP 06	FT	T	06/01/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	0.000
	00009920	GRP 06	FT	P	04/22/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		01	0.000
	00009932	GRP 06	FT	P	06/21/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	0.000
	00009941	GRP 06	FT	T	05/18/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		01	50.000
	51002536	GRP 06	FT	P	04/01/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		01	0.000
	51007113	GRP 06	FT	P	05/17/2024	TTW-TRANSITION TO WORK TEAMS	110		47,595.00		01	38.490
	51009785	GRP 06	FT	T	03/09/2024	TTW-TRANSITION TO WORK TEAMS	110		47,595.00		01	38.490
	51009787	GRP 06	FT	T	05/18/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		01	50.000
	51009807	GRP 06	FT	P	05/03/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		47,595.00		01	0.000
	51009812	GRP 06	FT	P	03/09/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		01	50.000
	51009820	GRP 06	FT	T	03/11/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	0.000
	51009822	GRP 06	FT	T	06/01/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	50.000
	51009825	GRP 06	FT	P	06/11/2024	TEMP ASSIST SPECIALIZED TEAMS	110		47,595.00		01	38.490
	51009836	GRP 06	FT	T	04/22/2024	LONG TERM CARE ELIGIBILITY	110		47,595.00		01	50.000
	51009845	GRP 06	FT	T	01/27/2024	INVESTIGATIONS AND COLLECTIONS	110		47,595.00		01	37.700
	51011710	GRP 06	FT	P	06/01/2024	SNAP ELIGIBILITY TEAMS	110		47,595.00		01	50.000
	51016386	GRP 06	FT	T	01/27/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		47,595.00		01	0.000
428,355.00	Perm Budget Amt			9	Perm Vac	761,520.00	Temp Budget Amt		16	Temp Vac		25		
SOC WEL EX S	00009946	GRP 06	FT	P	06/01/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		01	38.490
	00009956	GRP 06	FT	T	01/27/2024	TTW-TRANSITION TO WORK TEAMS	110		47,595.00		01	38.490
	51009779	GRP 06	FT	P	06/01/2024	TTW-TRANSITION TO WORK TEAMS	110		47,595.00		01	38.490
95,190.00	Perm Budget Amt			2	Perm Vac	47,595.00	Temp Budget Amt		1	Temp Vac		3		
SR CASWRKER	00008190	GRP 10	FT	T	06/01/2024	HOMEFINDING/RECRUITMENT	110		60,403.00		01	49.020
	00008202	GRP 10	FT	P	07/04/2024	ADOPTION	110		60,403.00		01	49.020
	00008234	GRP 10	FT	P	05/04/2024	ADULT & FAMILY SERVICES	110		60,403.00		01	49.020
	00008302	GRP 10	FT	P	05/28/2024	CPS AFTER HOURS PROGRAM	110		60,403.00		01	49.020
	00008305	GRP 10	FT	T	04/06/2024	CHILD PROTECTIVE SERVICES	110		60,403.00		01	49.020
	00008320	GRP 10	FT	T	04/06/2024	CHILD PROTECTIVE SERVICES	110		60,403.00		01	49.020
	00008329	GRP 10	FT	P	06/15/2024	CHILD PROTECTIVE SERVICES	110		60,403.00		01	49.020
	51002652	GRP 10	FT	P	07/05/2024	HOMEFINDING/RECRUITMENT	110		60,403.00		01	49.020
	51002656	GRP 10	FT	P	05/21/2024	ADOPTION	110		60,403.00		01	49.020
	51012379	GRP 10	FT	T	02/10/2024	CHILD PROTECTIVE SERVICES	110		60,403.00		01	49.020

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51013078	GRP 10	FT	T	01/14/2024	CHILD PROTECTIVE SERVICES	110		60,403.00		01	49.020
362,418.00	Perm Budget Amt		6	Perm Vac	302,015.00	Temp Budget Amt	5	Temp Vac		11		
SR CH SUP IN	00008331	GRP 08	FT	P	06/10/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		53,527.00		01	37.770
	00008347	GRP 08	FT	T	02/10/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		53,527.00		01	37.770
	51016873	GRP 08	FT	T	04/06/2024	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		53,527.00		01	37.770
53,527.00	Perm Budget Amt		1	Perm Vac	107,054.00	Temp Budget Amt	2	Temp Vac		3		
SR CL TYP	00008588	GRP 04	FT	T	04/07/2024	EC WORKS CENTER	110		42,940.00		01	38.490
	00008600	GRP 04	FT	P	03/23/2024	EC WORKS CENTER	110		42,940.00		01	37.700
	00008604	GRP 04	FT	P	04/20/2024	CHILD PROTECTIVE SERVICES	110		42,940.00		01	38.650
	00008606	GRP 04	FT	P	06/01/2024	CHILD DAY CARE	110		42,940.00		01	32.290
	00008613	GRP 04	FT	T	01/13/2024	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
	00008655	GRP 04	FT	T	03/23/2024	LEGAL SERVICES -IVD	110		42,940.00		01	37.770
	00008677	GRP 04	FT	T	04/07/2024	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
	00008682	GRP 04	FT	P	03/09/2024	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		42,940.00		01	0.000
	51003221	GRP 04	FT	T	12/16/2023	EC WORKS CENTER	110		42,940.00		01	38.490
	51009626	GRP 04	FT	T	10/21/2023	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
	51009631	GRP 04	FT	P	03/18/2024	EC WORKS CENTER	110		42,940.00		01	38.490
	51013183	GRP 04	FT	T	05/18/2024	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
	51017015	GRP 04	FT	T	04/06/2024	EMPLOYMENT ASSESSMENT	110		42,940.00		01	32.690
214,700.00	Perm Budget Amt		5	Perm Vac	343,520.00	Temp Budget Amt	8	Temp Vac		13		
SR CLERK	00008411	GRP 03	FT	P	04/06/2024	EC WORKS CENTER	110		41,521.00		01	38.490
	51008322	GRP 03	FT	P	04/20/2024	EC WORKS CENTER	110		41,521.00		01	38.490
	51012807	GRP 03	FT	P	02/24/2024	FINANCIAL RECORDS & SERVICES	110		41,521.00		01	47.220
	51016862	GRP 03	FT	T	06/02/2024	FINANCIAL RECORDS & SERVICES	110		41,521.00		01	47.220
124,563.00	Perm Budget Amt		3	Perm Vac	41,521.00	Temp Budget Amt	1	Temp Vac		4		
SR CS AST SS	51014101	GRP 08	FT	P	06/25/2024	ADOPTION	110		53,527.00		01	49.020
53,527.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
SR EMP COUNS	00008766	GRP 10	FT	T	05/20/2023	EMPLOYMENT ASSESSMENT	110		60,403.00		01	32.690

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
0.00	Perm Budget Amt			0	Perm Vac	60,403.00	Temp Budget Amt		1	Temp Vac		1		
SR PARALEGAL	00009176	GRP 07	FT	P	07/08/2024	CHILDREN'S SERVICES	110		50,446.00		01	49.200
	51016868	GRP 07	FT	T	12/17/2023	CHILDREN'S SERVICES	110		50,446.00		01	49.020
50,446.00	Perm Budget Amt			1	Perm Vac	50,446.00	Temp Budget Amt		1	Temp Vac		2		
SR SUP ACCTS	51017754	GRP 10	FT	P	11/14/2022	FINANCIAL RECORDS & SERVICES	110		60,403.00		01	47.220
60,403.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
SR SWE	00009362	GRP 07	FT	T	06/01/2024	INVESTIGATIONS AND COLLECTIONS	110		50,446.00		01	37.700
	00009375	GRP 07	FT	T	07/05/2024	LONG TERM CARE ELIGIBILITY	110		50,446.00		01	0.000
	00009399	GRP 07	FT	P	08/02/2024	LONG TERM CARE ELIGIBILITY	110		50,446.00		01	0.000
	00009407	GRP 07	FT	T	05/19/2024	SNAP ELIGIBILITY TEAMS	110		50,446.00		01	50.000
	00009413	GRP 07	FT	P	05/29/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		50,446.00		01	49.200
	00009440	GRP 07	FT	T	01/27/2024	SNAP ELIGIBILITY TEAMS	110		50,446.00		01	50.000
	00009459	GRP 07	FT	P	05/04/2024	TTW-TRANSITION TO WORK TEAMS	110		50,446.00		01	38.490
	00009478	GRP 07	FT	T	03/23/2024	EFP - EMPLOYMENT & FIN PLANNING TEAMS	110		50,446.00		01	38.490
	00009482	GRP 07	FT	T	11/18/2023	EC WORKS CENTER	110		50,446.00		01	38.490
	00009483	GRP 07	FT	T	11/18/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		50,446.00		01	38.490
	00009491	GRP 07	FT	P	07/10/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		50,446.00		01	38.490
	00009492	GRP 07	FT	P	04/04/2024	TTW-TRANSITION TO WORK TEAMS	110		50,446.00		01	38.490
	00009503	GRP 07	FT	P	08/12/2023	EC WORKS CENTER	110		50,446.00		01	38.490
	00009513	GRP 07	FT	P	09/09/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		50,446.00		01	38.490
	51016153	GRP 07	FT	P	02/10/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		50,446.00		01	38.490
403,568.00	Perm Budget Amt			8	Perm Vac	353,122.00	Temp Budget Amt		7	Temp Vac		15		
SS TM WKR	00009736	GRP 05	FT	P	02/10/2024	EC WORKS CENTER	110		44,913.00		01	38.490
	00009738	GRP 05	FT	T	06/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		44,913.00		01	0.000
	00009745	GRP 05	FT	P	05/04/2024	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		44,913.00		01	49.200
	00009746	GRP 05	FT	P	04/03/2023	HOMEFINDING/RECRUITMENT	110		44,913.00		01	49.200
	00009759	GRP 05	FT	P	07/29/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		44,913.00		01	49.200
	00009760	GRP 05	FT	P	01/02/2024	CHILD PROTECTIVE SERVICES	110		44,913.00		01	49.020
	51004216	GRP 05	FT	T	03/04/2023	CHILD PROTECTIVE SERVICES	110		44,913.00		01	49.200
	51009750	GRP 05	FT	T	06/16/2024	ADULT & FAMILY SERVICES	110		44,913.00		01	49.200
	51012085	GRP 05	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		44,913.00		01	49.200

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
224,565.00	Perm Budget Amt			5	Perm Vac	179,652.00	Temp Budget Amt		4	Temp Vac		9		
SWE-SP SP HP	51018649	GRP 06	FT	P	06/29/2024	TEMPORARY ASSISTANCE SERVICE TEAMS	110		47,595.00		02	38.490
47,595.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
WK REL SUP	00010483	GRP 04	FT	T	05/05/2024	EMPLOYMENT ASSESSMENT	110		38,574.00		02	78.650
	51003667	GRP 04	FT	P	04/18/2024	EMPLOYMENT ASSESSMENT	110		38,574.00		02	78.650
38,574.00	Perm Budget Amt			1	Perm Vac	38,574.00	Temp Budget Amt		1	Temp Vac		2		

Totals for Department of Social Services

7,212,612.00	Perm Budget Amt		139	Perm Vac	4,972,799.00	Temp Budget Amt		97	Temp Vac		236	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG MN MCH	51017985	GRP 09	FT	T	05/18/2024	BUILDING MAINTENANCE & REPAIRS	110		53,011.00		02	100.000
0.00 Perm Budget Amt					0 Perm Vac	53,011.00 Temp Budget Amt		1 Temp Vac		1		
CONST INSP	51011651	GRP 11	FT	P	05/18/2024	OPERATIONS	110		65,847.00		01	100.000
65,847.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
HTH SF CR PW	51004550	GRP 08	FT	P	02/10/2024	ADMINISTRATION - B&G	110		53,527.00		01	100.000
53,527.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
JANITOR	51014330	GRP 03	FT	P	01/27/2024	CUSTODIAL SERVICES	110		37,552.00		01	100.000
37,552.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
LABORER	00005528	GRP 03	FT	T	01/27/2024	UNIFIED COURT SYSTEM	110		37,552.00		03	11.000
	00005530	GRP 03	FT	P	06/28/2024	UNIFIED COURT SYSTEM	110		37,552.00		03	11.000
	51001155	GRP 03	FT	T	10/21/2023	UNIFIED COURT SYSTEM	110		37,552.00		03	11.000
	51016797	GRP 03	FT	P	06/01/2024	CUSTODIAL SERVICES	110		37,552.00		03	100.000
75,104.00 Perm Budget Amt					2 Perm Vac	75,104.00 Temp Budget Amt		2 Temp Vac		4		
MNT WKR	51008152	GRP 05	FT	T	06/29/2024	BUILDING MAINTENANCE & REPAIRS	110		40,579.00		02	100.000
0.00 Perm Budget Amt					0 Perm Vac	40,579.00 Temp Budget Amt		1 Temp Vac		1		
RECEPTIONIST	51011575	GRP 03	FT	T	02/10/2024	ADMINISTRATION - B&G	110		41,521.00		02	100.000
0.00 Perm Budget Amt					0 Perm Vac	41,521.00 Temp Budget Amt		1 Temp Vac		1		
STATION ENG	51001143	GRP 09	FT	P	06/07/2024	CORR FAC/HOLDING CTR MAINT & REPAIRS	110		53,011.00		01	100.000
53,011.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
LABOR RPT	51001956	GRP 03	RPT	T	03/23/2024	UNIFIED COURT SYSTEM	110		36,614.00		03	11.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00 Perm Budget Amt				0 Perm Vac	36,614.00 Temp Budget Amt		1 Temp Vac		1		

Totals for Dept of Public Works

	285,041.00 Perm Budget Amt				6 Perm Vac	246,829.00 Temp Budget Amt		6 Temp Vac		12		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FOR MH S I A	51012808	GRP 11	FT	P	02/20/2024	ADULT MENTAL HEALTH SERVICES	110		65,847.00		01	0.000
	51016625	GRP 11	FT	T	03/24/2024	ADULT MENTAL HEALTH SERVICES	110		65,847.00		01	50.000
	51016701	GRP 11	FT	T	06/01/2024	ADULT MENTAL HEALTH SERVICES	110		65,847.00		01	50.000
	51016702	GRP 11	FT	P	03/23/2024	ADULT MENTAL HEALTH SERVICES	110		65,847.00		01	50.000
131,694.00	Perm Budget Amt		2	Perm Vac	131,694.00	Temp Budget Amt	2	Temp Vac		4		
SR CL TYP	51017155	GRP 04	FT	P	06/10/2024	CHILDREN'S MENTAL HEALTH SERVICES	110		42,940.00		01	0.000
42,940.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		

Totals for Dept of Mental Health

174,634.00	Perm Budget Amt		3	Perm Vac	131,694.00	Temp Budget Amt	2	Temp Vac		5		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DET HM IN WK	00002973	GRP 09	FT	T	02/10/2024	INTAKE	110		56,871.00		01	51.000
	51016008	GRP 09	FT	T	04/06/2024	INTAKE	110		56,871.00		01	51.000
	0.00 Perm Budget Amt				0 Perm Vac	113,742.00 Temp Budget Amt		2 Temp Vac		2		
DET SEC GD	00002962	GRP 05	FT	T	05/06/2023	BUILDING SERVICES	110		40,579.00		01	51.000
	0.00 Perm Budget Amt				0 Perm Vac	40,579.00 Temp Budget Amt		1 Temp Vac		1		
DETFAC SG HP	00002964	GRP 05	FT	P	08/12/2023	BUILDING SERVICES	110		40,579.00		02	51.000
	00002965	GRP 05	FT	P	12/15/2023	BUILDING SERVICES	110		40,579.00		02	51.000
	51016805	GRP 05	FT	P	08/27/2022	BUILDING SERVICES	110		40,579.00		02	51.000
	51018533	GRP 05	FT	P	06/24/2024	BUILDING SERVICES	110		40,579.00		02	51.000
	162,316.00 Perm Budget Amt				4 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		4		
JR YDW	51017896	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		43,358.00		07	51.000
	51017897	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		43,358.00		07	51.000
	86,716.00 Perm Budget Amt				2 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		2		
JUVE JUS CON	51010680	GRP 10	FT	P	05/23/2024	JUVENILE DELINQUENCY SERVICES TEAM	110		60,403.00		01	51.000
	51010682	GRP 10	FT	T	06/10/2024	NON-SECURE CHILD CARE	110		60,403.00		01	0.000
	51010684	GRP 10	FT	T	01/27/2024	JUVENILE DELINQUENCY SERVICES TEAM	110		60,403.00		01	51.000
	60,403.00 Perm Budget Amt				1 Perm Vac	120,806.00 Temp Budget Amt		2 Temp Vac		3		
SR DIR YTH B	51015151	GRP 14	FT	P	06/19/2024	YOUTH DEV. DELINQUENCY PREVENTION	110		83,635.00		01	38.000
	83,635.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
SS TM WKR	51017900	GRP 05	FT	P	07/03/2024	ADMINISTRATION - DETENTION	110		44,913.00		01	0.000
	44,913.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
YTH DE WK HP	00010498	GRP 07	FT	P	05/02/2024	SECURE CHILD CARE	110		46,365.00		02	51.000
	00010512	GRP 07	FT	P	04/16/2024	SECURE CHILD CARE	110		46,365.00		02	51.000
	51010478	GRP 07	FT	P	09/24/2023	SECURE CHILD CARE	110		46,365.00		02	51.000
	51010480	GRP 07	FT	P	10/12/2023	SECURE CHILD CARE	110		46,365.00		02	51.000
	51015077	GRP 07	FT	P	03/08/2024	SECURE CHILD CARE	110		46,365.00		02	51.000
	51016803	GRP 07	FT	P	03/14/2024	SECURE CHILD CARE	110		46,365.00		02	51.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
278,190.00	Perm Budget Amt			6	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		6		
YTH DET WK	00010496	GRP 07	FT	T	12/03/2022	SECURE CHILD CARE	110		46,365.00		01	51.000
	00010506	GRP 07	FT	T	02/24/2024	SECURE CHILD CARE	110		46,365.00		01	51.000
	51009918	GRP 07	FT	T	07/15/2023	SECURE CHILD CARE	110		46,365.00		01	51.000
	51015081	GRP 07	FT	T	03/09/2024	SECURE CHILD CARE	110		46,365.00		01	51.000
	51015086	GRP 07	FT	T	09/24/2022	SECURE CHILD CARE	110		46,365.00		01	51.000
0.00	Perm Budget Amt			0	Perm Vac	231,825.00	Temp Budget Amt		5	Temp Vac		5		
YTH SE PL CR	51014361	GRP 08	FT	P	04/01/2024	YOUTH DEV, DELINQUENCY PREVENTION	110		53,527.00		01	38.000
53,527.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		

Totals for Youth Services Division

769,700.00	Perm Budget Amt		16	Perm Vac	506,952.00	Temp Budget Amt		10	Temp Vac		26	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BILL ACCT CL	51005932	GRP 06	FT	T	06/01/2024	PROBATION ADMINISTRATION & OPERATIONS	110		47,595.00		01	88.000
0.00	Perm Budget Amt		0	Perm Vac	47,595.00	Temp Budget Amt	1	Temp Vac		1		
PROB ASST	51010607	GRP 07	FT	T	04/14/2024	PROBATION SERVICES - JUVENILE/FAM CRT.	110		50,446.00		01	88.000
0.00	Perm Budget Amt		0	Perm Vac	50,446.00	Temp Budget Amt	1	Temp Vac		1		
PROB OFF SP	51005755	GRP 11	FT	T	03/09/2024	PROBATION SERVICES - ADULT	110		65,847.00		01	88.000
	51010627	GRP 11	FT	T	03/09/2024	PROBATION SERVICES - JUVENILE/FAM CRT.	110		65,847.00		01	88.000
0.00	Perm Budget Amt		0	Perm Vac	131,694.00	Temp Budget Amt	2	Temp Vac		2		
SR CASHIER	51018380	GRP 07	FT	P	08/14/2024	PROBATION ADMINISTRATION & OPERATIONS	110		50,446.00		01	88.000
50,446.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		

Totals for Probation

50,446.00	Perm Budget Amt		1	Perm Vac	229,735.00	Temp Budget Amt	4	Temp Vac		5		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACC CLK	51016676	GRP 04	FT	T	12/02/2023	CHILDREN WITH SPECIAL NEEDS ADMIN	110		42,940.00		01	55.000
0.00 Perm Budget Amt					0 Perm Vac	42,940.00 Temp Budget Amt		1 Temp Vac		1		
ADV EM ME TE	51018038	GRP 08	FT	P	05/16/2024	EMS AMBULANCE OPERATIONS	110		53,527.00		01	91.000
53,527.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
ANTHROPOLOG	51014451	GRP 15	FT	P	04/30/2024	MEDICAL EXAMINER'S OFFICE	110		91,896.00		01	100.000
91,896.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
EMER COM NUR	51018050	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		97,065.00		01	91.000
	51018051	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		97,065.00		01	91.000
194,130.00 Perm Budget Amt					2 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		2		
INV PH SAN	51017883	GRP 08	FT	P	05/17/2024	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		53,527.00		01	64.000
53,527.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
MED OFF ASST	00006375	GRP 04	FT	T	06/11/2024	IMMUNIZATIONS	110		42,940.00		01	64.000
	51008251	GRP 04	FT	P	06/21/2024	TB OUTREACH	110		42,940.00		01	64.000
	51012411	GRP 04	FT	P	06/21/2024	TB OUTREACH	110		42,940.00		01	64.000
85,880.00 Perm Budget Amt					2 Perm Vac	42,940.00 Temp Budget Amt		1 Temp Vac		3		
PH NURSE	51018306	GRP 09	FT	P	01/01/2024	TB OUTREACH	110		85,817.00		01	64.000
85,817.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
SCENE INV	51000968	GRP 08	FT	P	06/27/2024	MEDICAL EXAMINER'S OFFICE	110		53,527.00		01	100.000
	51017889	GRP 08	FT	P	06/25/2024	MEDICAL EXAMINER'S OFFICE	110		53,527.00		01	100.000
107,054.00 Perm Budget Amt					2 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		2		
SR O R A HEA	51016700	GRP 08	FT	T	06/01/2024	OFFICE OF HEALTH EQUITY	110		53,527.00		01	64.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00 Perm Budget Amt				0 Perm Vac	53,527.00 Temp Budget Amt		1 Temp Vac		1		
SR PH SANIT	00009226	GRP 12	FT	T	06/15/2024	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		69,952.00		01	64.000
	0.00 Perm Budget Amt				0 Perm Vac	69,952.00 Temp Budget Amt		1 Temp Vac		1		
SUPV PARAMED	51017996	GRP 11	FT	P	06/12/2024	EMS AMBULANCE OPERATIONS	110		65,847.00		01	91.000
	65,847.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
TOXICOL I	51009361	GRP 11	FT	T	06/01/2024	TOXICOLOGY LAB	110		65,847.00		02	100.000
	0.00 Perm Budget Amt				0 Perm Vac	65,847.00 Temp Budget Amt		1 Temp Vac		1		
REG NURS RPT	51001122	GRP 08	RPT	P	06/07/2023	YOUTH DETENTION HEALTH SERVICES	110		65,166.00		02	50.000
	65,166.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		

Totals for Health

	802,844.00 Perm Budget Amt				12 Perm Vac	275,206.00 Temp Budget Amt		5 Temp Vac		17		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASST SRV OFF	51018453	GRP 09	FT	P	05/11/2024	OFFICE OF VETERANS' AFFAIRS	110		56,871.00		04	100.000

56,871.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Office of Veterans' Services

56,871.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHF EL CL CU	51017706	GRP 09	FT	P	04/22/2023	ADMINISTRATION-BOE - REP.	110		56,871.00		05	100.000
56,871.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
COM OP BD EL	51004171	GRP 07	FT	P	01/17/2020	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
	51006950	GRP 07	FT	P	01/20/2018	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
100,892.00 Perm Budget Amt					2 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			2		
DEP COM EL-D	51012209	GRP 16	FT	P	06/29/2024	ADMINISTRATION-BOE - DEM.	110		100,786.00		05	100.000
100,786.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
ELEC INFSYAS	51016503	GRP 08	FT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		53,527.00		05	100.000
53,527.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
ELECT CLK	51004928	GRP 06	FT	P	01/28/2023	ADMINISTRATION-BOE - DEM.	110		47,595.00		05	100.000
	51004934	GRP 06	FT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51008956	GRP 06	FT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51008971	GRP 06	FT	P	07/01/2024	ADMINISTRATION-BOE - DEM.	110		47,595.00		05	100.000
	51009356	GRP 06	FT	P	01/09/2021	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51010510	GRP 06	FT	P	08/02/2019	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51012978	GRP 06	FT	P	09/18/2023	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51013177	GRP 06	FT	P	02/22/2021	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51013451	GRP 06	FT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
	51013458	GRP 06	FT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		47,595.00		05	0.000
	51014311	GRP 06	FT	P	07/08/2024	ADMINISTRATION-BOE - REP.	110		47,595.00		05	100.000
523,545.00 Perm Budget Amt					11 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			11		
INF SY SP BO	51011939	GRP 11	FT	P	05/09/2024	ADMINISTRATION BOE - REP.	110		65,847.00		05	100.000
65,847.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
JR ELECT CLK	51003563	GRP 04	FT	P	12/02/2023	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51003564	GRP 04	FT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51003565	GRP 04	FT	P	01/22/2024	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51003566	GRP 04	FT	P	03/23/2024	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51004607	GRP 04	FT	P	06/06/2024	ADMINISTRATION-BOE - REP.	110		42,940.00		05	100.000
	51004714	GRP 04	FT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51004715	GRP 04	FT	P	03/23/2024	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51006175	GRP 04	FT	P	02/12/2024	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51010548	GRP 04	FT	P	03/22/2021	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000
	51010579	GRP 04	FT	P	11/06/2021	ADMINISTRATION-BOE - DEM.	110		42,940.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
429,400.00	Perm Budget Amt			10	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		10		
MACH TEC BOE	51007132	GRP 07	FT	P	05/28/2016	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
	51007756	GRP 07	FT	P	12/09/2014	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
100,892.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2	
SEC COM ELEC	51011881	GRP 08	FT	P	01/09/2014	ADMINISTRATION-BOE - REP.	110		53,527.00		05	100.000
53,527.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
SR ELEC CLK	51002174	GRP 07	FT	P	05/10/2024	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
	51003560	GRP 07	FT	P	05/27/2023	ADMINISTRATION BOE - DEM.	110		50,446.00		05	100.000
	51003562	GRP 07	FT	P	01/03/2023	ADMINISTRATION-BOE - DEM.	110		50,446.00		05	100.000
	51003617	GRP 07	FT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		50,446.00		05	100.000
201,784.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		4	
SUPV BA DES	51009102	GRP 12	FT	P	11/18/2023	ADMINISTRATION-BOE - DEM.	110		69,952.00		05	100.000
69,952.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
VOT MAC TECH	51008243	GRP 07	FT	P	03/28/2015	ADMINISTRATION-BOE - REP.	110		50,446.00		05	100.000
	51010042	GRP 07	FT	P	04/06/2024	ADMINISTRATION-BOE - REP.	110		50,446.00		05	100.000
100,892.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2	
ADM AS BOE R	51003727	GRP 09	RPT	P	05/17/2014	ADMINISTRATION-BOE - REP.	110		52,114.00		05	100.000
52,114.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
CLK BE ELC R	51010140	GRP 01	RPT	P	05/04/2024	ADMINISTRATION-BOE - DEM.	110		38,755.00		05	100.000
38,755.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
COUN BOE-RPT	51012853	GRP 14	RPT	P	02/10/2023	ADMINISTRATION-BOE - DEM.	110		81,544.00		05	100.000
	51014301	GRP 14	RPT	P	09/25/2023	ADMINISTRATION-BOE - DEM.	110		81,544.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
163,088.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
ELEC CLK RPT	51005612	GRP 06	RPT	P	12/22/2018	ADMINISTRATION-BOE - DEM.	110		23,797.00		05	100.000
	51008525	GRP 06	RPT	P	06/09/2023	ADMINISTRATION-BOE - REP.	110		46,405.00		05	100.000
	51013453	GRP 06	RPT	P	01/20/2018	ADMINISTRATION-BOE - REP.	110		46,405.00		05	100.000
116,607.00	Perm Budget Amt				3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		3		
JR EL CL RPT	51007554	GRP 04	RPT	P	12/15/2020	ADMINISTRATION-BOE - REP.	110		41,866.00		05	100.000
	51016601	GRP 04	RPT	P	01/01/2024	ADMINISTRATION-BOE - REP.	110		32,205.00		05	100.000
74,071.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
SR EL CL RPT	51004642	GRP 07	RPT	P	05/20/2023	ADMINISTRATION-BOE - REP.	110		25,223.00		05	100.000
	51005446	GRP 07	RPT	P	07/26/2023	ADMINISTRATION-BOE - DEM.	110		25,223.00		05	100.000
	51006647	GRP 07	RPT	P	09/04/2018	ADMINISTRATION-BOE - REP.	110		49,185.00		05	100.000
99,631.00	Perm Budget Amt				3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		3		

Totals for Board of Elections

2,402,181.00	Perm Budget Amt			49	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		49	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PERS CLK	51018299	GRP 06	FT	P	01/01/2024	CIVIL SERVICE ADMINISTRATION	110		47,595.00		01	100.000

47,595.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Personnel

47,595.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PLANNER	51006310	GRP 10	FT	T	07/01/2023	PLANNING	110		60,403.00		01	100.000

0.00 Perm Budget Amt 0 Perm Vac 60,403.00 Temp Budget Amt 1 Temp Vac 1

Totals for Environment & Planning Divis'n

0.00 Perm Budget Amt 0 Perm Vac 60,403.00 Temp Budget Amt 1 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CA MG SRS HP	51018503	GRP 07	FT	P	04/01/2024	COMMUNITY SERVICES COORDINATOR	110		50,446.00		02	50.000
50,446.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		
CS MG SR SRV	00000859	GRP 07	FT	T	04/06/2024	COMMUNITY SERVICES COORDINATOR	110		50,446.00		01	50.000
	00000860	GRP 07	FT	P	04/01/2024	COMMUNITY SERVICES COORDINATOR	110		50,446.00		01	50.000
50,446.00 Perm Budget Amt				1 Perm Vac		50,446.00 Temp Budget Amt		1 Temp Vac		2		
EN CR 2	51017060	GRP 05	FT	P	03/23/2024	SENIOR SERVICES HEAP	110		44,913.00		02	0.000
44,913.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		

Totals for Senior Services

145,805.00 Perm Budget Amt 3 Perm Vac 50,446.00 Temp Budget Amt 1 Temp Vac 4

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PARK RANGER	51016840	GRP 07	FT	P	06/11/2024	CHESTNUT RIDGE PARK	110		47,326.00		07	100.000
47,326.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
PK MN WK I	51003505	GRP 03	FT	T	05/27/2024	AKRON FALLS PARK	110		41,796.00		03	100.000
	51010028	GRP 03	FT	T	04/06/2024	GROVER CLEVELAND PARK	110		41,796.00		03	100.000
0.00 Perm Budget Amt					0 Perm Vac	83,592.00 Temp Budget Amt		2 Temp Vac		2		
Totals for Parks												
47,326.00 Perm Budget Amt					1 Perm Vac	83,592.00 Temp Budget Amt		2 Temp Vac		3		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG GD	51015606	GRP 06	FT	P	06/03/2024	BUILDING SECURITY	110		43,358.00		01	100.000
	51018054	GRP 06	FT	P	06/29/2024	BUILDING SECURITY	110		43,358.00		01	100.000

86,716.00 Perm Budget Amt 2 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 2

Totals for Emergency Services

86,716.00 Perm Budget Amt 2 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 2

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE

Totals for FUND 110

18,337,188.00 Perm Fund Amt 329 Perm Vac 9,114,567.00 Temp Fund Amt 169 Temp Vac 498

Run Totals: Total Perm Vac 329 Total Temp Vac 169 Total Vacancies 498 Total Positions 4,151 Percent 12%

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
COUNS LG PT	51001930	GRP 56	PT	P	06/06/2024	LEGISLATURE MAJORITY STAFF	110		25,034.00		05	100.000

25,034.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Legislative Branch

25,034.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHF PRCL(PT)	51016090	GRP 09	PT	P	10/08/2022	BUDGET & MANAGEMENT DIVISION	110		27,014.00		01	100.000

27,014.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Budget & Management

27,014.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LARESTUIN SE	51016728	GRP 01	SeasonP		07/08/2021	DEPARTMENT OF LABOR RELATIONS	110		14,524.00		07	100.000
14,524.00	Perm Budget Amt		1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac		1			

Totals for Labor Relations

14,524.00	Perm Budget Amt		1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac		1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX ACCT PT	51015554	GRP 10	PT	P	01/01/2022	DEPARTMENT OF REAL PROPERTY TAX	110		28,692.00		01	100.000

28,692.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Real Property Tax Services

28,692.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CLERK PT	51002354	GRP 01	PT	P	10/07/2023	RECORDING	110		18,881.00		02	100.000
	51004349	GRP 01	PT	T	01/13/2024	RECORDING	110		18,881.00		02	100.000
18,881.00	Perm Budget Amt		1	Perm Vac		18,881.00	Temp Budget Amt		1	Temp Vac		2
JR MT V CS P	51002287	GRP 05	PT	T	06/15/2024	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002289	GRP 05	PT	P	11/18/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002290	GRP 05	PT	P	12/02/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002294	GRP 05	PT	T	06/04/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002296	GRP 05	PT	P	12/11/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002300	GRP 05	PT	P	09/14/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002326	GRP 05	PT	P	11/20/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002327	GRP 05	PT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002331	GRP 05	PT	P	06/15/2024	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002338	GRP 05	PT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51002340	GRP 05	PT	T	06/15/2024	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51008178	GRP 05	PT	P	05/30/2023	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
	51008179	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		21,334.00		02	100.000
192,006.00	Perm Budget Amt		9	Perm Vac		85,336.00	Temp Budget Amt		4	Temp Vac		13

Totals for County Clerk

210,887.00	Perm Budget Amt		10	Perm Vac		104,217.00	Temp Budget Amt		5	Temp Vac		15

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DS SE RE S S	51011332	GRP 51	SeasonP		07/15/2023	STADIUM DETAIL	110		4,590.00		07	0.000
	51011340	GRP 51	SeasonP		08/14/2021	STADIUM DETAIL	110		4,590.00		07	0.000
	51011342	GRP 51	SeasonP		08/13/2021	STADIUM DETAIL	110		4,590.00		07	0.000
	51011344	GRP 51	SeasonP		07/17/2021	STADIUM DETAIL	110		4,590.00		07	0.000
	51011348	GRP 51	SeasonP		06/29/2024	STADIUM DETAIL	110		4,590.00		07	0.000
22,950.00	Perm Budget Amt	5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			5		
DS SEC RES S	51011491	GRP 50	SeasonP		05/18/2024	STADIUM DETAIL	110		2,785.00		07	0.000
	51011499	GRP 50	SeasonP		05/18/2024	STADIUM DETAIL	110		2,785.00		07	0.000
	51011503	GRP 50	SeasonP		05/18/2024	STADIUM DETAIL	110		2,785.00		07	0.000
	51017493	GRP 50	SeasonP		06/17/2023	STADIUM DETAIL	110		1,392.00		07	0.000
	51017500	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110		1,392.00		07	0.000
	51017502	GRP 50	SeasonP		05/18/2024	STADIUM DETAIL	110		1,392.00		07	0.000
	51017542	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
	51017548	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
	51017549	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
	51017550	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
	51017552	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
	51017553	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,392.00		07	0.000
20,883.00	Perm Budget Amt	12	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			12		

Totals for Office of the Sheriff

43,833.00	Perm Budget Amt	17	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			17		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
HC GD PT	51016747	GRP 08	PT	P	01/11/2024	SECURITY HC	110		19,149.00		02	100.000
	51017847	GRP 08	PT	P	08/12/2023	SECURITY HC	110		19,149.00		02	100.000
	51017848	GRP 08	PT	P	10/07/2023	SECURITY HC	110		19,149.00		02	100.000
	51017854	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017855	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
95,745.00	Perm Budget Amt		5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		5		
RECEP PT CF	51016679	GRP 05	PT	P	12/30/2023	JAIL MANAGEMENT ADMINISTRATION	110		16,851.00		02	100.000
16,851.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
Totals for Jail Management												
112,596.00	Perm Budget Amt		6	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		6		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
EN CR 1 SEA	00003290	GRP 02	SeasonP		03/16/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,820.00		02	0.000
13,820.00 Perm Budget Amt			1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac			1		
EN CR 2 PT	00003360	GRP 05	PT	P	04/15/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
	00003367	GRP 05	PT	T	05/19/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
	51002095	GRP 05	PT	P	05/13/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
	51017071	GRP 05	PT	P	01/30/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
	51017076	GRP 05	PT	P	03/23/2024	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
	51017081	GRP 05	PT	P	11/24/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		21,334.00		02	0.000
106,670.00 Perm Budget Amt			5 Perm Vac		21,334.00 Temp Budget Amt		1 Temp Vac			6		

Totals for Department of Social Services

120,490.00 Perm Budget Amt			6 Perm Vac		21,334.00 Temp Budget Amt		1 Temp Vac			7		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DET HM IN PT	00002980	GRP 09	PT	P	03/15/2024	INTAKE	110		21,874.00		02	51.000
	00002982	GRP 09	PT	P	05/02/2022	INTAKE	110		21,874.00		02	51.000
	43,748.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
DFSG PT HP	00002970	GRP 05	PT	P	07/09/2021	BUILDING SERVICES	110		12,876.00		02	51.000
	12,876.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
YTH DET WK P	51006935	GRP 07	PT	P	10/07/2023	SECURE PART TIME YDW CHILD CARE	110		14,712.00		02	51.000
	51006936	GRP 07	PT	T	02/25/2023	SECURE PART TIME YDW CHILD CARE	110		14,712.00		02	51.000
	51016801	GRP 07	PT	T	02/10/2023	SECURE PART TIME YDW CHILD CARE	110		14,712.00		02	51.000
	51016802	GRP 07	PT	T	06/15/2024	SECURE PART TIME YDW CHILD CARE	110		14,712.00		02	51.000
	14,712.00	Perm Budget Amt		1	Perm Vac	44,136.00	Temp Budget Amt	3	Temp Vac	4		
Totals for Youth Services Division												
	71,336.00	Perm Budget Amt		4	Perm Vac	44,136.00	Temp Budget Amt	3	Temp Vac	7		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
C IN C EMS P	51005153	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		7,422.00		07	100.000
	51005155	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		7,422.00		07	100.000
	51005158	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		1,767.00		07	100.000
	51005164	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		3,314.00		07	100.000
	51005165	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		6,539.00		07	100.000
	51008194	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		4,418.00		07	100.000
30,882.00	Perm Budget Amt		6	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		6		
C L IN EMS P	51005231	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		3,397.00		07	100.000
	51005236	GRP 08	PT	P	07/29/2023	EMS TRAINING	110		2,728.00		07	100.000
	51005275	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		3,397.00		07	100.000
	51011947	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		1,029.00		07	100.000
	51011948	GRP 08	PT	P	07/29/2023	EMS TRAINING	110		772.00		07	100.000
11,323.00	Perm Budget Amt		5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		5		
EM MED TEC P	51018046	GRP 07	PT	P	06/01/2024	EMS AMBULANCE OPERATIONS	110		23,962.00		01	91.000
	51018047	GRP 07	PT	P	03/06/2024	EMS AMBULANCE OPERATIONS	110		23,962.00		01	91.000
47,924.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
LAB TEC EC P	51017937	GRP 11	PT	P	07/31/2023	ENVIRONMENTAL HEALTH LAB	110		31,277.00		01	0.000
31,277.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
PARAMED I PT	51018033	GRP 09	PT	P	05/17/2024	EMS AMBULANCE OPERATIONS	110		27,014.00		01	91.000
	51018034	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		27,014.00		01	91.000
	51018036	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		27,014.00		01	91.000
81,042.00	Perm Budget Amt		3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		3		
PR WK IN PT	51005289	GRP 01	PT	P	05/26/2021	EMS TRAINING	110		803.00		07	100.000
	51005291	GRP 01	PT	P	05/20/2023	EMS TRAINING	110		803.00		07	100.000
	51005293	GRP 01	PT	P	01/15/2022	EMS TRAINING	110		1,166.00		07	100.000
	51006178	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		573.00		07	100.000
	51006180	GRP 01	PT	P	04/20/2024	EMS TRAINING	110		573.00		07	100.000
	51011945	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		287.00		07	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
4,205.00	Perm Budget Amt			6	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		6		
REG NRS PT	51012177	GRP 08	PT	P	08/05/2022	YOUTH DETENTION HEALTH SERVICES	110		38,692.00		02	50.000
38,692.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
Totals for Health												
245,345.00	Perm Budget Amt			24	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		24	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CH EL CL C P	51003576	GRP 09	PT	P	01/08/2016	ADMINISTRATION-BOE - DEM	110		27,014.00		05	100.000
27,014.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
DABAPRCOPBOE	51014951	GRP 13	PT	P	06/20/2020	ADMINISTRATION-BOE - REP	110		10,194.00		05	100.000
10,194.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
ELC FIN CL P	51007156	GRP 06	PT	P	01/01/2020	ADMINISTRATION-BOE - REP	110		22,607.00		05	100.000
22,607.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
ELC IN S S P	51007157	GRP 11	PT	P	03/19/2020	ADMINISTRATION-BOE - REP	110		31,277.00		05	100.000
31,277.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			1		
ELE WKR PTNB	00003139	GRP 01	PT	P	03/13/2021	ADMINISTRATION-BOE - REP	110		10,396.00		05	100.000
	00003141	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP	110		10,396.00		05	100.000
	00003146	GRP 01	PT	P	11/13/2021	ADMINISTRATION-BOE - REP	110		10,396.00		05	100.000
	00003147	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP	110		10,396.00		05	100.000
	00003150	GRP 01	PT	P	07/24/2020	ADMINISTRATION-BOE - REP	110		10,396.00		05	100.000
	00003155	GRP 01	PT	P	06/15/2024	ADMINISTRATION-BOE - DEM	110		10,396.00		05	100.000
	00003157	GRP 01	PT	P	01/18/2020	ADMINISTRATION-BOE - REP	110		3,784.00		05	100.000
	00003161	GRP 01	PT	P	05/01/2021	ADMINISTRATION-BOE - REP	110		6,650.00		05	100.000
	00003165	GRP 01	PT	P	11/05/2022	ADMINISTRATION-BOE - REP	110		3,784.00		05	100.000
	51012656	GRP 01	PT	P	05/04/2024	ADMINISTRATION-BOE - DEM	110		18,881.00		05	100.000
	51016026	GRP 01	PT	P	08/17/2023	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
	51016027	GRP 01	PT	P	08/21/2021	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
	51016028	GRP 01	PT	P	10/21/2023	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
	51016029	GRP 01	PT	P	08/16/2019	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
	51016030	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
	51016105	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP	110		18,881.00		05	100.000
208,761.00 Perm Budget Amt					16 Perm Vac	0.00 Temp Budget Amt	0 Temp Vac			16		
JR EL CL PT	51004176	GRP 04	PT	P	12/22/2023	ADMINISTRATION-BOE - DEM	110		20,396.00		05	100.000
	51008264	GRP 04	PT	P	05/04/2024	ADMINISTRATION-BOE - DEM	110		20,396.00		05	100.000
	51012979	GRP 04	PT	P	01/01/2016	ADMINISTRATION-BOE - REP	110		20,396.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
61,188.00	Perm Budget Amt				3	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		3		
MATECBOE PT	51007110	GRP 07	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		23,962.00		05	100.000
23,962.00	Perm Budget Amt				1	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		1		
PR EL C A PT	51016471	GRP 08	PT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		25,425.00		05	100.000
25,425.00	Perm Budget Amt				1	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		1		
PR SUVP EL P	51005970	GRP 09	PT	P	04/26/2021	ADMINISTRATION-BOE - DEM.	110		27,014.00		05	100.000
27,014.00	Perm Budget Amt				1	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		1		
SR EL CL PT	51004839	GRP 07	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		23,962.00		05	100.000
	51014079	GRP 07	PT	P	09/02/2017	ADMINISTRATION-BOE - REP.	110		23,962.00		05	100.000
47,924.00	Perm Budget Amt				2	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		2		
Totals for Board of Elections												
485,366.00	Perm Budget Amt				28	Perm Vac 0.00	Temp Budget Amt	0	Temp Vac		28		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
INTERN SEAS	51016836	GRP 01	SeasonP		05/11/2024	PLANNING	110		14,524.00		07	100.000
	51016837	GRP 01	SeasonP		03/16/2024	PLANNING	110		14,524.00		07	100.000
	51017359	GRP 01	SeasonP		05/17/2024	ENVIRONMENTAL COMPLIANCE	110		9,173.00		07	32.400
	51017361	GRP 01	SeasonP		02/13/2024	ENVIRONMENTAL COMPLIANCE	110		9,173.00		07	32.400
	51017362	GRP 01	SeasonP		08/14/2023	ENVIRONMENTAL COMPLIANCE	110		9,173.00		07	32.400
	51017363	GRP 01	SeasonP		02/10/2024	ENVIRONMENTAL COMPLIANCE	110		9,173.00		07	32.400

65,740.00 Perm Budget Amt 6 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 6

Totals for Environment & Planning Divis'n

65,740.00 Perm Budget Amt 6 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 6

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PARK ATT SEA	51011824	GRP 33	SeasonP		05/22/2024	ELLICOTT CREEK PARK	110		5,645.00		03	100.000
	51018542	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018543	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018544	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018545	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018546	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018547	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018548	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018549	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018550	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018576	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018577	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018578	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018579	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018580	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000
	51018581	GRP 33	SeasonP		05/23/2024	PARKS ADMINISTRATION	110		12,768.00		03	100.000

197,165.00 Perm Budget Amt 16 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 16

Totals for Parks

197,165.00 Perm Budget Amt 16 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 16

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LATPRTEX 1 P	51018410	GRP 10	PT	P	01/01/2024	CPS ADMINISTRATION	110		28,692.00		01	100.000

28,692.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Central Police Services

28,692.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIRE INST PT	51002955	GRP 11	PT	P	01/31/2022	FIRE SAFETY	110		2,469.00		02	100.000
	51002960	GRP 11	PT	P	06/18/2024	FIRE SAFETY	110		2,469.00		02	100.000

4,938.00 Perm Budget Amt 2 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 2

Totals for Emergency Services

4,938.00 Perm Budget Amt 2 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 2

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE

Totals for FUND 110

1,681,652.00 Perm Fund Amt 124 Perm Vac 169,687.00 Temp Fund Amt 9 Temp Vac 133

Run Totals: Total Perm Vac 124 Total Temp Vac 9 Total Vacancies 133 Total Positions 665 Percent 20%

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-1	LEGAL AID BUREAU	Bi-Annual Report of the Legal Aid Bureau of Buffalo, Inc.

Attachments

24COMM. 15M-1

David C. Schopp
Chief Executive Officer

Nadine E. Patterson
Deputy Executive Director – Civil Practice

Joanne Macri
Deputy Executive Director – Criminal Practice

LEGAL AID BUREAU of Buffalo, Inc.

Lisa M. Patterson
President

Craig R. Bucki
First Vice President

Timothy Murphy
Second Vice President

John T. Kolaga
Secretary

Meghan Corcoran
Treasurer

August 23, 2024

EC LEG SEP 5 '24 AM10:17

Ms. Olivia M. Owens
Clerk of Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Bi-Annual Report of the Legal Aid Bureau of Buffalo, Inc.
Pursuant to Resolution 233 of May 6, 1975

Dear Ms. Owens:

Pursuant to the above-referenced Resolution, enclosed please find a copy of our organization's financial report for the period 01/01/2024 to 06/30/2024. Also enclosed is a roster of Legal Aid's Board of Directors, as well as a synopsis of meetings of the Board of Directors conducted within the six-month specified period of the report.

Please feel free to contact us with any questions.

Thank you.

Sincerely,

David C. Schopp
Executive Director/Chief Executive Officer

Legal Aid Bureau of Buffalo
Report to Clerk of Erie County Legislature
Period 1/1/24 -6/30/24

Source of Funds	
Federal	
State	30,189
City of Buffalo	-
Erie County	2,757,276
State/ County Grants	3,501,509
Other:	-
Cattaraugus County	35,000
Genesee County	50,000
Niagara County	-
Ontario County	222,953
Chautauqua County	-
Cayuga County	
Orleans County	17,500
Total Funding	**6,614,426**
EXPENSE	
Personnel Expense	
Salaries	3,855,737
Fringe Benefits	989,098
Supplies/Equipment/ Services	
Space Rental	195,482
Utilities/telephone	30,134
Office Supplies	21,528
Office Equipment Rental	1,398
Postage/Postal Box Rental	4,441
Travel	25,788
Insurance	10,836
Legal/accounting	5,446
Dues & Association Membership fees	13,509
Service contracts	6,992
Training	53,244
Equipment Purchase	317,787
File Transport	3,690
Professional Fees	29,429
Subscriptions	148,844
Translation	15,240
Client Assistance	8,731
Administrative Expense	619,517
Miscellaneous	330
IT Services	65,780
TOTAL EXPENSE	**6,422,984**

Unaudited Financials

MEETING OF THE BOARD OF DIRECTORS
OF
THE LEGAL AID BUREAU OF BUFFALO, INC.
February 29, 2024

BOARD MEMBERS PRESENT: Kola Adeniji, Michael Aina (Staff Union Representative), Craig R. Bucki, Meghan A. Corcoran, Bryan Donohue, Ryon Fleming, Roland Hayes (Attorney Union Representative), Bradley Hoppe, John T. Kolaga, Jamila Lee, Timothy Murphy, Lisa M. Patterson, David C. Schopp, Chief Executive Officer, Nadine Patterson, Deputy Executive Director, Lucian Wiza, Chief Financial Officer.

EXCUSED: Rev. Mark E. Blue, Thomas Diina, Patrick Fitzsimmons, Thomas Hare, Rocco Lucente II.

GUESTS: Auditor, Robert Williams, Wedade Abdallah, recently hired co-Managing Attorney of the Western New York Regional Immigration Assistance Center (WNY RIAC) and co-Managing Attorney, Sophie Feal of the WNY RIAC.

1. A quorum being present, Board President, Lisa Patterson called the meeting to order.
2. Approval of the Board minutes from November 16, 2023 meeting. A motion to approve by Bryan Donohue, seconded by Brad Hoppe. There was one abstention from Roland Hayes who is a staff attorney union representative and not an active board member; passed unanimously.
3. 2022 Financial Audit approved unanimously, less one abstention from staff attorney Union representative, Roland Hayes.
4. Sophie Feal, co-Managing Attorney of the WNY RIAC introduced Wedade Abdallah, co-Managing Attorney of the WNY RIAC. Wedade discussed her extensive criminal/immigration law experience with the Board and the WNY RIAC's efforts to increase the overall number of referrals received, particularly from private attorneys on assigned counsel panels in the 7th and 8th Judicial District that will often not reach out for assistance on behalf of noncitizen clients facing immigration consequences in criminal and family court matters.

Reports of Committees

Governance Committee

The Board is scheduling interviews of interested applicants to fill 5 vacant Board member positions.

A request was made to any interested Board Members to join the Finance, Development, and Diversity Committees.

A survey has been sent out to Board members to update their expertise and/or interests in participating on various board committees.

The next Governance Committee meeting is scheduled for March 21st at 4:00 pm.

Reports of Officers

Report by CFO:

Treasurers Report delivered by CFO, Lucian Wiza who reported:

As of 12/13/2023, the estimated statement of activity includes $17,066,230 in total revenue and $17,012,892 in total expenses. The estimate is subject to change based on pending approval on pending grants.
No balance was extended to the organization's line of credit.
Legal Aid is still awaiting processing of the contract with Erie County in advance of receiving the anticipated first quarter advance in March 2024.

Annual Audits: The CFO announced scheduling a meeting in May 2024 to discuss 2023 audit.

Current Funding Sources: CFO reported on the following funding sources:

- *Erie County - Department of Law*
  - 2024 contract was received and executed two-weeks ago.
  - Two other NYS-ILS contracts with the County are awaiting execution and implementation.
  - Legal Aid has a scheduled meeting with the Erie County Department of Budget and Management to discuss questions regarding the budget process associated with previous and current ILS grants and distributions.

- *NYS United Court Systems*
  - Working on budget amendments for the Judiciary and Attorney's for Children programs for contract ending 03/31/2024.

- *NYS Indigent Legal Services*
  - *Hurrell-Harring Statewide Implementation Funding – Erie County*
    - Current 5-year contract ends 03/31/24.
    - Working on finalizing expenditures before completion of the contract.
    - Awaiting notice from ILS for submission of new three-year statewide contract period beginning in 2024 to 2027.

  - *Regional Immigration Assistance Center – Ontario County*
    - Grant awarded to Ontario County in the amount of $1,654,260 between 2024-2026 to support a collaborative partnership between Legal Aid and the Ontario County Public Defender's Office to host the Western New York Regional Immigration Assistance Center (WNY RIAC).
    - Updated budget submitted to Ontario County & NYS ILS for final approval.

- *NYS Office of Temporary & Disability Assistance*
  - Awaiting final approval of new contract for $650,000.

- *City of Buffalo*
  - Site visit scheduled for April 16, 2024.

Funding Submissions:

- *Civil Unit:*
  - Submitted funding proposals to Hamburg & Amherst for mortgage foreclosure legal services. Amherst was not awarded but the Hamburg proposal remains pending.
  - NYS Bar Association awarded two grants for veterans' assistance and one for matrimonial, (i.e., $5,000 and $10,790 respectively).
  - Applied to the NY Immigration Coalition for $150,000 from 3/14 – 8/14/2024 to provide immigration asylum assistance.
- *Attorneys' For Children*
  - Applied to the Tower Foundation for $20,000 to enhance youth services.
- *Criminal & Appeals Unit*
  - Resubmitted request to Erie County for Harm Reduction grant at the County's request for a proposed budget of $250,000 over 5-years.

Other Items:

- *Paycom – HRIS*
  - Legal Aid has contracted with Paycom to become our HR Management/Payroll Information System with an anticipated start date of July 2024.
- *Accounting Staffing*
  - Grants Accountant started on 11/20/2023 and has been a great addition to the accounting team.
  - Legal Aid is completing interviews for a new accountant position.
- *Retirement plan*
  - Amendments completed for the start date of 01/01/2024.

Chief Executive Report by David Schopp

1. *Positive Impact of Implementation of New Salary Structure on Recruitment and Retention* – Legal Aid hired 40 new employees for a total staff of 142 at the end of 2023. The Bureau is already seeing a dramatic increase in applications for current vacancies, including applications from former Legal Aid employees who wish to return to Legal Aid in 2024 due to focus on recruitment and retention efforts.
2. *2024 State Funding Issues*- The Governor's budget for the State FY2024-2025 included the following proposals that would negatively impact funding for Legal

Aid and other indigent defense and civil legal services offices across NYS based on proposed sweeps of $100,000,000 from the IOLA fund and $250,000,000 from the Indigent Legal Services Fund (ILSF). Additionally, the budget proposal includes no increase in funding for ILS distributions to the Counties. Legal Aid is currently involved with other legal service providers advocating for elimination of the sweep of the IOLA and the ILSF.

3. *ILS HH Statewide Implementation Contract (March 31, 2024)* - Legal Aid has been engaged with ILS to address committed funds that will not be subject to reimbursement until after the March 31st deadline. We also have made significant investment in technology advancements using the ILS funds and will continue to consider other resources necessary to enhance our representation of clients.

Nadine Patterson, DED of Civil Practice provided an overview of the Civil Practice Report. The Civil Unit handled over 5400 cases, helping almost 12,500 people. Of those, about 40% were housing cases, 30% were family law/divorce cases, and 30% were consumer education appointment, immigration, and other miscellaneous cases. This far exceeded Legal Aid's expectation. New management positions were added to the Civil Unit to help us maintain our numbers and data reporting. We were awarded a grant to hire 5 paid interns for the summer to assist with asylum work. The Attorneys for Children Unit handled over 6600 cases in 2023. Joanne Macri was unable to attend the Board meeting but did provide a written report to the Board on Criminal Practice updates.

Old Business

Legal Aid's reported on its scheduled meeting with the Erie County Budget Office on February 28, 2024.

New Business – None presented.

Board President, Lisa Patterson adjourned the meeting.

MINUTES OF THE BOARD OF DIRECTORS
OF
THE LEGAL AID BUREAU OF BUFFALO, INC.
April 16, 2024

BOARD MEMBERS PRESENT: Kola Adeniji, Michael Aina (Union Staff Representative), Rev. Mark Blue, Craig R. Bucki, Thomas Diina, Bryan Donohue, Ryon Fleming, Bradley Hoppe, John T. Kolaga, Jamila Lee, Timothy Murphy, Lisa M. Patterson, David C. Schopp, Chief Executive Officer, Nadine Patterson, Deputy Executive Director, Giovanna Macri, Deputy Executive Director, Lucian Wiza, Chief Financial Officer

EXCUSED: Meghan A. Corcoran, Patrick Fitzsimmons, Thomas Hare, Roland Hayes (Attorney Union Representative), Rocco Lucente II

Lisa Patterson called the meeting to order.
(This meeting was held electronically by using Zoom.)

1. A quorum being present, Board President, Lisa Patterson called the meeting to order.
2. Approval of the Board minutes from February 29, 2024 meeting. A motion to approve by John Kolaga, seconded by Bryan Donohue, and was unanimously passed and approved.
3. Nicole Santucci, intern, was scheduled to attend but was unable to join the meeting. Instead, Nadine Patterson gave an overview of Nicole's work with Legal Aid as a Jordan A. Daniels Non-profit Board Fellow through the University of Buffalo Undergraduate program. Her role helped enhance Legal Aid's presence through social media, primarily being involved in creating materials and a timeline for the upcoming "Giving Tuesday" fundraising event.

Reports of Committees

Governance Committee

Lisa Patterson reviewed the results of the Board survey that was sent to everyone on the Board. There are several candidates for 6 open positions on the Board of Directors that will be scheduled for interviews. The committee will receive the resumes before the interviews are scheduled.

Development Committee

Legal Aid announced the recent hiring of a new Communications and Development Manager – Michael Pace who will begin his employment on Monday, April 22nd.

Legal Aid is seeking more Board members to participate on the Development Committee.

Audit & Finance Committee

A meeting has been scheduled for May 13th to meet with and to review budget and finance information with CEO, David Schopp and CFO, Lucian Wiza.

A meeting will be scheduled in May to review Legal Aid's retirement account.

Reports of Officers

Treasurers Report by Lucian Wiza
Estimated Statement of Activity Summary: As of 12/31/2024

Total Revenue	$ 17,066,230
Total Expenses	17,012,892
Net Assets	$ 53,338

- The above is estimated and could change based on grant reports being approved by funders and final close out of the books before audit.
- No balance extended on the line of credit as of 04/16/2024.
- Approximately $2.5 million in vouchers remain pending with Erie County for payment. These vouchers are usually paid by the County on Thursdays, including 2nd quarter advance on the Erie County contract.

Annual Audits:
- Working on scheduling 2023 audit in June 2024.

M&T Bank:
- David Schopp and Lucian Wiza recently met with M & T Bank to discuss Legal Aid's line of credit to support ILS contractual reimbursement requirements.
    - Approximately $6 million annually in ILS funding is available only through reimbursement on a quarterly basis.
- Resolution sought to amend the current line of credit for the organization.
- Motion was made to approve amendment of the organization's line of credit by Rev. Mark Blue, seconded by John Kolaga, and unanimously approved.

- Legal Aid is also seeking to add an additional checking account for payroll.
    - The additional checking account is to address the organization's significant growth and is needed to begin using Paycom for payroll starting in July of 2024
- Resolution - LABB Board to approve opening of an additional checking account with M&T Bank specifically for payroll.
- Motion was made to approve the additional checking account by John Kolaga, seconded by Rev. Mark Blue, and unanimously approved.
- Legal Aid is seeking to update signatures on M&T bank accounts to replace signatures of those staff who are no longer with the Bureau. The following positions are listed and proposed to be authorized to provide signatures:

        - President
        - Treasurer
        - CEO
        - Deputy Executive Directors – 2
        - CFO
        - Unit Chiefs – 4
- Legal Aid is seeking Board Approval to update signatures required for M&T bank accounts – referenced attached M&T Bank universal banking resolution.
- Resolution – LABB Board approves updating signers as per the positions listed above and the standard distributed M&T bank universal banking resolution.
- Motion was made to approve the signers on all bank accounts by Brad Hoppe, seconded by Rev. Mark Blue, and unanimously approved.

Current Funding:

- *Erie County*
    - The second advance of $1,378,637.75 is pending with Erie County for payment.
    - Resolved funding for 2020, 2021, and 2023. Payment is pending awaiting County's instructions on format of payment.
    - Legal Aid has pending contracts with Erie County's Department of Law awaiting implementation.

- *NYS United Court Systems*
    - Budget amendments for the Judiciary and Attorney's for Children programs were approved for periods ending 03/31/2024.
        - Legal Aid is reviewing options on how to maximize utilization of available funding to support our clients.
        - Final reports due by 05/15/2024.

    - *Multi-year contracts that have funding after 3/31/24*
        - New budgets will need to be submitted once the NYS budget is finalized and we are notified of funding for upcoming year.
- *IOLA*
    - Year-end report due 05/03/2024.

- *NYS Indigent Legal Services*
    - *Hurrell-Harring Funding – Erie County*
        - Current 5-year contract ended 03/31/24.
            - Legal Aid's Criminal Practice worked to include budget items that were required for its services before completion of the five-year contract term.
            - The final report for this period is pending.
        - A new 3-year contract for statewide implementation of the Hurrell-Harring settlement agreement is to be submitted by the end of the

month for $17,698,766 over a three-year period (avg. $5,899,592/year).

- *Regional Immigration Assistance Center – Ontario County*
  - RIAC grant award is $1,654,260 for 2024-2026 for partnership between Ontario County PD's office and Legal Aid to cover the 7th and 8th JDs.
  - Updated budget submitted to Ontario County & NYS ILS.
  - Awaiting final approval and implementation of contract.

- *NYS Office of Temporary & Disability Assistance*
  - New contract started 10/01/2023.
  - LABB is a subcontractor.
  - Submitted for $650,000 for a year.
  - Contract is still pending for final approval.

- *City of Buffalo*
  - Site visit occurred today.
  - Program & Finance review,
    - Program items have been reviewed and are in good order and financial review ongoing.
  - Year 50 application is due this coming Monday.

- *NY Immigration Coalition*
  - Awarded a subcontract from NY Immigration Coalition for $150,000 from 3/14 – 8/14/2024 to provide immigration asylum assistance in WNY.

Funding Submissions:

- *Civil Unit:*
  - Submitted funding proposals to Hamburg & Amherst for mortgage foreclosure work, neither proposals were awarded.
  - NYS Bar Association awarded two grants: one for veterans' assistance and one for matrimonial, $5,000 and $10,790 respectively.

- *Attorneys For Children*
  - Applied to the Tower Foundation for $20,000 to enhance youth services.

- *Criminal & Appeals Unit*
  - Resubmitted request to Erie County for Harm Reduction grant at the County's invitation for a $250,000 grant over 5 years. Decision pending.

Other Items:

- *Paycom – HRIS*
  - Have contracted with Paycom to become Legal Aid's HR Management/Payroll Information System.

- Working on getting systems setup with anticipated start date of 7/1/2024 to help with internal payroll processing.

Chief Executive Report by David Schopp

1. ILS Funding – will be used for technology, to develop Buffalo City Court offices/client interview rooms and to update our document management system.
2. Discussion of recognition for community service activity in the new union contracts.
3. Discussion regarding Legal Aid's ability to expand our mandated indigent defense representation.

Nadine Patterson gave an update on the Civil Practice of Legal Aid. She reported that between the Civil and Attorneys for Children units, Legal Aid opened over 8,000 cases. We provide civil legal services in all 8 counties of the 8th judicial district. Some of our numbers have doubled from last year and we have exceeded all goals set by IOLA. We have received an increase in funding due to our increase in services.

Joanne Macri gave an update on the Criminal Practice of Legal Aid. She discussed our client-centered, holistic approach to representation and discussed several favorable decisions that Legal Aid obtained on behalf of clients regarding discovery compliance. Joanne also discussed the favorable decisions that are being obtained by a the most recent class of 9 staff attorneys who underwent extensive training in the fall of 2023. Joanne reported that the Criminal Practice will be accepting 10 interns over the summer and provided an update on the online expert database that the Appeals and Post-Conviction Unit is preparing to launch for the defender community with support from ILS.

Old Business – none

New Business – none

Announcement: Next Board meeting will be held in-person, followed by a reception to honor former Board members and welcome new Board members.

Board President, Lisa Patterson adjourned the meeting.

MEETING OF THE BOARD OF DIRECTORS
OF
THE LEGAL AID BUREAU OF BUFFALO, INC.
June 18, 2024

BOARD MEMBERS PRESENT: Kola Adeniji, Michael Aina (Staff Union Representative), Rev. Mark Blue, Craig R. Bucki, Thomas Diina, Bryan Donohue, Patrick Fitzsimmons, Ryon Fleming, Thomas Hare, Roland Hayes (Attorney Union Representative), Bradley Hoppe, Timothy Murphy, Lisa M. Patterson, David C. Schopp, Chief Executive Officer, Nadine Patterson, Deputy Executive Director, Giovanna Macri, Deputy Executive Director, Lucian Wiza, Chief Financial Officer

EXCUSED: Meghan A. Corcoran, John T. Kolaga, Jamila Lee, Rocco Lucente II

1. A quorum being present, Board President, Lisa Patterson called the meeting to order.
2. Board President, Lisa Patterson asked for a motion to approve the minutes from April 16, 2024 meeting. A motion was made by Rev. Blue, seconded by Brad Hoppe, and was unanimously passed and approved.
3. David Schopp introduced Michael Pace, Legal Aid's new Communication and Development Manager.

Reports of Committees

Governance Committee

Report of the Governance Committee regarding Board nominations. Six candidates were brought to the Board upon the recommendation of the Nominating Sub-Committee: Sharene Bennett, Erin Whitcomb, Jill Robins, CJ Englert, Farina Barth and Kathleen Kugler.

Board President, Lisa Patterson called for a vote to accept all six candidates onto the Board. All candidates were unanimously approved.

At this time, Sharene Bennett, Erin Whitcomb, Jill Robins, CJ Englert, Farina Barth and Kathleen Kugler joined the meeting as new Board Members. Introductions of all Board members followed.

Development Committee

Board is inviting additional committee members to join the Development Committee prior to its next scheduled meeting.

Audit & Finance Committee

Discussion of scheduling next Committee meeting.

Reports of Officers

Treasurers Report by Lucian Wiza

Updated 2024 Budget:

- Discussion of updated 2024 budget which includes funding approved by ILS to address ongoing expenditures that require additional time for completion and reimbursement.

Current Cash Status:

- 3rd Quarter Advance from County will be received in July of almost $1.4 million.
- Funding from quarterly reports for Judiciary and Attorneys for Children which will be available within two weeks, totaling approximately $1.76 million.

Annual Audits:

- 2023 annual audit is currently being worked on right now by EFPR with draft and finalization expected at the end of July 2024.

Current Funding:

- Erie County approved and auditor verified retained funding amounts.

- *NYS United Court Systems*
  - New budgets will be submitted for 4/1/24 – 3/31/25 Attorneys for Children contracts.
- *IOLA*
  - 03/31/2024 year-end report was submitted.
  - Amended budget submitted for 4/1/24 – 3/31/25, awaiting approval.

- *NYS Indigent Legal Services*
  - *Hurrell-Harring Statewide Funding – Erie County*
    - Original 5-year contract ended 03/31/24. Final report is being completed for submission to ILS.
    - The new 3-year HH Statewide contract submitted to the local ILS office is pending approval for $17,698,766 for a three-year period (avg. $5,899,592/year).
  - *Regional Immigration Assistance Center – Ontario County*
    - Awarded $1,654,260 for 2024-2026
    - Updated budget submitted to Ontario County & NYS ILS for approval.

- *NYS Office of Temporary & Disability Assistance*
  - New contract started 10/01/2023 of which Legal Aid is a subcontractor for $650,000 for a year. Contract pending and under Legal Aid review.
  - Contract not approved as of yet – but under LABB review.

- *NY Immigration Coalition*

- Awarded a subcontract from NY Immigration Coalition for $150,000 from 3/14 – 8/14/2024 to provide immigration asylum assistance in WNY.
  - MOU signed and awaiting information from funder to submit first quarterly report.

Funding Submissions:

- *Attorneys' For Children*
  - Tower Foundation - Awarded $150,000 over 3 years starting 7/1/2024 ($50,000/year).
- *Criminal & Appeals Unit*
  - Erie County Harm Reduction grant awarded.
    - Awarded $250,000 over 5-years. Contract under Legal Aid review.

Other Items:

- *401k*
  - Review meeting to be scheduled in July.
- *Paycom – HRIS*
  - Have contracted with Paycom to become our HR Management/Payroll Information System – preparing for anticipated start date in July 2024.
- *Accounting Staffing*
  - CFO will be resigning from Legal Aid as of 7/3/2024.

Chief Executive Report by David Schopp

1. Announcement by Erie County of developing a Working Group to explore a County Public Defender Office and/or other alternatives for indigent defense. Discussion of Legal Aid's cost-effective services in Buffalo City Court and how those services can be expanded.
2. Promotional Opportunity – Discussion regarding outreach from the producers of Viewpoint with Dennis Quaid who have approached the Legal Aid Bureau about including the Bureau in a short, televised preview on the importance of indigent legal services. We were chosen due to the wide variety of issues we handle across our units.
3. Personnel Changes – As announced, CFO, Lucian Wiza, has submitted his resignation. A temporary CFO will be joining Legal Aid starting immediately. A search firm will be considered to assist the Bureau in finding a replacement.

Nadine Patterson gave a brief update on the Civil Practice. She outlined new hires, including a new Managing Attorney in the Attorneys for Children Unit. She also mentioned that 3 youths from the Buffalo Summer Youth Program will be joining the Civil Practice and that the Civil Practice continues with outreach to community members.

Joanne Macri gave an update on the Criminal Practice. She discussed several internal and external trainings that have been made available to Criminal Practice staff including an extensive, internal felony training program. She also discussed several notable favorable decisions acquired on behalf of our clients from CDU and the APCU attorneys. Joanne

also congratulated the recent selection of Erin Tresmond, Chief Attorney of the Appeals and Post-Conviction Unit as a Director of the Bar Association of Erie County.

Old Business – None presented.

New Business – None presented.

Board President, Lisa Patterson adjourned the meeting.

THE LEGAL AID BUREAU OF BUFFALO

Board of Directors
2023-2024 (Revised 6/18/24)

1.	LISA M. PATTERSON, Esq. University at Buffalo School of Law 518 John Lord O'Brian Hall, North Campus Buffalo, NY 14260	(645-6262) (Fax 645-7336) lpatter@buffalo.edu	President
2.	CRAIG R. BUCKI, Esq. Phillips Lytle LLP One Canalside 125 Main Street Buffalo, NY 14203	(847-5495) (Fax 852-6100) cbucki@phillipslytle.com	First Vice-President
3.	TIMOTHY P. MURPHY, Esq. Federal Public Defender's Office 300 Pearl Street, Suite 200 Buffalo, New York 14202	(845-1925) (Cell 417-7455) timothy_murphy@fd.org	Second Vice-President
4.	JOHN T. KOLAGA, Esq. Rupp Pfalzgraf 1600 Liberty Building Buffalo, NY 14202	(854-3400) (Fax 332-0336) kolaga@ruppbaase.com	Secretary
5.	MEGHAN A. CORCORAN, Esq. National Fuel 94 Liberty Terrace Cheektowaga, NY 14215	(857-7064) corcoranm@natfuel.com	Treasurer
6.	JESUTOWO "KOLA" ADENIJI, Esq. Erie County Edward A. Rath County Office Building 95 Franklin Street, 6th Floor Buffalo, NY 14202	(423-834-3512) Jesutowo.adeniji@gmail.com	
7.	MICHAEL AINA Legal Aid Bureau of Buffalo 290 Main Street, Suite 300 Buffalo, NY 14202	(853-9555 ext 625) maina@legalaidbuffalo.org	
8.	FARINA BARTH, Esq. University at Buffalo School of Law 623 John Lord O'Brian Hall Buffalo, NY 14260	(645-2885) fariname@buffalo.edu	

9.	SHERENE BENNETT Service Link Stop Buffalo, NY	sherenekbennett@gmail.com
10.	REV. MARK E. BLUE NAACP 18 Church Street Lackawanna, NY 14218	(826-4940) (Fax 826-6069) rev.markblue@buffalonaacp.org
11.	THOMAS DIINA Erie County Sheriff's Office 2433 King Fisher Lane Niagara Falls, NY 14304	(725-2024) tjdiina@gmail.com or Thomas.diina@erie.gov
12.	BRYAN DONOHUE Bond, Schoeneck & King Avant Building – Suite 900 200 Delaware Ave. Buffalo, NY 14202	(416-7100) (c 465-4562) bdonohue@bsk.com
13.	CHARLES J. ENGLERT III Barclay Damon LLP 208 Winterbrook Drive Amherst, NY 14228	(553-2622) cjenglert@gmail.com
14.	PATRICK E. FITZSIMMONS, Esq. Hodgson Russ LLP The Guaranty Building 140 Pearl Street, Suite 100 Buffalo, NY 14202	(848-1710) (c 225-1576) pfitzsimmons@hodgsonruss.com
15.	RYON FLEMING, Esq. Genesee County Court 1 West Main Street Batavia, NY 14020	(585-201-5722) rfleming@nycourts.gov
16.	THOMAS HARE, Esq. University at Buffalo School of Law 418 John Lord O'Brien Hall Buffalo, New York 14260	(716-645-2326) tehare@buffalo.edu
17.	ROLAND HAYES, Esq. Legal Aid Bureau of Buffalo, Inc. 290 Main Street, Suite 300 Buffalo, NY 14202	(716-853-9555 x205) rhayes@legalaidbuffalo.org

THE LEGAL AID BUREAU OF BUFFALO

Board of Directors
2023-2024 (Revised 6/18/24)

18. BRADLEY A. HOPPE, Esq. (716-416-7025)
Bond, Schoeneck & King
Avant Building – Suite 900
200 Delaware Avenue
Buffalo, New York 14202-2107 bhoppe@bsk.com

19. KATHLEEN KUGLER, Esq. (471-0377)
Niagara County Assigned Counsel
219 Hawley Street
Lockport, NY LockportLawyers@gmail.com

20. JAMILA A. LEE, Esq. (716-645-6205)
University ay Buffalo School of Law
317 John Lord O'Brian Hall
Buffalo, New York 14260 jamilale@buffalo.edu

21. ROCCO LUCENTE II, Esq. (881-3010) (Fax 881-2755)
Cohen & Lombardo
343 Elmwood Avenue
P. O. Box 5204
Buffalo, NY 14213-5204 lucente@cn-lo.com

22. JILL ROBINS (698-0047)
University at Buffalo Foundation, Inc.
Buffalo, NY jillrobins12@gmail.com

23. DAVID C. SCHOPP, Esq. (853-9555 ext. 451) (Fax 853-3219)
Legal Aid Bureau of Buffalo
290 Main Street, Suite 400
Buffalo, NY 14202 dschopp@legalaidbuffalo.org

24. ERIN WHITCOMB, Esq. (307-8884)
Cattaraugus County Dept. of Social Services
PO Box 875
Ellicottville, NY 14731 elwhitcomb@cattco.org

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-2	PRESIDENT & CEO OF VBN AND BCC	VBN & BCC Second Quarter Reports and Financial Statements

Attachments

24COMM. 15M-2

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 • Buffalo, New York 14203 • 716.961.0200 • Kaler@VisitBuffaloNiagara.com

CLERK SEP 5 '24 AM10:17

August 15, 2024

Ms. Olivia M. Owens
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Ms. Owens:

Enclosed please find the 2024 second quarter reports for Visit Buffalo Niagara and the Buffalo Convention Center, and Destination Performance Reports for April, May and June. Also enclosed are the financial statements for the period ending June 30, 2024.

Sincerely,

Patrick J. Kaler
President and CEO

/Enclosures

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 • Buffalo, New York 14203 • 716.961.0200 • Kaler@VisitBuffaloNiagara.com

August 15, 2024

I, the undersigned, do hereby certify based on my knowledge, the information provided herein:

- Is accurate, correct and does not contain any untrue statement of material fact;
- Does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made;
- Fairly presents, in all material respects, the financial condition and results of operations of the authority as of and for the periods presented in the financial statements.

Visit Buffalo Niagara
Buffalo Convention Center

Patrick J. Kaler
President and CEO

visit Buffalo Niagara

QUARTERLY HIGHLIGHTS

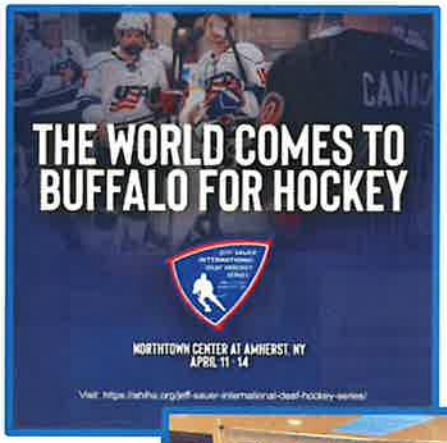
APRIL - JUNE 2024

BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

"Say Cheese" Attendance Building-Welcome Video for American Cheese Society Convention

In anticipation of the American Cheese Society's annual convention, which will take place at the Buffalo Convention Center in July, Visit Buffalo Niagara created an attendance–building welcome video that was released in April for social media purposes. The video featured local cheese producers and businesses, including Meet & Eat Charcuterie, Eden Valley Creamery, Lactalis, and Erie County Executive Mark Poloncarz.



Inaugural Jeff Sauer International Deaf Hockey Series

In April, the Buffalo Niagara Sports Commission was excited to welcome the inaugural Jeff Sauer International Deaf Hockey Series that took place at the Northtown Center at Amherst. The tournament featured women's teams from the USA and Canada as well as men's teams from the USA, Canada, Czech Republic, and Finland. The event is named after Jeff Sauer, a member of the U.S. Hockey Hall of Fame, who had a distinguished coaching career spanning over 40 years. Sauer was the former head coach of the USA men's deaf team and notably he led the U.S. to gold medals in deaf hockey and Paralympic sled hockey competitions.

Part of the event included a community outreach program where the USA Women's Deaf national team alongside the Buffalo Sabres hosted a hockey themed assembly for students at Buffalo's St. Mary's School for the Deaf. Thank you, Team USA, for taking the time to make a difference in these students lives. It was an inspirational experience for the students and athletes to share together.

Brand USA Chicago-Pittsburgh-Buffalo Japanese FAM Tour

As part of an immersive Buffalo arts and culture experience, Patrick Kaler, Mike Even and Leah Mueller hosted a dinner in the Gardener's Cottage at Frank Lloyd Wright's Martin House with a delegation of tour operators from Japan. Visit Buffalo Niagara partnered with Brand USA and our DMO counterparts in Chicago and Pittsburgh to host this multi-destination familiarization tour for an international inbound market that is posed to make a strong return of post-pandemic visitation to the United States. The visit coincided with the Martin House special exhibit "Thought-Built: The Imperial Hotel at 100" a rare opportunity to explore the largest collection of artifacts from the lost Imperial Hotel in Chiyoda City, Tokyo, a hybrid of Japanese and Western architectural traditions.

Q2 2024 Sales & Services Highlights

U.S. Travel's IPW International Travel Tradeshow

Visit Buffalo Niagara's Leah Mueller, Michelle Kearns, and Patrick Kaler were joined by representatives from Buffalo AKG, National Comedy Center, and Visions Hotels in Los Angeles, CA, at the 2024 U.S. Travel Association's IPW tradeshow. IPW is the largest international inbound travel tradeshow held in the United States. Over three days, VBN conducted over 150 meetings with international tour operators and travel media. The staff also participate in market update sessions, educational seminars, and meetings with several organizational vendors and partners.

Following IPW, the team returned to Buffalo. It hosted familiarization with the in-market representatives from I Love NY's Germany, Switzerland, and Australia offices and the UK office for the Great Lakes USA. In addition to the representatives, travel trade and media members also participated on the fam tours.

Q2 2024 Sales and Services Department Tradeshow Attendance

Sports ETA Women's Summit Cleveland, OH April 3-5 Lauren Vargo	Destinations International / pcma Sales & Services Summit and Destinations Showcase Washington, DC April 8-11 Temekia Powers	2024 New York State Tourism Conference Tourism Conference Niagara Falls, NY April 17-19 Michelle Kearns, Meredith Walsh & Meaghan Zimmer	CLIA Cruise Lines International Association Cruise 360 Conference Fort Lauderdale, FL April 16-18 Leah Mueller
African American Traveler Conference Chesapeake, VA April 16-18 Karen Cox & Marisa Urbano	Sports ETA Young Professionals Conference Portland, OR April 19-21 James Adler	U.S. Travel Association IPW Tradeshow Los Angeles, CA May 3-7 Leah Mueller & Patrick Kaler	SGMP Society of Government Meeting Professionals Annual Convention Omaha, NB May 7-9 Meredith Walsh
Great Lakes USA Cruise Annual Members Meeting Virtually May 13-14 Leah Mueller & Patrick Kaler	TAP into Travel Annual Conference Rochester, NY June 11-14 Leah Mueller	COMPETE Sports. Diversity. Diversity Summit Columbus, OH June 12-16 James Adler & Greg Gelinas	PBA Annual Convention Ithaca, NY June 17-20 Leah Mueller
The Military Reunion Network Annual Convention Fairfax, VA June 21-24 Meredith Walsh	asae® Leadership Forum Toronto, ON June 23-25 Temekia Powers	ESSAE Empire State Society of Association Executives Annual Conference & Expo Saratoga Springs, NY June 27-28 Meaghan Zimmer	IWI Inland Waterways International World Canals Conference Bydgoszcz, Poland June 22-26

Q2 2024 Sales and Services Highlights

2024 Visit Buffalo Niagara In The BUF Visitor Guide

Visit Buffalo Niagara's Meaghan Zimmer and Melissa Burke from the Buffalo Convention Center were joined by sales staff from the Hyatt Regency Buffalo and The Westin Buffalo at the 2024 Empire State Society of Association Executives Annual Tradeshow in Saratoga Springs, NY. The New York State Association market is very important to the annual convention and meetings success for the convention center and the hotel industry producing millions of dollars of economic impact for the community.

Meaghan also served on a panel discussion organized by Meeting Planners International's Update New York Chapter entitled, "The ABC's of RFP's."

Celebrating Global Meetings Industry Day

Global Meetings Industry Day was created by the U.S. Travel Association to showcase the economic relevance and job creation that the meetings/conventions industry has for communities and businesses across the country. Visit Buffalo Niagara and the Buffalo Niagara Convention Center recognized this day by highlighting the benefits and impact of professional meetings and events held in Buffalo and Erie County through a video showcasing the convention center, hotels, and off-site venues.

Increasing convention center business is a major focus at Visit Buffalo Niagara; the video featured the 2023 New York State School Boards Association annual meeting as an illustration of their impact.

Promoting 2025 World Canals Conference in Poland

In September 2025, the World will come to Buffalo as the International Waterways World Canal Conference will bring together hundreds of canals and inland waterway enthusiasts, professionals, and scholars to learn about a variety of topics related to canals. New York State and the New York State Canal Corporation's commemoration of the 200th anniversary of the Erie Canal's opening in 1825 will be incorporated into the conference program.

Visit Buffalo Niagara with our state and canal partners in kicking off the promotion of WCC2025 with a special invitation video, including a message from Governor Kathy Hochul during the closing ceremonies of the 2024 World Canals Conference in Bydgoszcz, Poland.

New York State DMO Sports FAM and Buffalo Pre-FAM

The Buffalo Niagara Sports Commission was honored to be a part of the first-ever New York State Destination Marketing Organizations Sports FAM Tour in Discover Albany! Greg Gelinas & James Adler had the opportunity to meet with seventeen rights holders looking to host their events in Buffalo and Erie County.

BSN hosted a pre-fam before the Albany Event, hosting rights holders who have not previously held events in our destination, including; World Axe Throwing League, American Dart Association, Legends Masters CrossFit, and Professional Disc Golf Association A huge thank you to our local partners and Huddle Up Group, LLC who contributed to making this visit a success. Together, we showcased what Buffalo and Erie County offer in the Sports and Hospitality Scene. Stay tuned for potential collaborations and future events!

56th Annual International Aviation Snow Symposium

Visit Buffalo Niagara welcomed back to the Buffalo Convention Center the organizers and attendees for the April 56th Annual International Aviation Snow Symposium. We're thrilled to have one of our favorite long-term annual conventions back in town and strive each year to make the experience as easy as possible for the planners and enjoyable for the attendees. A huge thank you to all the local industry stakeholders, including hotels, audio-visual companies, special event production professionals, and the businesses in the downtown Buffalo entertainment district. We also appreciate the working relationship with the Niagara Frontier Transportation Authority and the Buffalo Niagara International Airport staff for their support in hosting this annual event.

Bump-Set-Spike Volleyball Comes to the BCC

The Buffalo Niagara Sports Commission and the Buffalo Convention Center hosted its first-ever volleyball event, organized by the Niagara Frontier Volleyball Club, in preparation for the national tournament. The Northeast Point Series Championship brought 64 teams from Ohio, Pennsylvania, Canada, and New York. We're looking forward to this being the first of many volleyball events at the Buffalo Convention Center. Kudos to BNSC's Greg Gelinas and Colleen Scozzafava from the BCC for their determination to land the event and for their creativity to make ten volleyball courts fit on the center's exhibit floor.

Bandits Win Means Donuts for VBN/BNSC

There is nothing like in-state sports rivalry between two destination marketing organizations, especially when it comes to professional lacrosse. This year, the Buffalo Bandits took on the Albany Fire Wolves for the NLL Championships! In the spirit of friendly competition, Visit Buffalo Niagara and Discover Albany have raised the stakes of this series. After the Bandits' championship win, Discover Albany sent Cider Belly donuts to the Visit Buffalo Niagara team. Being the good sports that we are as a staff, we did send some Perry's ice cream to our rivals in Albany.

VBN Attends NYSTIA Conference

Members of the Visit Buffalo Niagara staff joined other tourism industry professionals from across New York State at the 2024 New York State Tourism Conference in Niagara Falls, NY. The team enjoyed learning and engaging with fellow industry collogues, vendors and speakers. Professional development topics included insights into AI, outdoor travel writing, and furthering sustainability in the tourism space.

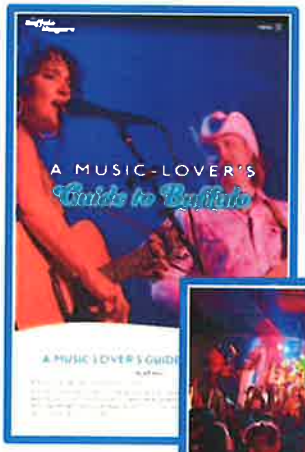
Q2 2024 Marketing & Communications Highlights

Celebrating Ed Healy's Retirement After 20+ Years

Visit Buffalo Niagara celebrated and recognized our Vice President of Marketing, Edward Healy, who retired after 20+ years with the organization at the end of May. The staff honored Ed with memories, laughter, and even a few tears at a luncheon in downtown Buffalo. We also gathered for one last staff picture with Ed in front of the iconic BUF letters at Canalside, a vision he led and helped bring to light. It has been such a privilege for all of us to work alongside Ed. His leadership, marketing, and communications expertise have guided Visit Buffalo Niagara to award-winning campaigns, websites, travel media exposure, superb video content, and so much more. Ed truly made a difference and an unforgettable impact on our entire region. As part of Ed's last week with VBN, he was honored with the Lifetime Preservation Achievement Award from Preservation Buffalo Niagara for his career in Buffalo tourism and his work to bring the National Trust For Historic Preservation to Buffalo. Thank you, Ed, for everything you've done at Visit Buffalo Niagara to make our work respected, enjoyable, and incredibly rewarding!

VBN's Live Music Tourism Promotion – Podcast Launch

As part of Visit Buffalo Niagara's music tourism campaign, VBN has launched a new podcast series. Buffalo is a perfect destination for the lover of live music. Don't believe us? Hear it from Buffalo's awesome venues' musicians, fans, and owners. From elegant concert halls to indie-rock watering holes, Buffalo has everything happening seven days a week. The destination is home to a large population of deeply talented professional musicians working in every imaginable genre and a larger population of true music lovers eager to bask in the region's all-but-limitless live music offerings. VBN launched the Hear Here podcast production with Buffalo Toronto Public Media. Further activations related to Hear Here will be launched later this year with a broader advertising campaign in 2025.



Q2 2024 Marketing & Communications Highlights

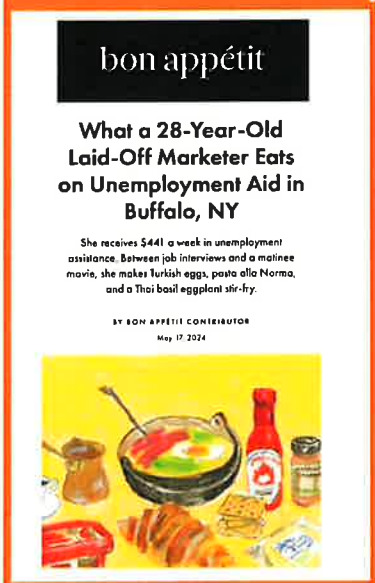
Examples of Q2 Media Hits

Readership: 1,437,120
Shares: 23

Readership: 4,697,511
Shares: 59

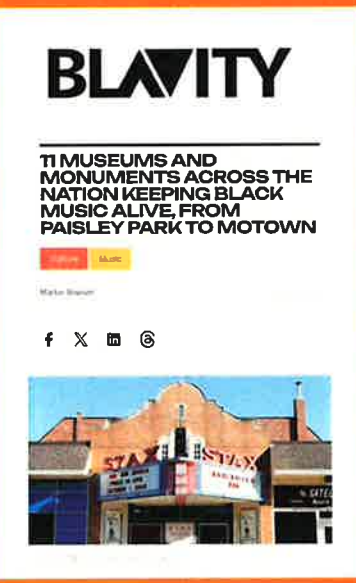
Readership: 18,891,051
Shares: NA

Readership: 2,090,506
Shares: 7



Readership: 7,129,256
Shares: 3

Readership: 790,004
Shares: 20

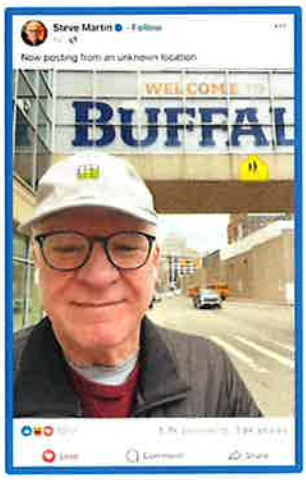


Readership: 897,528
Shares: NA

Readership: 1,152,881
Shares: 193

Steve Martin Social Media Posts at the BCC

Look who snapped a photo in downtown Buffalo when he was in town doing a show at Shea's Buffalo. His Facebook post received over 200K likes and nearly 5K shares.

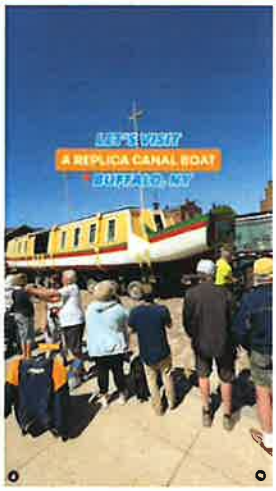


What Is The Buffalo Wing?

The Visit Buffalo Niagara Marketing Team capitalized on the pop-culture moment when the "Buffalo Wing" was the clue on a recent Jeopardy episode.

Q2 2024 Marketing & Communications Highlights

Q2 Most-Viewed Social Media Video Views

April	May	June
		
Total Solar Eclipse Total Views: 107,226	Seneca Chief Inauguration Total Views: 287,187	AKG Anniversary Total Views: 93,699

Other Q2 Social Media Video Content:

- Happy Earth Day
- Buffalo Botanical Gardens Community Free Nights
- Coffee Shops You Have To Try
- Today's Mood: Hotdogs
- Buffalo Porchfest
- Free Buffalo: Shakespeare in the Park
- Vidler's 5 & 10

2024 Total Solar Eclipse Recap

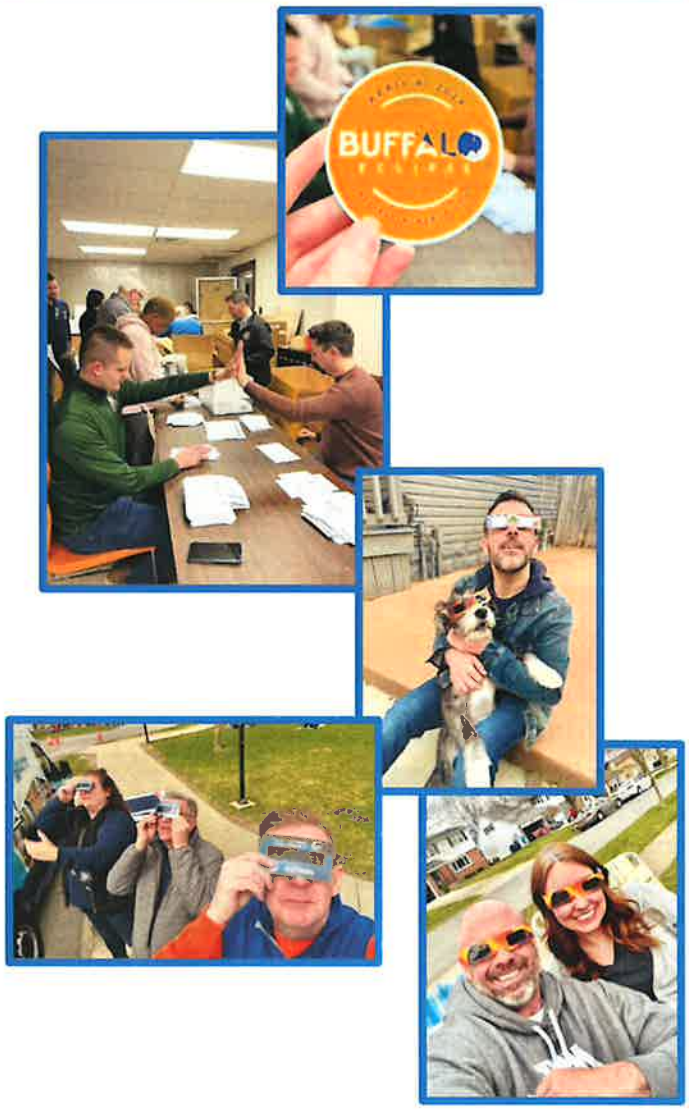
The total experience, as seen by our staff! Would you believe it if we told you that our team has been preparing for the 2024 Total Solar Eclipse for nearly years?

From group bookings to website preparations, media alerts, and just about everything in between, this was indeed an all-hands-on-deck, once-in-a-lifetime event that we all had the pleasure of contributing to, Our team spent part of the week organizing bags, magnets, chocolate Buffalos, visitor guides, Erie County Department of Health emergency services flyers, and NFTA public transportation brochures. Once put together, the kits were distributed to various hotels throughout the county!

We want to thank our government leaders in Erie County for coordinating with the City of Buffalo, towns, villages, and the State of New York and surrounding counties to make this event such a success. We also want to thank our tourism partners—hotels, restaurants, museums, parks, venues, breweries, and attractions—for their creativity and excitement in embracing this opportunity.

Despite the clouds obstructing our view of totality, the positive impact on visitation and the enthusiastic response from businesses and attractions throughout Buffalo and Erie County was genuinely inspiring. As calculated by the economic impact calculator tool, the eclipse generated an economic impact of $14.7M for our community, a testament to our collective strength and resilience.

While witnessing this life-changing experience was amazing, the reward of seeing our community come together to provide a safe and enjoyable experience was unlike anything else. Thank you, Buffalo and Erie County!



Q2 2024 Marketing and Communications Highlights

2024 Summer Online Guide

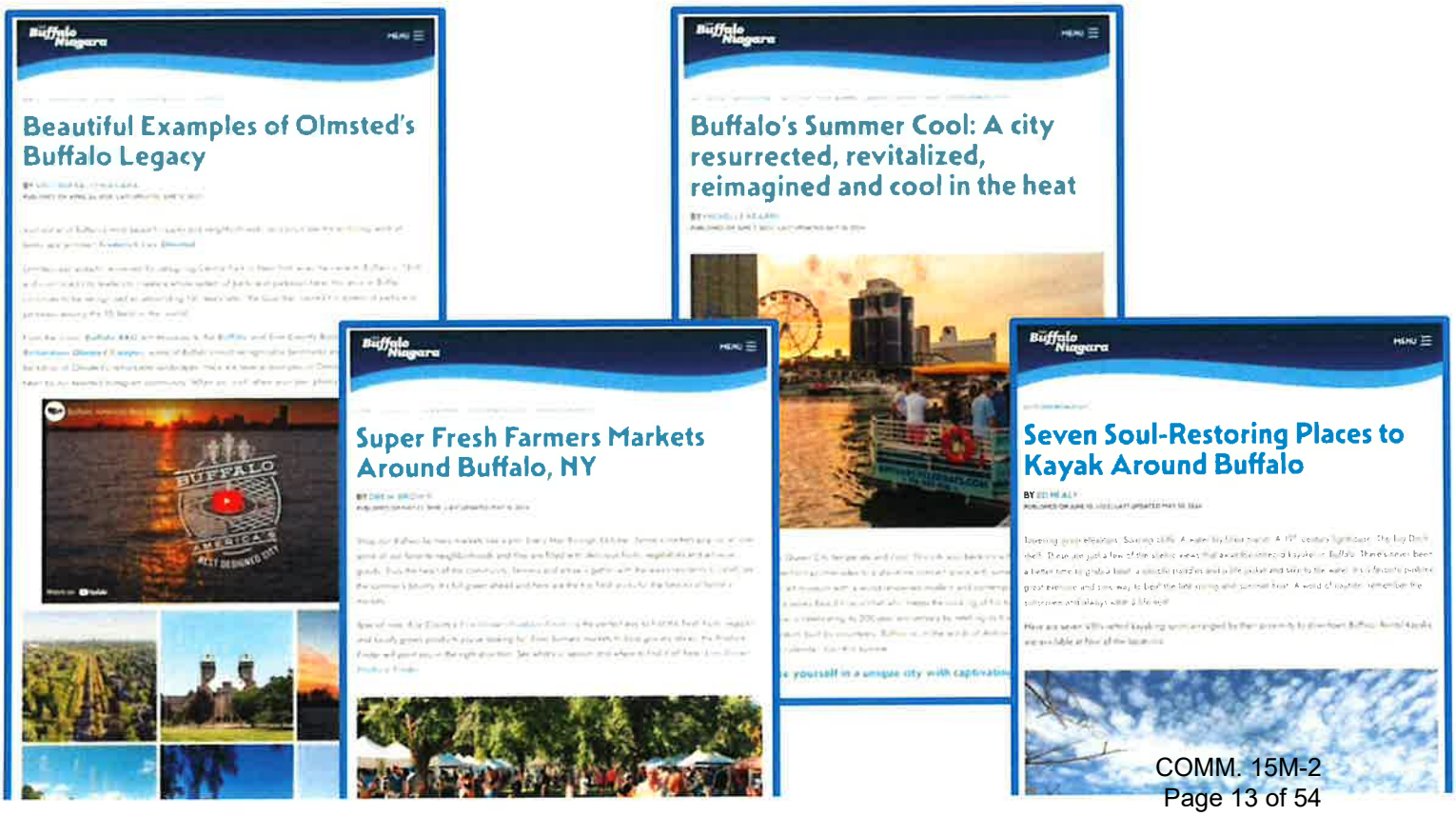
Sun's out, fun's out! From beaches to breweries, concerts to cuisine, the great outdoors to the heart of downtown, Buffalo has quite the summer on tap. The VBN Marketing Department launched a digital 2024 Summer Guide for all the seasonal activities and things to do this summer. So, get out there and have the best Buffalo summer ever.

Telly Award – "The Art of Light"

Visit Buffalo Niagara's production of "The Art of Light: Stained Glass in Buffalo, NY," produced in cooperation with Paget Films, won a Gold Telly Award in the Arts & Culture, Non-broadcast category, and a Silver Telly Award in the General Travel & Tourism category! The Telly Awards showcase the best work created across TV and video. This honor is even more rewarding knowing that the annual Telly Awards receives over 12K entries from six continents and all fifty states; winners represent work from the most respected production companies, publishers, and more.

Examples of New and Updated Blog Content

Visit Buffalo Niagara's Marketing Department continues to create new and updated existing blog content, giving potential visitors more insight into the unique things to experience in Buffalo and Erie County.



VBN's Tourism Industry Extranet Opportunities

Last year, the Visit Buffalo Niagara website had over 1.2 million engaged sessions. Every day, our award-winning site publishes new, strategic content featuring attractions, people, and activities, offering visitors a glimpse of our unique experiences and as a starting point for planning future trips.

The VBN Extranet is a significant asset to our hospitality partners. This portal allows partners to better interact with our website by providing tools for creating content about venues, such as listings, images, events, contacts, and methods for learning and responding to leads. It also provides insights into reporting, tracking, and the ability to receive notifications and announcements.

We are enhancing our extranet training format to better serve our partners. Three distinct components of the new program are:

- Quarterly new user training (broad overview of the extranet)
- Ongoing targeted audience-specific sessions (i.e., hotels, restaurants, etc.)
- One-on-one training sessions

New user and audience-specific training will start this fall.

Hispanic Heritage Community Annual Breakfast

Members of the Visit Buffalo Niagara and Buffalo Niagara Sports Commission staff attended the 11th Annual Hispanic Heritage Community Breakfast held at the Buffalo Convention Center. Each year, the Hispanic Heritage Council of WNY, Inc. hosts this event to announce its plans for the coming year and reflect on the previous year's accomplishments.

Spring Restaurant Week

The spring edition of Buffalo Restaurant Week took place in April. It started with a press conference with the New York State Restaurant Association's Western New York chapter and Southern Junction to spread the word about this seven-day countywide culinary celebration. With its seasonal menus, Buffalo Restaurant Week allows visitors, local diners, and Canadian neighbors to sample classics and unique offerings from local restaurants, taverns, bistros, eateries, and cafes. Dine on prix fixe meals and new dishes made specially for the week's menus.

The promotion featured 128 participating restaurants. The event landing page generated over 74,000 engaged sessions, up 36% over 2023, and over 450,000 views, which increased 218% over last year.

Buffalo Pride Parade

Visit Buffalo Niagara, Buffalo Convention Center, and the Buffalo Niagara Sports Commission are full of Buffalo Pride. With our Seymore Buffalo mobile visitor center, we marched in the 2024 Buffalo Pride Parade. We had such a blast kicking off festival season at this exciting event and being present and supportive in celebrating the diversity of our community.

2024 Visit Buffalo Niagara Visitor Profile Study

Every two years, Visit Buffalo Niagara undertakes a comprehensive study, in collaboration with Longwoods International, to profile overnight and day trip visitors to Buffalo and Erie County.

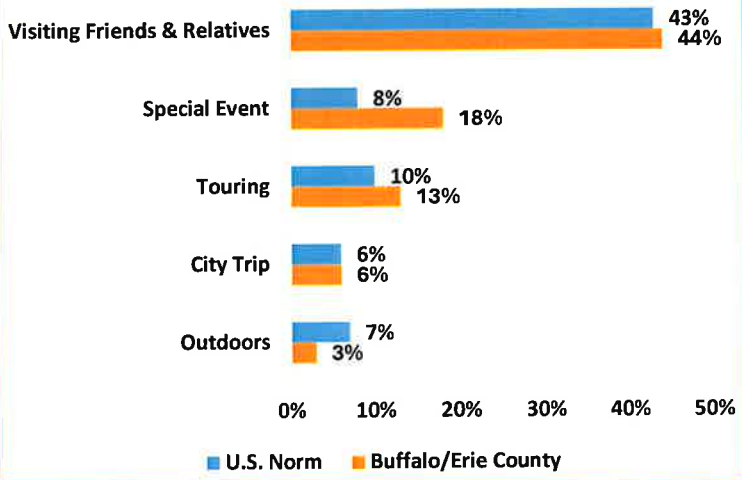
- Longwoods International began tracking domestic American travelers in 1985 and has conducted large-scale syndicated visitor research quarterly since 1990.
- It is currently the most significant ongoing study on American travelers, providing destinations with more reliable data and a remarkable ability to hone in on key market segments of interest.
- The overnight trip is a journey for business or pleasure outside your community that is not part of your normal routine. You spend one or more nights away from home.
- This report provides an overview of Buffalo and Erie County's domestic tourism business in 2023.

Buffalo/Erie County Overnight Trip Characteristics

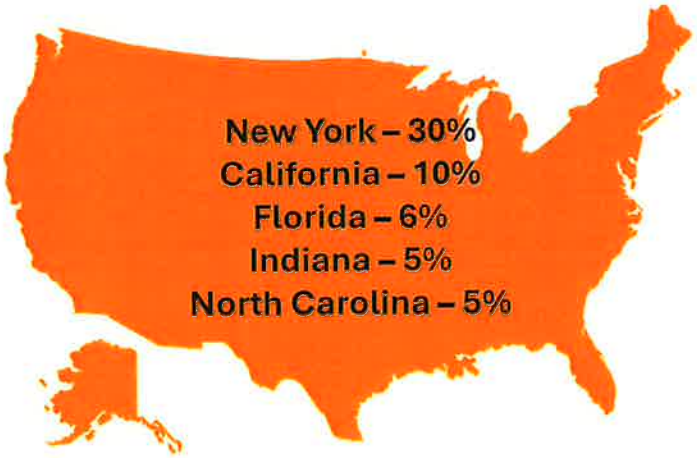
Main Purpose of Trip

- 44% Visiting Friends & Relatives
- 4% Business-Leisure Trip
- 18% Special Event
- 3% Outdoor Recreation
- 13% Touring
- 1% Snow/Skiing
- 8% Convention/Business Trip
- 1% Theme Park
- 6% City Trip
- 1% Casino

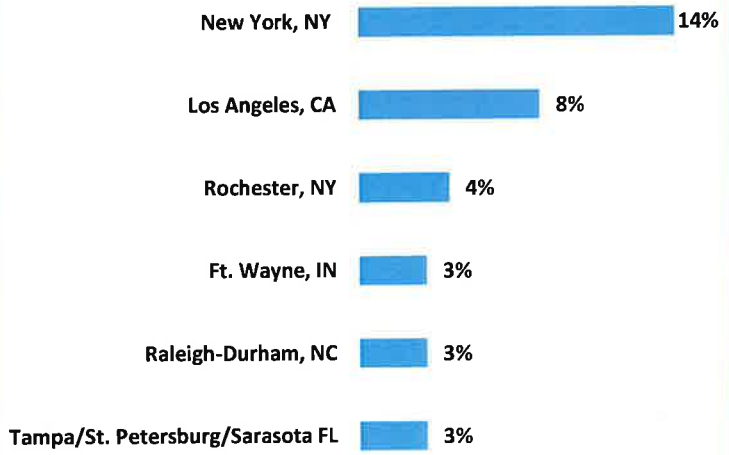
Main Purpose of Leisure Trip



State Origin of Trip



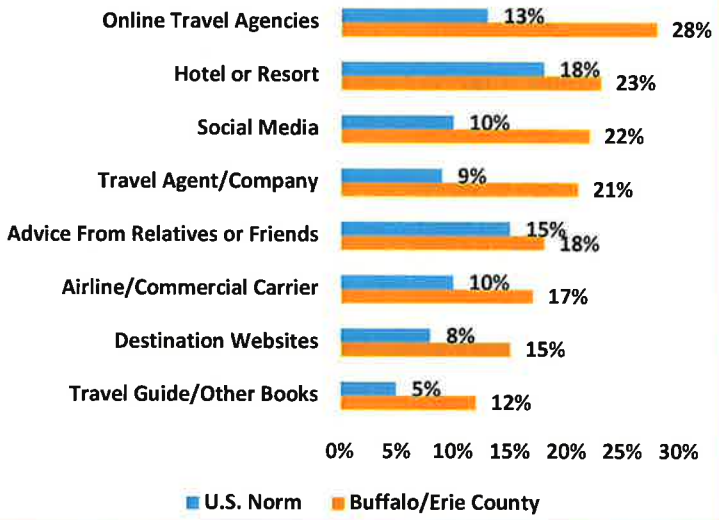
DMA Origin of a Trip



Growth Potential Markets:
Boston, Chicago, Philadelphia and Washington DC

Buffalo/Erie County Overnight Trip Characteristics - Continued

Trip Planning Information Sources



Length of Trip Planning

	Buffalo	U.S. Norm
1 month or less	33%	33%
2 Months	19%	17%
3-5 Months	22%	18%
6-12 Months	13%	13%
More than 1 year in advance	4%	4%
Did not plan anything in advance	9%	15%

Activity Groupings

Outdoor Activities 57% — U.S. Norm 47%

Entertainment Activities 66% — U.S. Norm 54%

Cultural Activities 52% — U.S. Norm 28%

Sporting Activities 40% — U.S. Norm 20%

Business Activities 28% — U.S. Norm 15%

Top 10 Activities and Experiences

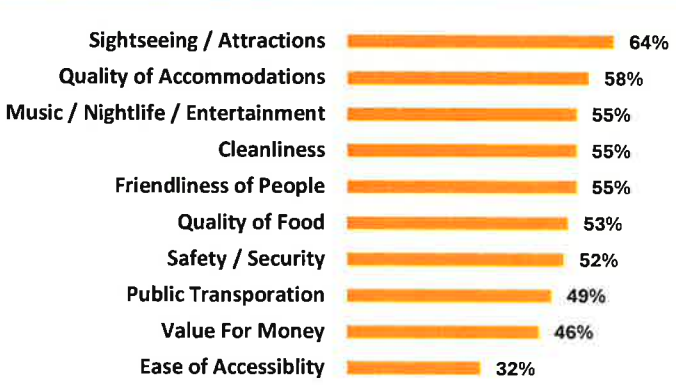
	Buffalo	U.S. Norm
Shopping	36%	26%
Sightseeing	27%	20%
Landmark / Historic Site	26%	13%
Attending Special Event	23%	15%
Attending Pro/College Sports Event	21%	5%
Bar / Nightclub	20%	15%
Museum	19%	11%
Business Convention / Conference	16%	7%
Business Meeting	16%	8%
Local Parks / Playgrounds	16%	10%

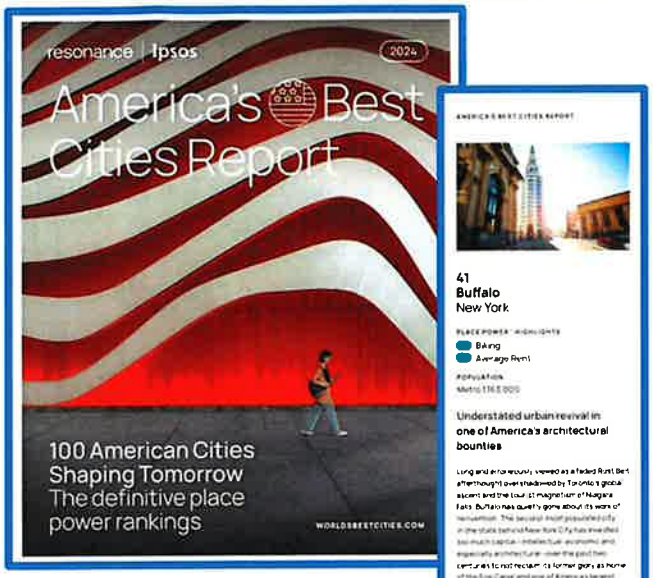
Dining Types on Trip

	Buffalo	U.S. Norm
Casual Dining	70%	56%
Fast Food	60%	45%
Unique / Local Food	44%	30%
Carry-Out / Food Delivery	39%	22%
Fine / Upscale Dining	28%	19%
Picnicking	16%	11%

% Very Satisfied With Trip

64% of overnight travelers were very satisfied with their overall Buffalo experience





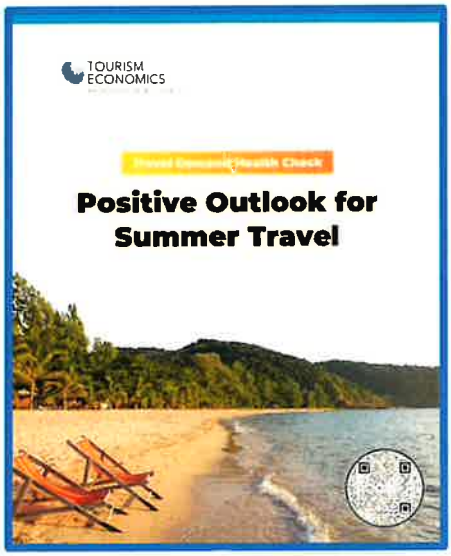
Buffalo #41 On America's Best Cities Report

Resonance Consultancy has released its annual list of America's Best Cities! Buffalo has risen to #41 this year thanks to its continued reinvention and transformation.

Resonance uses a method that analyzes core statistics, qualitative evaluations, user-generated reviews, social media, and online activity to evaluate cities based on livability, lovability, and prosperity.

Many factors that make the biggest cities in the United States great places to visit—good weather, world-class museums, and quality restaurants—also make them great cities to live in. Resonance, a consultancy group in real estate, tourism, and economic development, considered these factors and user-generated data from social media to create a comprehensive ranking of the best cities in the United States for travelers and residents.

To determine which cities would be considered for this list, Resonance looked at U.S. cities with populations of more than 500,000. Each city was ranked based on a combination of core statistics and user-generated data from sites like Tripadvisor and Instagram. Everything comes together for its proprietary Place Power Score.



Tourism Economics – Positive Outlook for Summer Travel

- **Record-setting air passenger traffic**
  U.S. air passenger traffic reached 107% in 2019 levels in May 2024. Between January and May, **360 million people** passed through TSA checkpoints, a new record and a signal of momentum heading into the summer travel season.
- **Consumer intent to travel is rising**
  The intent to travel rose across most income categories in the first quarter of 2024, according to MMGY, though travel intentions weakened among those making less than $50,000 a year.
- **Leisure travel is increasingly a priority**
  The share of consumers viewing **leisure travel as a near-term spending priority has increased** since the beginning of the year, reaching 59% in April, according to Future Partners. Additionally, Longwoods International found that 93% of travelers plan to take a trip in the next six months.
- **Hotel occupancy and demand up**
  STR reported that U.S. **occupancy reached a 2024 peak** in early May. But **shifts in Easter timing can distort YOY comparisons**. Hotel performance in May should clarify how the industry is performing as we enter the summer travel season.

Simpleview Summit

Visit Buffalo Niagara utilizes the destination marketing organization prescribed industry CRM system Simpleview for sales, marketing, and industry partner engagement. In April, four members of the staff attended the annual Simpleview Summit in Milwaukee, where they attended sessions on the latest in travel data, research, CRM resources, and so much more. VBN has prioritized staying current with the system's enhancements, and several employees have completed new training modules and obtained Simpleview certifications.

Q1 2024 Administration Highlights

OLV National Registry of Historic Places Announcement

Our Lady of Victory Shrine and Basilica in the City of Lackawanna has been named to the National Register of Historic Places. During the official celebration and press conference of this designation, Visit Buffalo Niagara's CEO, Patrick Kaler, was invited to speak about the positive impact that the Basilica has on tourism in Buffalo and Erie County. With this designation, the OLV Shrine and Basilica campus will now be known as Our Lady of Victory Roman Catholic Basilica Complex. VBN thanks Our Lady of Victory Shrine and Basilica for including us in this exciting event. Congratulations!

Paul Murphy Way Dedication

City of Buffalo Mayor Byron Brown dedicated the part of Franklin Street in front of the Buffalo Convention Center in honor of our former General Manager, Paul Murphy. Members of Paul's family, members of the City of Buffalo Common Council, present and former VBN board members and staff gathered to commemorate this designation with a ceremony honoring Paul and his incredible leadership at the Buffalo Convention Center.

National Travel & Tourism Week

May is celebrated as National Travel and Tourism Week! This year, Visit Buffalo Niagara celebrated #NTTW24 and what travel means to Buffalo and Erie County, from our communities to our jobs to our economy—travel touches and improves it all. Travel has an essential impact on our economy & countless communities across the country. VBN shared various national and local statistics showcasing the impact and significance of travel and tourism.

Buffalo State University Award

Thank you to the Buffalo State University Hospitality and Tourism Department for awarding Visit Buffalo Niagara's CEO, Patrick Kaler , with the 2024 Hospitality Ambassadors Award, recognizing his work over the past ten years leading Buffalo and Erie County's tourism marketing, sales, and promotion. The award was presented by Interim President Bonita R. Durand and Kathleen O'Brien, Chair and Lecturer of the Hospitality and Tourism Department.

Gail Wells – Visit Buffalo Niagara Board Member Memorial

Our community was deeply saddened to hear of the passing of Gail Wells, a Visit Buffalo Niagara board member (2019–2024).

A marketing consultant, event planner, diversity trainer, wellness educator, and social justice advocate, Gail earned a master's degree in urban planning and a bachelor's in public policy and urban planning from the University at Buffalo.

She had a varied career as an entrepreneur and leader. Gail co-founded the UB Black Student Union, Black Dance Workshop, School of Movement, and Center for Positive Thought. She also co-owned the Watu Sokoni People's Market and was a co-editor of Buffalo After Dark Magazine. Additionally, she served on the inaugural committee that founded Juneteenth in Buffalo.

A long-time Grassroots Gardener who cherished bringing the beauty of nature into urban spaces, Gail stewarded community gardens in the African American Heritage Corridor. In 2020, she founded Buffalo Freedom Gardens in response to the pandemic.

Q2 2024 Convention Center Highlights

Visit Buffalo Niagara Board of Directors

Officers:
Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
Kimberley A. Minkel, NFTA – Vice Chair
Thomas Long, The Westin Buffalo– Treasurer
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visit Buffalo Niagara

VISION:

To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

BUFFALO CONVENTION CENTER

VISION:

To create memorable event experiences for our guests and be a catalyst for economic development and improved quality of life in Buffalo and Erie County.

MISSION:

Delivering quality facilities and exceptional service through our warm hospitality, attention to detail and drive to achieve our clients' vision.

Data Sources For This Key Performance Indicator Report:

Cervis Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentus Technologies
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics
Zartico

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BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

visit Buffalo Niagara

MONTHLY KPI DASHBOARD REPORT

APRIL 2024

BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

Hotel & Short-Term Rental KPIs – April 2024

Hotel Performance – April 2024

April Revenue		April Occupancy		April Demand		Apr. Average Daily Rate		April RevPAR	
$28,225,733		61.7%		185,902		$151.83		$93.65	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
31.2%	$21,508,171	11.8%	55.2%	8.1%	171,963	20.7%	$125.07	35.6%	$69.06

Hotel Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Demand		YTD Average Daily Rate		YTD RevPAR	
$86,504,998		53.2%		641,466		$134.86		$71.76	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
9.4%	$79,041,079	1.9%	52.2%	-4.7%	672,842	14.8%	$117.47	17.1%	$61.27
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
27.4%	$67,923,492	3.7%	51.3%	-4.6%	672,583	33.5%	$100.99	38.5%	$51.81

Short-Term Rental Performance – April 2024

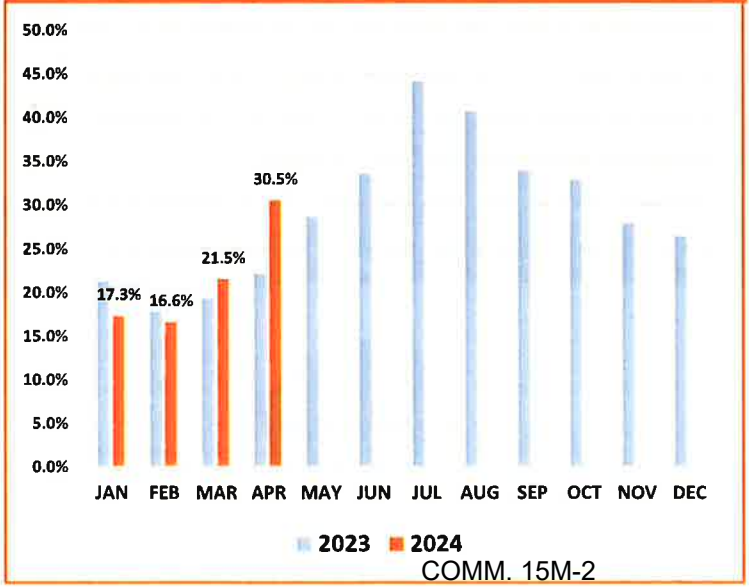
April Revenue		April Occupancy		Apr. Guest Check-Ins		Apr. Average Daily Rate		April RevPAR	
$3,643,729		30.5%		7,476		$160.00		$49.00	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
51.5%	$2,404,563	41.9%	21.5%	54.0%	4,854	6.0%	$151.00	53.1%	$32.00

Short-Term Rental Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Guest Check-Ins		YTD Average Daily Rate		YTD RevPAR	
$10,561,385		26.9%		23,896		$137.00		$37.00	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
75.9%	$6,003,280	3.9%	25.9%	73.1%	13,807	5.4%	$130.00	8.8%	$34.00

Hotel Occupancy – Monthly Comparison By Year

Short Term Rental Occupancy - Monthly Comparison By Year



Airport and Cross Border Traffic KPIs – April 2024

BUF Airport Passengers – April 2024

April Buffalo Niagara International Airport Passenger Traffic	
346,044	
Change	Mar 2024
-14.6%	405,083

Cross Border Traffic – April 2024

April U.S. / Canada Cross Border Bridge Traffic	
354,593	
Change	Mar 2024
0.4%	535,027

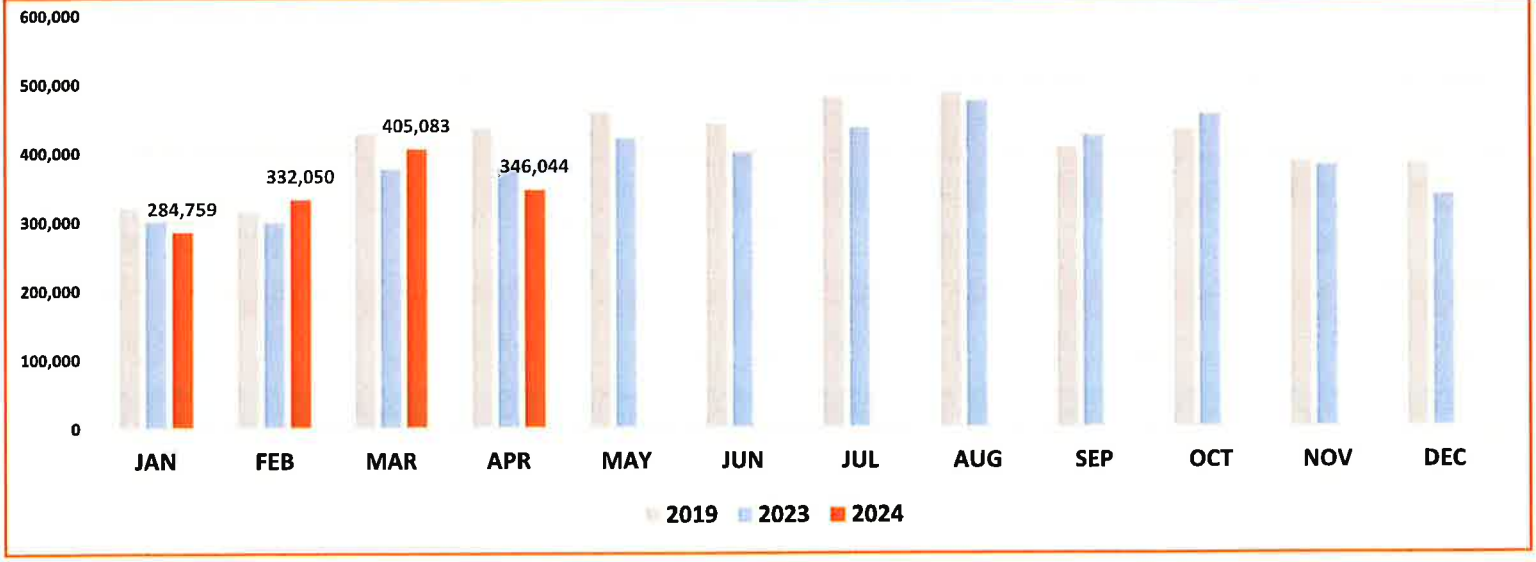
BUF Airport Passengers – April 2024

YTD Buffalo Niagara International Airport Passenger Traffic	
1,367,936	
Change	2023
1.1%	1,352,433
Change	2019
-8.8%	1,499,531

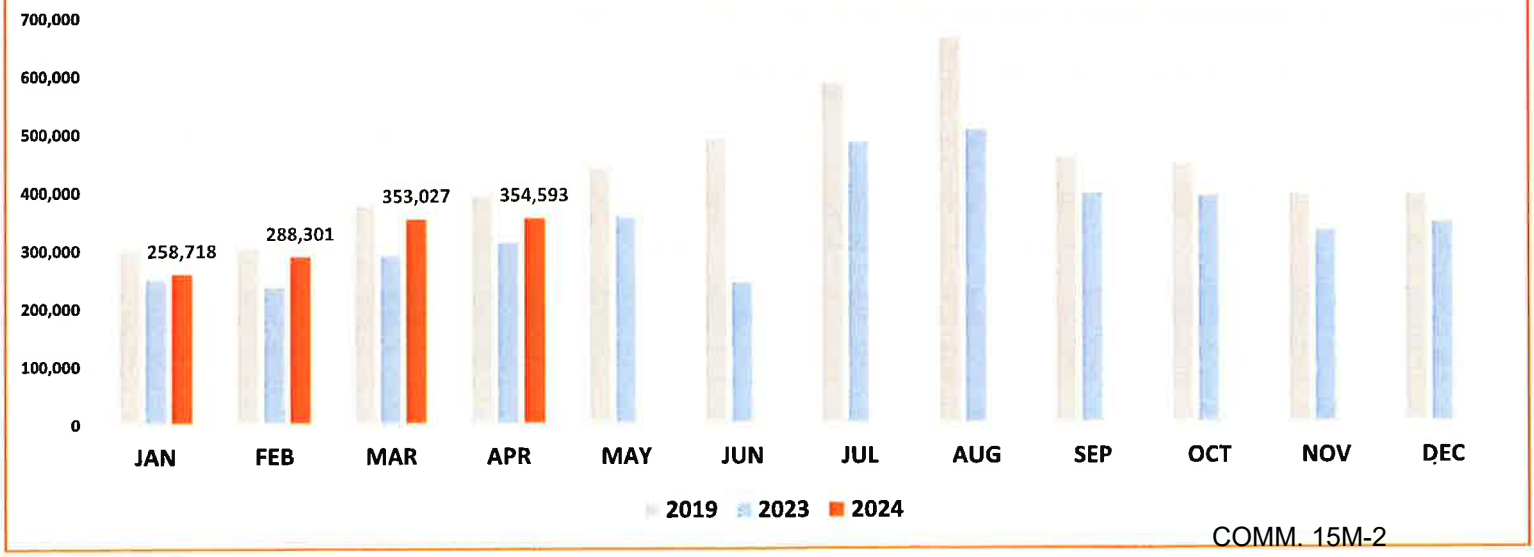
Cross Border Traffic – FY 2024 YTD

YTD Buffalo Niagara International Airport Passenger Traffic	
1,254,639	
Change	2023
15.4%	1,087,168
Change	2019
-8.4%	1,369,753

BUF Airport Passengers – Monthly Comparison By Year



Cross Border Traffic – Monthly Comparison By Year



Sales and Services KPIs– April 2024

Leads Generated Performance – April 2024

April Leads Generated		April Leads Room Nights		April Leads Attendance		Apr. Leads Economic Impact	
56		44,862		29,221		$31,422,838	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
51.4%	37	182.9%	15,856	-3.9%	30,403	108.9%	$15,045,102

Leads Generated Performance – FY2024 YTD

YTD Leads Generated		YTD Leads Room Nights		YTD Leads Attendance		YTD Leads Economic Impact	
197		135,789		131,083		$109,716,459	
Change	2023	Change	2023	Change	2023	Change	2023
12.6%	175	105.1%	66,210	128.2%	57,452	119.5%	$49,992,278

Definite Bookings Performance – April 2024

April Definite Bookings		April Definite Room Nights		April Definite Attendance		Apr. Definite Economic Impact	
32		18,985		16,507		$15,686,162	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
14.3%	28	62.7%	11,670	19.7%	13,785	78.2%	$8,801,977

Definite Bookings Performance – FY2024 YTD

YTD Definite Bookings		YTD Definite Room Nights		YTD Definite Attendance		YTD Definite Economic Impact	
108		58,895		67,127		$50,338,283	
Change	2023	Change	2023	Change	2023	Change	2023
-6.9%	116	46.3%	40,253	39.1%	48,258	62.5%	$30,975,221

Events Held Performance – April 2024

Apr. Events Held		Apr. Events Held Hotel Rooms		Apr. Events Held Attendance		April Groups Serviced	
27		9,423		11,675		13	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
8.0%	25	-34.7%	14,433	-34.9%	17,945	-7.1%	14

Events Held Performance – FY2024 YTD

YTD Events Held		YTD Events Held Hotel Rooms		YTD Events Held Attendance		YTD Groups Serviced	
81		50,285		61,462		42	
Change	2023	Change	2023	Change	2023	Change	2023
10.2%	63	-9.1%	51,617	9.2%	50,151	-3.3%	42

Lost Business Leads – April

April Lost Business Leads	
25	
Change	Mar 2024
38.9%	18

Lost Business Leads – FY YTD

YTD Lost Business Leads	
68	
Change	2023
15.4%	59

Partner Referrals – April

April Partner Referrals	
11	
Change	Mar 2024
-92.0%	138

Partner Referrals – FY YTD

YTD Partner Referrals	
251	
Change	2023
No History	*New KPI*

Marketing and Communications KPIs – April 2024

Website Traffic & Video Views Performance – April 2024

April Engaged Sessions		April Mobile Sessions		April Website Views		April All Video Views		April Shared Social Posts	
171,811		117,261		805,878		2,452,251		181	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
29.6%	132,545	33.0%	88,165	138.1%	376,189	255.3%	690,287	0.6%	180

Website Traffic & Video Views Performance – FY2024 YTD

YTD Engaged Sessions		YTD Mobile Sessions		YTD Website Views		YTD All Video Views		YTD Shared Social Posts	
477,351		312,553		1,662,254		4,062,574		721	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
45.1%	328,944	56.8%	199,306	52.3%	1,091,217	45.4%	2,794,898	2.4%	704

Media Relations Performance – April 2024

April Media Placements		April Media Impressions		April Media Social Shares		April Media Touchpoints		April Media Visits	
15		507,992,933		1,330		23		1	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
-25.0%	20	43.8%	353,363,406	52.3%	873	109.1%	11	-66.7%	3

Media Relations Performance – FY2024 YTD

YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
64		949,420,553		3,751		52		5	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
120.7%	29	-1.8%	966,674,286	44.9%	2,588	-16.1%	62	Null	5

Social Media Platform Following Performance – FY2024 YTD

YTD Facebook		YTD X (Twitter)		YTD Instagram		YTD TikTok	
101,982		29,864		86,452		29,395	
Change	2023	Change	2023	Change	2023	Change	2023
1.1%	100,840	-0.1%	29,880	51.7%	56,991	54.7%	19,003

Convention Center KPIs – April 2024

BCC Revenue Performance – April 2024

April Total Revenue		April Rent Revenue		April F&B Revenue		April Electrical Rev		April Other Revenue	
$470,601		$84,262		$359,667		$26,552		$120	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
11.2%	$423,158	-49.2%	$165,910	58.2%	$227,364	-11.1%	$29,884	100.0%	$0.00

BCC Revenue Performance – YTD2024 YTD

YTD Total Revenue		YTD Rent Revenue		YTD F&B Revenue		YTD Electrical Revenue		YTD Other Revenue	
$1,834,630		$423,248		$1,308,266		$96,121		$6,995	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
29.5%	$1,416,238	15.0%	$368,173	50.8%	$867,275	32.9%	$72,351	-93.6%	$108,439
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
12.3%	$1,634,170	3.3%	$409,865	15.1%	$1,137,019	11.3%	$86,324	626.1%	$962

BCC Operations Performance – April 2024

April Total Events		April Conventions		April Meetings		April Banquets		April Cons/Public Shows	
12		5		2		2		3	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
33.3%	8	-33.3%	2	100.0%	2	200.0%	3	Null	1

BCC Operations Performance – FY2024 YTD

YTD Total Events		YTD Conventions		YTD Meetings		YTD Banquets		YTD Cons/Public Shows	
35		11		9		8		7	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
40.0%	25	37.5%	8	350.0%	2	-20.0%	10	40.0%	5
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
-14.6%	41	22.2%	9	-10.0%	10	-42.9%	14	-12.5%	8

BCC Event Attendance – April 2024

April Total Event Attendance	
8,946	
Change	Mar 2024
-66.9%	27,062

BCC Event Attendance – FY2024 YTD

YTD Total Event Attendance	
66,581	
Change	2023
-38,6%	108,470
Change	2019
-56.6%	152,969

BCC Days Occupied – April 2024

April Total Number of Days Occupied	
28	
Change	Mar 2024
16.7%	24

BCC Days Occupied – FY2024 YTD

YTD Total Number of Days Occupied	
96	
Change	2023
7.9%	89
Change	2019
-1.0%	97

Convention Center KPIs – April 2024

BCC Revenue Dashboard – April 2024

April Total Leads		April Leads Generated by BCC		April Leads Generated by VBN		April Confirmed Bookings	
11		9		2		8	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
-30.7%	9	-33.3%	6	-25.0%	3	166.7%	16

Sales Leads and Confirmed Booking Performance – FY2024 YTD

YTD Total Leads		YTD Leads Generated by BCC		YTD Leads Generated by VBN		YTD Confirmed Bookings	
44		29		15		51	
Change	2023	Change	2023	Change	2023	Change	2023
-18.5%	54	-23.7%	38	-6.3%	16	27.5%	40

Sales Solicitation Calls and Lost Business Performance – April 2024

April Total Solicitation Calls		April Existing Client Calls		April New Client Calls		April Lost Business	
51		30		21		8	
Change	Mar 2024	Change	Mar 2024	Change	Mar 2024	Change	Mar 2024
13.3%	45	50.0%	20	-16.0%	25	33.3%	6

Sales Solicitation Calls and Lost Business Performance – FY2024 YTD

YTD Total Solicitation Calls		YTD Existing Client Calls		YTD New Client Calls		YTD Lost Business	
197		107		90		26	
Change	2023	Change	2023	Change	2023	Change	2023
-16.5%	236	28.9%	83	-44.1%	161	4.0%	25

BCC Current and Future Booked Business – FY2024 YTD

	2019	2024	2025	2026	2027
Number of Events	138	109	71	46	27
Expected Attendance	249,975	160,446	212,872	148,962	109,650
Expected Hotel Room Nights	25,000	21,706	20,414	20,317	3,975
Expected Economic Impact	$34,063,840	$25,971,991	$29,098,168	$17,135,127	$12,515,640

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MONTHLY KPI DASHBOARD REPORT

MAY 2024

BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

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Hotel Performance – May 2024

May Revenue		May Occupancy		May Demand		May Average Daily Rate		May RevPAR	
$25,990,652		60.5%		190,072		$136.74		$82.77	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
-7.9%	$28,225,733	-1.9%	61.7%	2.2%	185.902	-9.9%	$151.83	-11.6%	$93.65

Hotel Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Demand		YTD Average Daily Rate		YTD RevPAR	
$112,552,419		54.7%		832,039		$135.27		$74.00	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
6.8%	$105,363,793	1.1%	54.1%	-5.4%	879,207	12.9%	$119.84	14.1%	$64.83
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
22.8%	$91,629,336	0.9%	54.2%	-7.0%	895,102	32.1%	$102.37	33.4%	$55.46

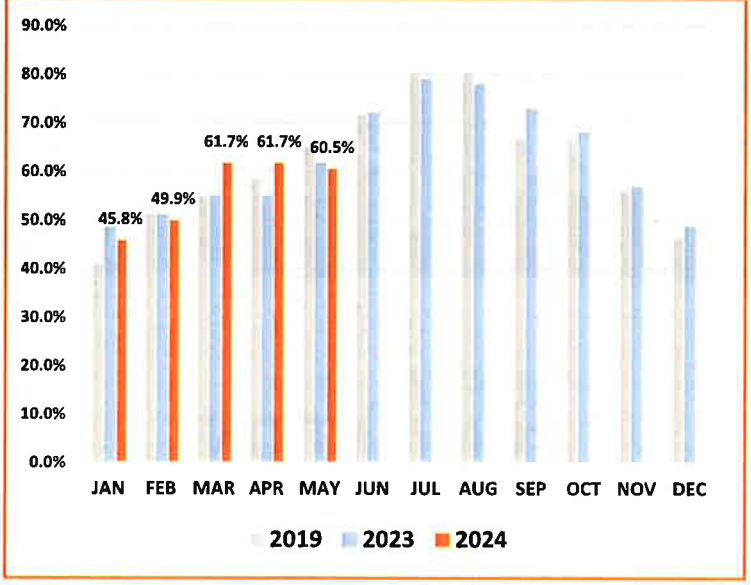
Short-Term Rental Performance – May 2024

May Revenue		May Occupancy		May Guest Check-Ins		May Average Daily Rate		May RevPAR	
$4,502,707		35.1%		9,371		$160.00		$56.00	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
22.6%	$3,643,729	15.1%	30.5%	25.3%	7,476	Null	$160.00	14.3%	$49.00

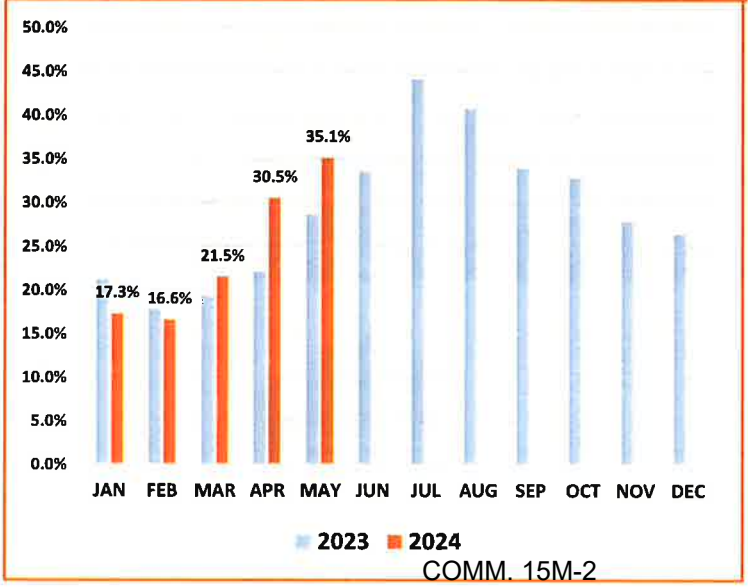
Short-Term Rental Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Guest Check-Ins		YTD Average Daily Rate		YTD RevPAR	
$16,493,902		31.1%		35,898		$142.00		$44.00	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
14.3%	$14,430,78	-19.4%	38.6%	12.3%	31,969	-4.7%	$149.00	-22.8%	$57.00

Hotel Occupancy – Monthly Comparison By Year



Short Term Rental Occupancy – Monthly Comparison By Year



Airport and Cross Border Traffic KPIs – May 2024

BUF Airport Passengers – May 2024

May Buffalo Niagara International Airport Passenger Traffic	
452,660	
Change	April 2024
30.8%	346,044

Cross Border Traffic – May 2024

May U.S. / Canada Cross Border Bridge Traffic	
397,952	
Change	April 2024
12.2%	354,593

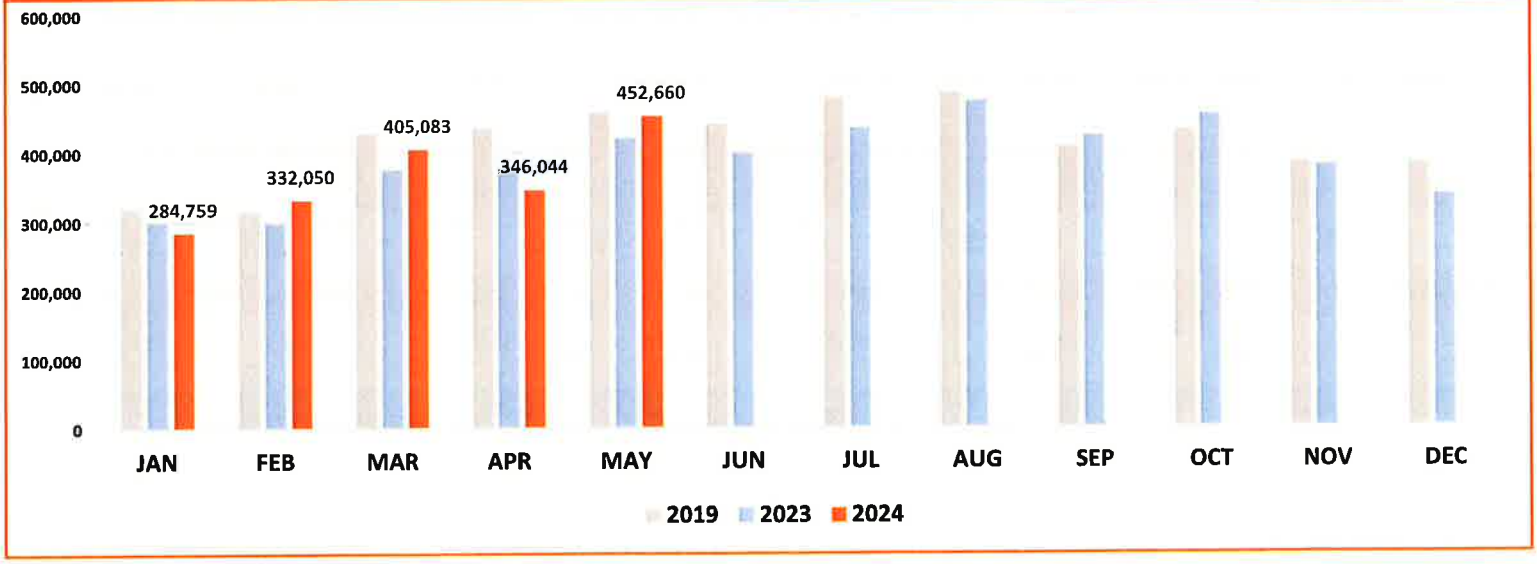
BUF Airport Passengers – May 2024

YTD Buffalo Niagara International Airport Passenger Traffic	
1,820,596	
Change	2023
2.7%	1,772,585
Change	2019
-7.0%	1,956,933

Cross Border Traffic – FY 2024 YTD

YTD Buffalo Niagara International Airport Passenger Traffic	
1,652,591	
Change	2023
14.5%	1,443,596
Change	2019
-8.7%	1,810,607

BUF Airport Passengers – Monthly Comparison By Year



Cross Border Traffic – Monthly Comparison By Year

Sales and Services KPIs– May 2024

Leads Generated Performance – May 2024

May Leads Generated		May Leads Room Nights		May Leads Attendance		May Leads Economic Impact	
59		24,576		58,504		$20,964,747	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
5.4%	56	-45.2%	44,862	100.2%	29,221	-33.3%	$31,422,838

Leads Generated Performance – FY2024 YTD

YTD Leads Generated		YTD Leads Room Nights		YTD Leads Attendance		YTD Leads Economic Impact	
256		160,365		189,587		$130,681,207	
Change	2023	Change	2023	Change	2023	Change	2023
13.8%	225	66.7%	96,180	119.8%	86,236	29.1%	$101,236,241

Definite Bookings Performance – May 2024

May Definite Bookings		May Definite Room Nights		May Definite Attendance		May Definite Economic Impact	
32		11,810		22,074		$9,399,309	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
Null	32	-37.8%	18,985	33.7%	16,507	-40.1%	$15,686,162

Definite Bookings Performance – FY2024 YTD

YTD Definite Bookings		YTD Definite Room Nights		YTD Definite Attendance		YTD Definite Economic Impact	
140		70,705		89,201		$59,737,592	
Change	2023	Change	2023	Change	2023	Change	2023
-7.9%	152	42.4%	49,653	39.9%	63,771	51.2%	$39,496,253

Events Held Performance – May 2024

May Events Held		May Events Held Hotel Rooms		May Events Held Attendance		May Groups Serviced	
19		5,190		15,007		8	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
8.0%	27	-44.9%	9,423	28.5%	11,675	-38.5%	13

Events Held Performance – FY2024 YTD

YTD Events Held		YTD Events Held Hotel Rooms		YTD Events Held Attendance		YTD Groups Serviced	
100		55,475		76,469		50	
Change	2023	Change	2023	Change	2023	Change	2023
11.1%	90	-3.9%	51,617	16.8%	65,471	-12.3%	57

Lost Business Leads – May

May Lost Business Leads	
11	
Change	April 2024
-56.0%	25

Lost Business Leads – FY YTD

YTD Lost Business Leads	
79	
Change	2023
2.6%	77

Partner Referrals – May

May Partner Referrals	
46	
Change	April 2024
318.2%	11

Partner Referrals – FY YTD

YTD Partner Referrals	
297	
Change	2023
No History	*New KPI*

MAYKETING AND COMMUNICATIONS KPIS – MAY 2024

WEBSITE TRAFFIC & VIDEO VIEWS PERFORMANCE – MAY 2024

MAY ENGAGED SESSIONS		MAY MOBILE SESSIONS		MAY WEBSITE VIEWS		MAY ALL VIDEO VIEWS		MAY SHARED SOCIAL POSTS	
117,263		76,785		336,908		596,562		184	
CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024
-31.7%	171,811	-34.5%	117,261	-58.2%	805,878	-78.3%	2,452,251	1.7%	181

WEBSITE TRAFFIC & VIDEO VIEWS PERFORMANCE – FY2024 YTD

YTD ENGAGED SESSIONS		YTD MOBILE SESSIONS		YTD WEBSITE VIEWS		YTD ALL VIDEO VIEWS		YTD SHARED SOCIAL POSTS	
594,614		389,338		1,999,162		4,659,136		905	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
43.5%	414,335	42.7%	272,899	45.6%	1,372,948	7.7%	4,326,437	1.9%	888

MEDIA RELATIONS PERFORMANCE – MAY 2024

MAY MEDIA PLACEMENTS		MAY MEDIA IMPRESSIONS		MAY MEDIA SOCIAL SHARES		MAY MEDIA TOUCHPOINTS		MAY MEDIA VISITS	
10		95,130,990		217		14		1	
CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024	CHANGE	APRIL 2024
-33.3%	15	-81.3%	507,992,933	-83.7%	1,330	-39.1%	23	Null	1

MEDIA RELATIONS PERFORMANCE – FY2024 YTD

YTD MEDIA PLACEMENTS		YTD MEDIA IMPRESSIONS		YTD MEDIA SOCIAL SHARES		YTD MEDIA TOUCHPOINTS		YTD MEDIA VISITS	
74		1,044,551,543		3,978		66		6	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
94.7%	38	-0.4%	1,048,249.597	58.9%	2,503	-10.8%	74	Null	6

SOCIAL MEDIA PLATFORM FOLLOWING PERFORMANCE – FY2024 YTD

YTD FACEBOOK		YTD X (TWITTER)		YTD INSTAGRAM		YTD TIKTOK	
102,112		29,901		86,991		28,628	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
1.0%	101,079	0.2%	29,822	40.2%	62,045	38.1%	20,726

Convention Center KPIs – May 2024

BCC Revenue Performance – May 2024

May Total Revenue		May Rent Revenue		May F&B Revenue		May Electrical Rev		May Other Revenue	
$341,055		$72,145		$264,850		$4,020		$40	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
-27.5%	$470,601	-14.4%	$84,262	-26.4%	$359,667	-84.9%	$26,552	-66.7%	$120

BCC Revenue Performance – YTD2024 YTD

YTD Total Revenue		YTD Rent Revenue		YTD F&B Revenue		YTD Electrical Revenue		YTD Other Revenue	
$21%75,685		$495,393		$1,573,116		$100,141		$7,035	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
30.5%	$1,666,811	17.6%	$421,418	47.9%	$1,063,713	36.9%	$73,171	-93.5%	108,479
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
7.7%	$2,020,543	4.3%	$474,926	8.7%	$1,447,746	3.6%	$96,664	482.9%	1,207

BCC Operations Performance – May 2024

May Total Events		May Conventions		May Meetings		May Banquets		May Cons/Public Shows	
11		3		2		5		1	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
-8.3%	12	-40.0%	5	Null	2	150.0%	2	200.0%	3

BCC Operations Performance – FY2024 YTD

YTD Total Events		YTD Conventions		YTD Meetings		YTD Banquets		YTD Cons/Public Shows	
46		14		11		13		8	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
31.4%	35	40.0%	10	22.2%	9	116.7%	6	800.0%	0
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
-16.4%	55	7.7%	13	-26.7%	15	-31.6%	19	Null	8

BCC Event Attendance – May 2024

May Total Event Attendance	
18,242	
Change	April 2024
103.9%	8,946

BCC Event Attendance – FY2024 YTD

YTD Total Event Attendance	
84,823	
Change	2023
-30.8%	122,590
Change	2019
-52.9%	179,947

BCC Days Occupied – May 2024

May Total Number of Days Occupied	
27	
Change	April 2024
-3.6%	28

BCC Days Occupied – FY2024 YTD

YTD Total Number of Days Occupied	
123	
Change	2023
9.8%	112
Change	2019
-1.6%	125

Convention Center KPIs – May 2024

BCC Revenue Dashboard – May 2024

May Total Leads		May Leads Generated by BCC		May Leads Generated by VBN		May Confirmed Bookings	
15		13		2		8	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
36.4%	11	44.4%	9	Null	2	Null	9

Sales Leads and Confirmed Booking Performance – FY2024 YTD

YTD Total Leads		YTD Leads Generated by BCC		YTD Leads Generated by VBN		YTD Confirmed Bookings	
59		42		17		59	
Change	2023	Change	2023	Change	2023	Change	2023
78.8%	33	68.0%	25	112.5%	8	7.3%	55

Sales Solicitation Calls and Lost Business Performance – May 2024

May Total Solicitation Calls		May Existing Client Calls		May New Client Calls		May Lost Business	
66		34		32		4	
Change	April 2024	Change	April 2024	Change	April 2024	Change	April 2024
29.4%	51	13.3%	30	52.4%	21	-50.0%	8

Sales Solicitation Calls and Lost Business Performance – FY2024 YTD

YTD Total Solicitation Calls		YTD Existing Client Calls		YTD New Client Calls		YTD Lost Business	
263		141		122		30	
Change	2023	Change	2023	Change	2023	Change	2023
-18.3%	312	17.5%	120	-36.5%	192	-11.8%	34

BCC Current and Future Booked Business – FY2024 YTD

	2019	2024	2025	2026	2027
Number of Events	138	109	71	46	27
Expected Attendance	249,975	160,446	212,872	148,962	109,650
Expected Hotel Room Nights	25,000	21,706	20,414	20,317	3,975
Expected Economic Impact	$34,063,840	$25,971,991	$29,098,168	$17,135,127	$12,515,640

Visit Buffalo Niagara Board of Directors

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Brooke Chavanne, Administrative Sales Assistant
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Buffalo Convention Center Staff

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Lorna Cullen, Office Manager
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Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petrino, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
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Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alishia Vega, Front Desk Receptionist

visit Buffalo Niagara

VISION:

To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Key Performance Indicator Report:

Cervis Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentus Technologies
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics
Zartico

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BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

visit Buffalo Niagara

MONTHLY KPI DASHBOARD REPORT

JUNE 2024

BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

Hotel & Short-Term Rental KPIs – June 2024

Hotel Performance – June 2024

June Revenue		June Occupancy		June Demand		June Average Daily Rate		June RevPAR	
$31,964,655		74.2%		225,445		$141.78		$105.19	
Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024
23.0%	$25,990,652	22.4%	60.5%	18.6%	190,072	3.7%	$136.74	27.1%	$82.77

Hotel Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Demand		YTD Average Daily Rate		YTD RevPAR	
$144,517,074		57.9%		1,057,484		$136.66		$79.19	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
6.2%	$136,039,460	1.4%	57.1%	-5.0%	1,112,753	11.8%	$122.25	13.5%	$69.80
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
23.0%	$117,484,318	1.4%	57.1%	-6.7%	1,133,866	31.9%	$103.61	33.8%	$59.17

Short-Term Rental Performance – June 2024

June Revenue		June Occupancy		June Guest Check-Ins		June Average Daily Rate		June RevPAR	
$6,449,576		45.2%		10,216		$180.00		$81.00	
Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024
43.2%	$4,502,707	28.8%	35.1%	9.0%	9,371	12.5%	160.00	44.6%	$56.00

Short-Term Rental Performance – FY2024 YTD

YTD Revenue		YTD Occupancy		YTD Guest Check-Ins		YTD Average Daily Rate		YTD RevPAR	
$22,302,378		32.9%		45,339		$151.00		$50.00	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
-14.5%	$26,091,531	-14.8%	38.6%	41.8%	31,969	-0.7%	$152.00	-19.3%	$62.00

Hotel Occupancy – Monthly Comparison By Year

Short Term Rental Occupancy – Monthly Comparison By Year

Airport and Cross Border Traffic KPIs – June 2024

BUF Airport Passengers – June 2024

June Buffalo Niagara International Airport Passenger Traffic	
460,513	
Change	May 2024
1.7%	452,660

Cross Border Traffic – June 2024

June U.S. / Canada Cross Border Bridge Traffic	
438,716	
Change	May 2024
10.2%	397,952

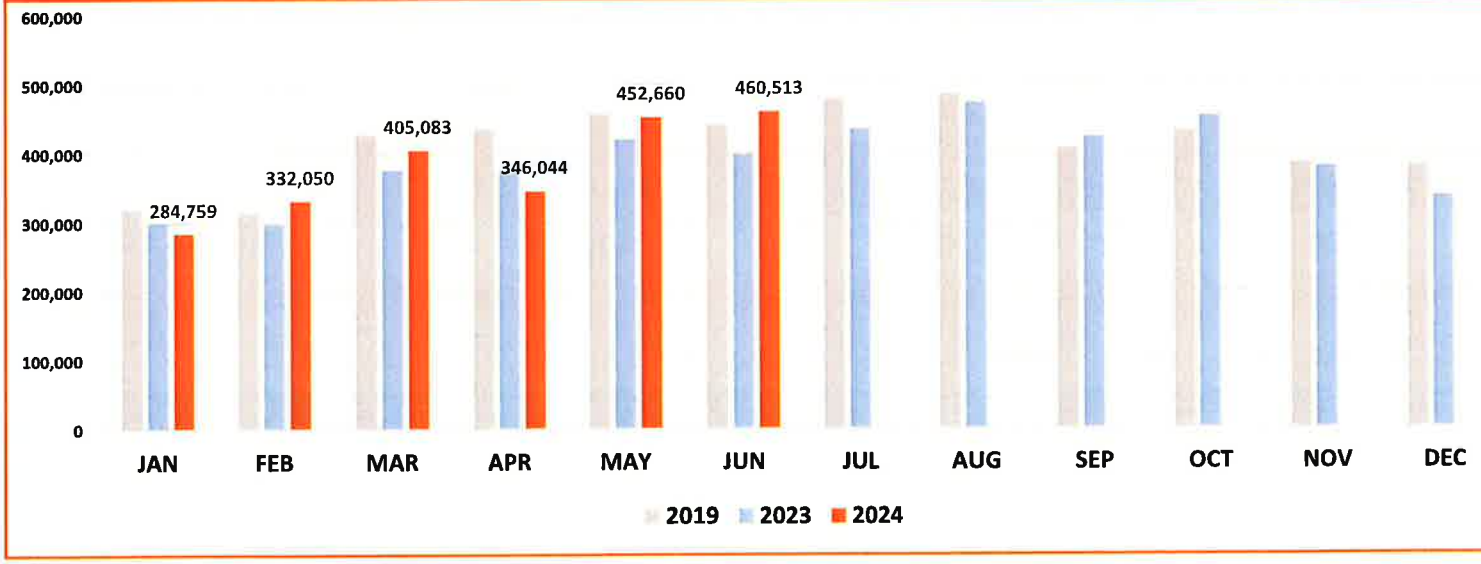
BUF Airport Passengers – June 2024

YTD Buffalo Niagara International Airport Passenger Traffic	
2,281,109	
Change	2023
5.1%	2,171,142
Change	2019
-4.9%	2,398,182

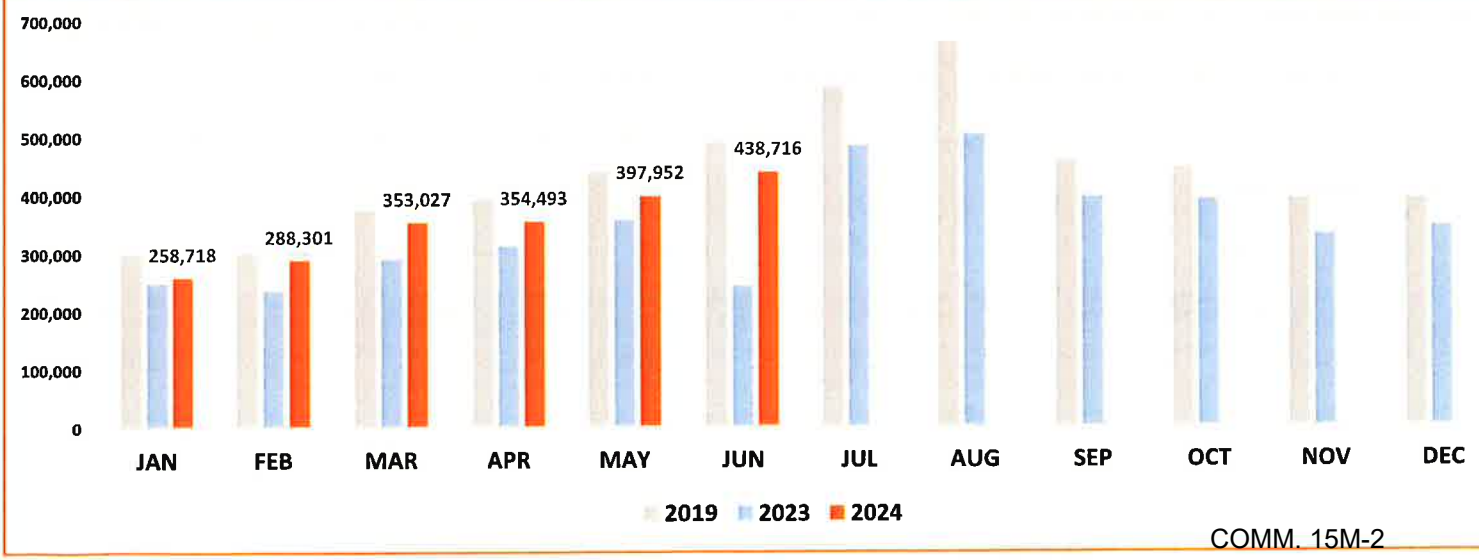
Cross Border Traffic – FY 2024 YTD

YTD Buffalo Niagara International Airport Passenger Traffic	
2,091,307	
Change	2023
24.0%	1,686,690
Change	2019
-9.1%	2,300,328

BUF Airport Passengers – Monthly Comparison By Year



Cross Border Traffic – Monthly Comparison By Year



Sales and Services KPIs– June 2024

Leads Generated Performance – June 2024

June Leads Generated		June Leads Room Nights		June Leads Attendance		June Leads Economic Impact	
34		9,932		8,814		$10,328,255	
Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024
-42.4%	59	-59.6%	24,576	-84.9%	58,504	-50.7%	$20,964,747

Leads Generated Performance – FY2024 YTD

YTD Leads Generated		YTD Leads Room Nights		YTD Leads Attendance		YTD Leads Economic Impact	
290		170,297		198,401		$141,009,462	
Change	2023	Change	2023	Change	2023	Change	2023
4.7%	277	24.3%	137,012	68.3%	117,872	10.3%	$127,881,782

Definite Bookings Performance – June 2024

June Definite Bookings		June Definite Room Nights		June Definite Attendance		June Definite Economic Impact	
24		10,775		17,102		$8,507,362	
Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024
-25.0%	32	-8.8%	11,810	-22.5%	22,074	-9.5%	$9,399,309

Definite Bookings Performance – FY2024 YTD

YTD Definite Bookings		YTD Definite Room Nights		YTD Definite Attendance		YTD Definite Economic Impact	
164		81,480		106,303		$68,244,954	
Change	2023	Change	2023	Change	2023	Change	2023
-8.9%	180	42.4%	57,233	41.0%	75,366	49.3%	$45,703,827

Events Held Performance – June 2024

June Events Held		June Events Held Hotel Rooms		June Events Held Attendance		June Groups Serviced	
31		15,268		167,915		19	
Change	May 2024	Change	May 2024	Change	May 2024	Change	May 2024
65.2%	19	194.2%	5,190	1018.9%	15,007	137.5%	8

Events Held Performance – FY2024 YTD

YTD Events Held		YTD Events Held Hotel Rooms		YTD Events Held Attendance		YTD Groups Serviced	
131		70,743		244,384		69	
Change	2023	Change	2023	Change	2023	Change	2023
10.1%	119	-1.8%	72,061	187.9%	84,879	-2.8%	71

Lost Business Leads – June

June Lost Business Leads	
8	
Change	May 2024
-27.2%	25

Lost Business Leads – FY YTD

YTD Lost Business Leads	
87	
Change	2023
13.9%	101

Partner Referrals – June

June Partner Referrals	
82	
Change	May 2024
78.2%	11

Partner Referrals – FY YTD

YTD Partner Referrals	
333	
Change	2023
No History	*New KPI*

JUNEKETING AND COMMUNICATIONS KPIS – JUNE 2024

WEBSITE TRAFFIC & VIDEO VIEWS PERFORMANCE – JUNE 2024

JUNE ENGAGED SESSIONS		JUNE MOBILE SESSIONS		JUNE WEBSITE VIEWS		JUNE ALL VIDEO VIEWS		JUNE SHARED SOCIAL POSTS	
136,766		93,646		410,963		492,229		168	
CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024
16.6%	117,263	22.0%	76,785	22.0%	336,908	-17.5%	596,562	-8.7%	184

WEBSITE TRAFFIC & VIDEO VIEWS PERFORMANCE – FY2024 YTD

YTD ENGAGED SESSIONS		YTD MOBILE SESSIONS		YTD WEBSITE VIEWS		YTD ALL VIDEO VIEWS		YTD SHARED SOCIAL POSTS	
731,380		482,984		1,214,364		5,151,365		1,073	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
42.5%	513,177	44.8%	333,634	-28.6%	1,700,009	-10.8%	5,774,360	-0.1%	1,074

MEDIA RELATIONS PERFORMANCE – JUNE 2024

JUNE MEDIA PLACEMENTS		JUNE MEDIA IMPRESSIONS		JUNE MEDIA SOCIAL SHARES		JUNE MEDIA TOUCHPOINTS		JUNE MEDIA VISITS	
14		450,290,868		293		6		4	
CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024	CHANGE	MAY 2024
40.0%	10	373.3%	95,130,990	35.0%	217	-57.1%	14	300.0%	1

MEDIA RELATIONS PERFORMANCE – FY2024 YTD

YTD MEDIA PLACEMENTS		YTD MEDIA IMPRESSIONS		YTD MEDIA SOCIAL SHARES		YTD MEDIA TOUCHPOINTS		YTD MEDIA VISITS	
88		1,494,842,411		4,271		72		10	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
83.3%	48	11.7%	1,337,948,533	28.2%	3,331	-23.4%	94	-61.5%	26

SOCIAL MEDIA PLATFORM FOLLOWING PERFORMANCE – FY2024 YTD

YTD FACEBOOK		YTD X (TWITTER)		YTD INSTAGRAM		YTD TIKTOK	
102,502		29,885		87,388		29,420	
CHANGE	2023	CHANGE	2023	CHANGE	2023	CHANGE	2023
2.1%	100,398	0.5%	29,750	27.0%	68,800	23.7%	23,775

Convention Center KPIs – June 2024

BCC Revenue Performance – June 2024

June Total Revenue		June Rent Revenue		June F&B Revenue		June Electrical Rev		June Other Revenue	
$470,601		$84,262		$359,667		$26,552		$120	
Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024
11.2%	$423,158	-49.2%	$165,910	58.2%	$227,364	-11.1%	$29,884	100.0%	$0.00

BCC Revenue Performance – YTD2024 YTD

YTD Total Revenue		YTD Rent Revenue		YTD F&B Revenue		YTD Electrical Revenue		YTD Other Revenue	
$1,834,630		$423,248		$1,308,266		$96,121		$6,995	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
29.5%	$1,416,238	15.0%	$368,173	50.8%	$867,275	32.9%	$72,351	-93.6%	$108,439
Change	2019	Change	2019	Change	2019	Change	2019	Change	2019
12.3%	$1,634,170	3.3%	$409,865	15.1%	$1,137,019	11.3%	$86,324	626.1%	$962

BCC Operations Performance – June 2024

June Total Events		June Conventions		June Meetings		June Banquets		June Cons/Public Shows	
12		5		2		2		3	
Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024
33.3%	8	-33.3%	2	100.0%	2	200.0%	3	Null	1

BCC Operations Performance – FY2024 YTD

YTD Total Events		YTD Conventions		YTD Meetings		YTD Banquets		YTD Cons/Public Shows	
35		11		9		8		7	
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
40.0%	25	37.5%	8	350.0%	2	-20.0%	10	40.0%	5
Change	2023	Change	2023	Change	2023	Change	2023	Change	2023
-14.6%	41	22.2%	9	-10.0%	10	-42.9%	14	-12.5%	8

BCC Event Attendance – June 2024

June Total Event Attendance	
8,946	
Change	June 2024
-66.9%	27,062

BCC Event Attendance – FY2024 YTD

YTD Total Event Attendance	
66,581	
Change	2023
-38,6%	108,470
Change	2019
-56.6%	152,969

BCC Days Occupied – June 2024

June Total Number of Days Occupied	
28	
Change	June 2024
16.7%	24

BCC Days Occupied – FY2024 YTD

YTD Total Number of Days Occupied	
96	
Change	2023
7.9%	89
Change	2019
-1.0%	97

Convention Center KPIs – June 2024

BCC Revenue Dashboard – June 2024

June Total Leads		June Leads Generated by BCC		June Leads Generated by VBN		June Confirmed Bookings	
11		9		2		8	
Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024
-30.7%	9	-33.3%	6	-25.0%	3	-50.0%	16

Sales Leads and Confirmed Booking Performance – FY2024 YTD

YTD Total Leads		YTD Leads Generated by BCC		YTD Leads Generated by VBN		YTD Confirmed Bookings	
44		29		15		51	
Change	2023	Change	2023	Change	2023	Change	2023
-18.5%	54	-23.7%	38	-6.3%	16	27.5%	40

Sales Solicitation Calls and Lost Business Performance – June 2024

June Total Solicitation Calls		June Existing Client Calls		June New Client Calls		June Lost Business	
51		30		21		8	
Change	June 2024	Change	June 2024	Change	June 2024	Change	June 2024
13.3%	45	50.0%	20	-16.0%	25	33.3%	6

Sales Solicitation Calls and Lost Business Performance – FY2024 YTD

YTD Total Solicitation Calls		YTD Existing Client Calls		YTD New Client Calls		YTD Lost Business	
197		107		90		26	
Change	2023	Change	2023	Change	2023	Change	2023
-16.5%	236	28.9%	83	-44.1%	161	4.0%	25

BCC Current and Future Booked Business – FY2024 YTD

	2019	2024	2025	2026	2027
Number of Events	138	116	87	48	29
Expected Attendance	249,975	162,065	225,687	162,062	116,950
Expected Hotel Room Nights	25,000	21,822	20,639	23,538	3,975
Expected Economic Impact	$34,063,840	$26,162,914	$30,964,741	$18,344,340	$13,191,640

Visit Buffalo Niagara Board of Directors

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Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
Kimberley A. Minkel, NFTA – Vice Chair
Thomas Long, The Westin Buffalo– Treasurer
Thomas Beauford, Buffalo Urban League - Secretary
Mary F. Roberts, Martin House - Immediate Past Chair

Directors:
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Melissa Brown, Buffalo History Museum
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Matt Chiazza, Reikart House
Anthony J.W. Chase, Buffalo State University
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Junek Glasgow, Erie County Legislature Majority Caucus Appointee
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William Paladino, Ellicott Development, Inc.
Steven Ranalli, Erie Canal Harbor Development Corporation
David Schutte, Schutte Hospitality Group
Don Spasiano, Trocaire College
Michelle Urbanczyk, Explore & More Children's Museum
Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens

Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
Jennifer Bialek, Executive Assistant to the CEO
Jo Ann Blatner, Industry Relations Assistant
Drew Brown, Marketing Manager
Michele Butlak, Accounting & Benefits Manager
Brooke Chavanne, Administrative Sales Assistant
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gelinas, Director Sports Development
Ed Healy, Vice President of Marketing
Nicklaus Householder, Destination Experience Specialist
Patrick Kaler, President & CEO
Michelle Kearns, Communications Manager
David Marzo, Chief Financial Officer
Leah Mueller, Director of Tourism Sales
Heather Nowakowski, Business Intelligence Manager
Kathryn Scaduto, Marketing and Social Media Specialist
Renata Toney, Vice President of Destination Experience
Nick Tronolone, Research and Operations Assistant
Marisa Urbano, Convention Services Coordinator
Lauren Vargo, Sports Services Manager
Meredith Walsh, National Sales Manager
Meaghan Zimmer, National Sales Director

Buffalo Convention Center Staff

Julie Brooks, Controller
Melissa Burke, Senior Director of Sales
Jeff Calkins, Vice President & General Manager
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kimmins, Sales and Catering Manager
Craig Landseadel, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Junek McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petrino, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alishia Vega, Front Desk Receptionist

visit Buffalo Niagara

VISION:
To be the most surprising destination you'll ever visit.

MISSION:
Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Key Performance Indicator Report:

Cervis Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentus Technologies
Sales Force Juneketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics
Zartico

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BUFFALO NIAGARA SPORTS COMMISSION

BUFFALO CONVENTION CENTER

BUFFALO CONVENTION CENTER

2024 Second Quarter Report

BUFFALO CONVENTION CENTER			
Q2 Revenue	**Goal**	**Actual**	**Variance**
Rent Revenue	$220,000	$235,959	7.25%
F&B Revenue	$780,406	$1,099,924	40.94%
Electrical Service	$34,000	$38,441	13.06%
Other Revenue	$400	$460	15.00%
TOTAL REVENUE	**$1,034,406**	**$1,374,783**	**32.85%**
YTD Revenue	**2024**	**2023**	**Variance**
Rent Revenue	$574,945	$486,585	18.16%
F&B Revenue	$2,048,523	$1,459,726	40.34%
Electrical Service	$108,010	$79,763	35.41%
Other Revenue	$7,335	$108,952	-93.27%
TOTAL REVENUE	**2,738,812**	**2,135,026**	28.28%
YTD Events	**2024**	**2023**	**Variance**
Number of Events	62	55	12.73%
Attendance	94,005	142,435	-34.00%

Comments Q2

Total Actual Revenues were up by $339,977 from the Goal Revenue in the second quarter. This significant increase is mainly due to an increase in food and beverage revenues as the result of several groups exceeding their F&B projections. These events include the International Aviation Snow Symposium ($80,283 over projection), ECMC Gala ($54,313 over projection) & the Retail Confectioners International Expo ($52,050 over projection).

Attendance continues to show a decrease over 2023 due to two of our largest shows, the Auto Show and The Home Show (which occurred in the first Quarter) since they used the Evolv security system upon entrance which provides an accurate count of attendees.

Q2 Major Events Hosted			
Month	**Event Name**	**Number of Attendees**	**Revenue**
April	Northeast Chapter AAAE – International Aviation Snow Symposium	846	$190,083
April	Insurance Club of Buffalo – 2024 I-Day	1,338	$88,788
April	The National Association of College & University Food Services – Spring Conference	255	$70,824
April	Varsity Brands LLC – 2024 Varsity Spirit US Finals Buffalo	2,243	$29,111
April	NUVO Productions LLC – Dance Convention	675	$26,408
May	New York Association of FFA – 2024 Annual Convention	2,100	$142,280
May	Unicorn World LLC – Unicorn World	3,604	$55,494
May	Area Labor Federation - AFL – CIO Dinner	430	$30,988
June	ECMC Foundation – Springfest Gala	1,767	$220,313
June	Retail Confectioners International – 2024 Annual Convention & Industry Expo	280	$98,630

June	Nickel City Comic Con Inc. – Nickel City Comic Con 2024	12,000	$57,263
June	New York Water Environment Association – Spring Meeting	300	$54,199
June	NAACP – 2024 Awards Dinner	600	$29,793
June	Niagara Frontier Volleyball – Northeast Point Series Championship	3,110	$27,771
June	Hispanics Heritage Council of WNY - Hispanics Heritage Breakfast	600	$12,120

Q2 Major Events Booked		
Year	**Event Name**	**Expected Revenue**
2024	Old World LLC – Brick Fest Live	$28,770
2024	Buffalo Common Council – Senior Ball	$24,500
2024	SABAH – Starlight Night Auction & Gala	$24,000
2024	Maximum Cheer, LLC - Maxout Buffalo	$21,350
2024	M&T Bank – Commercial Banking Regional Meeting	$15,250
2024	Housing Opportunities Made Equal -Annual Gala	$10,000
2025	Motorama Group LLC – Buffalo Motorama	$55,327
2025	The Society for College and University Planning (SCUP) -2025 North Atlantic Regional Conference	$38,354
2026	New York City Dance Alliance -02026 Annual	$43,380
2026	Center for Inquiry - 2026 Annual Conference	$32,512

Q2 Notable BCC Activities	
Date	**Program**
April	Participated in VBN/BCC Book Club Virtual Meeting
May	Site Inspection with Carolina Panthers
May	Attended IAVM in Indiana
May	Site Inspection with Revolution Elite Wrestling Tournament
June	Attended and Participated in ESSAE Tradeshow and Annual Meeting with VBN & hotel partners in Saratoga Springs
June	Attended the BNP Hob Nob Event
June	Site Inspection with I Love NY Sports FAM
June	Site Inspection with The General Council of the Assemblies of God- Bible Quiz
June	Jamie Flood, new Controller begins
Ongoing	Summer Intern joined the sales/service team
Ongoing	Wi-Fi upgrade design completed, work to be completed by November

Buffalo Niagara Convention & Visitors Bureau, Inc.

FINANCIAL STATEMENTS

JUNE 30, 2024 AND 2023

UNAUDITED

Approved at the Board of Directors Meeting on Wednesday July 31, 2024

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

FINANCIAL STATEMENTS

FOR THE SIX MONTHS ENDED JUNE 30, 2024 AND 2023

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Statement of Total Revenues	**Page 4**
Statement of Total Expenses	**Page 5-6**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
BALANCE SHEET
JUNE 30, 2024 AND 2023

UNAUDITED

	2024	2023
ASSETS		
Current assets:		
Cash and cash equivalents	$ 1,244,739	$ 3,624,116
Accounts Receivable - Erie County	2,250,000	-
Accounts Receivable - Trade	13,474	55,546
Grants Receivable	217,037	80,000
Prepaid expenses and supplies	142,301	159,543
Total current assets	3,867,551	3,919,205
Property and equipment, net	37,774	47,638
Right of Use Asset	174,375	-
Total assets	$ 4,079,700	$ 3,966,843
LIABILITIES AND NET ASSETS		
Current liabilities:		
Short-term borrowings	$ -	$ -
Accounts payable and accrued expenses	253,980	150,321
Accounts payable - Foundation	14,469	18,144
Deferred revenue - Other	54,100	72,700
Deferred revenue - Erie County Grant	2,270,000	1,933,220
SBA - EIDL Loan	138,550	142,056
Total current liabilities	2,731,099	2,316,441
Lease Liability	174,375	-
Net assets	1,174,226	1,650,402
Total liabilities and net assets	$ 4,079,700	$ 3,966,843

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
STATEMENT OF ACTIVITES
FOR THE SIX MONTHS ENDED JUNE 30, 2024 AND 2023

	Actual 6 Month(s) 06/30/24	Budgeted 6 Month(s) 06/30/24	$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2024	Actual 6 Month(s) 06/30/23
REVENUES	**$ 2,618,389**	**$ 2,623,691**	**$ (5,302)**	**-0.20%**	**$ 5,380,589**	**$ 2,233,793**
MARKETING DEPARTMENT EXPENSES	$ 800,911	$ 813,568	$ (12,657)	-1.56%	$ 2,099,318	$ 841,134
SALES & SERVICES DEPARTMENT EXPENSES	1,004,919	988,786	16,133	1.63%	1,987,698	942,006
DESTINATION DEVELOPMENT	252,138	240,941	11,197	4.65%	384,051	149,550
ADMINISTRATIVE & FINANCE EXPENSES	539,994	509,797	30,197	5.92%	975,287	527,070
RESEARCH DEPARTMENT EXPENSES	157,943	134,232	23,711	17.66%	259,235	-
TOTAL EXPENSES	**$ 2,755,905**	**$ 2,687,324**	**$ 68,581**	**2.55%**	**$ 5,705,589**	**$ 2,459,760**
INCREASE (DECREASE) IN NET ASSETS	**$ (137,516)**	**$ (63,633)**	**$ (73,883)**		**$ (325,000)**	**$ (225,967)**
NET ASSETS - BEGINNING	1,311,742	1,311,742	-		1,311,742	1,876,369
NET ASSETS - ENDING	**$ 1,174,226**	**$ 1,248,109**	**$ (73,883)**	**-5.92%**	**$ 986,742**	**$ 1,650,402**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL REVENUES

FOR THE SIX MONTHS ENDED JUNE 30, 2024 AND 2023

	Actual 6 Month(s) 06/30/24	Budgeted 6 Month(s) 06/30/24	$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2024	Actual 6 Month(s) 06/30/23
Erie County Grant	$ 2,250,000	$ 2,250,000	$ -	0.00%	$ 4,500,000	$ 1,926,030
Erie County - Theatre/ARP Act Grant	-	-	-	-	-	33,000
Advertising Sales	206,600	206,600	-	0.00%	206,600	151,580
Assessments - Convention	-	-	-	-	-	8,710
NYS Matching Funds Program	51,048	51,048	-	0.00%	51,048	47,532
Joint/Co-Op - Marketing	12,500	12,000	500	4.17%	37,000	18,500
Joint/Co-Op - Sales	14,484	14,000	484	3.46%	30,000	21,038
Joint/Co-Op - Destination Development	1,954	2,200	(246)	-11.18%	3,000	1,605
Grant Revenues	64,000	67,875	(3,875)	-5.71%	515,000	20,000
Interest Income	17,757	18,500	(743)	-4.02%	35,000	5,700
Miscellaneous Income	25	1,218	(1,193)	-97.95%	2,441	98
Merchandising Revenues - Conventions	21	250	(229)	-91.60%	500	-
Total Revenues	**$ 2,618,389**	**$ 2,623,691**	**$ (5,302)**	**-0.20%**	**$ 5,380,589**	**$ 2,233,793**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE SIX MONTHS ENDED JUNE 30, 2024 AND 2023

	Actual 6 Month(s) 06/30/24	Budgeted 6 Month(s) 06/30/24	$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2024	Actual 6 Month(s) 06/30/23
Personnel Costs:						
Salaries	$ 1,087,998	$ 1,056,756	$ 31,242	2.96%	$ 2,109,414	$ 953,992
Payroll Taxes & Fringe Benefits	192,705	204,045	(11,340)	-5.56%	407,165	167,942
Training	49,215	41,440	7,775	18.76%	72,000	28,423
Total Personnel Costs	**$ 1,329,918**	**$ 1,302,241**	**$ 27,677**	**16.16%**	**$ 2,588,579**	**$ 1,150,357**
Sales & Marketing Expenditures:						
Advertising	$ 253,360	$ 233,690	$ 19,670	8.42%	$ 1,085,910	$ 231,577
Convention Commitments	158,968	150,000	8,968	5.98%	295,000	74,000
Visitor Guide	137,302	150,000	(12,698)	-8.47%	154,200	150,762
Tradeshows	100,941	105,000	(4,059)	-3.87%	199,000	102,912
Printing	9,056	17,500	(8,444)	-48.25%	27,500	5,947
Postage	1,398	1,737	(339)	-19.52%	3,500	1,560
Sales Bids & Promotions	45,553	58,375	(12,822)	-21.96%	131,000	68,893
Convention Sales & Services	18,791	13,832	4,959	35.85%	36,000	7,981
Travel & Meetings	21,312	21,941	(629)	-2.87%	41,496	13,208
Receptions	-	14,000	(14,000)	-100.00%	35,000	18,158
Research	95,166	94,500	666	0.70%	185,004	89,341
Website Development/Hosting	64,883	44,478	20,405	45.88%	103,000	51,922
Familiarization Tours	23,050	19,030	4,020	21.12%	65,000	63,154
Professionl Fees & Public/Media Relations	31,125	28,002	3,123	11.15%	56,000	43,000
Freelance/Graphic Artist	36,023	16,795	19,228	114.49%	40,000	18,952
Regional Marketing	5,070	5,000	70	1.40%	5,000	8,031
Promotional Items	12,320	9,262	3,058	33.02%	19,500	6,152
Destination Development	135,323	114,263	21,060	18.43%	135,750	49,824
Film/Video/Photo Productions	12,928	25,000	(12,072)	-48.29%	35,000	37,215

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE SIX MONTHS ENDED JUNE 30, 2024 AND 2023

	Actual 6 Month(s) 06/30/24	Budgeted 6 Month(s) 06/30/24	$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2024	Actual 6 Month(s) 06/30/23
Photography	3,800	4,575	(775)	-16.94%	25,000	3,400
Social Networking/Wing Trail	1,871	2,100	(229)	-10.90%	5,000	3,104
Total Sales & Marketing Expenditures	$ 1,168,240	$ 1,129,080	$ 39,160	3.47%	$ 2,682,860	$ 1,049,093
Technology & Equipment	27,605	26,748	857	3.20%	46,000	29,455
Departmental Administrative Expenses	230,142	229,255	887	0.39%	388,150	230,855
Total Expenses	$ 2,755,905	$ 2,687,324	$ 68,581	2.55%	$ 5,705,589	$ 2,459,760

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-3	ASSIGNED COUNSEL PROGRAM	Financial Statements & Audit Reports

Attachments

24COMM. 15M-3

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director

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

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

EC LEG SEP 3 '24 AM10:15

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Anne Joynt
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First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

Lori A. Hoffman
Deputy for Quality Assurance

David Heraty
Deputy for Litigation Support
And Appellate Bureau

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

Kevin C. Condon
Deputy for Child Welfare

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.

August 19, 2024 Sent via email; hard copy mailed

Mark Cornell
Director, Budget & Management
Erie County Division of Budget & Management
1603 Rath Building
95 Franklin Street
Buffalo, NY 14202

Dear Mr. Cornell, Mark

I enclose for your reference a copy of our 2023 financial statements, prepared by an independent auditor. There was no need for a management letter, so none was provided.

I also enclose a detailed explanation from the auditor of the calculation of the amount due to the County of Erie. The amount owed back is $3,260,301. As discussed in our email which I have also attached for reference, please credit the $3,260,301 from our next quarterly payment from the County.

Finally, I enclose a copy of the independent auditor's Report on Applying Agreed-Upon Procedures for the past year.

Please feel free to contact me if you have any questions,

Very truly yours,

Michelle Parker

Michelle Parker
Executive Director/Chief Defender

MP:hpk

Encs.

cc: Robert Keating Olivia Owens 4
cc: ~~Robert Graber~~, Clerk of the Erie County Legislature
cc: Hope Keilman, CFO

EFPR GROUP, CPAs PLLC
6390 Main Street, S Flr 200
Williamsville, NY 14221
P 716.634.0700
TF 800.744.7556
F 716.634.0764
W EFPRgroup.com

August 15, 2024

Ms. Michelle Parker
Director/Chief Defender
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.
The Brisbane Building
403 Main Street, Suite 215
Buffalo, New York 14203

Dear Ms. Parker:

The following is the detail for the calculation of funds due to the County of Erie as reported in the Society's financial statements as of December 31, 2023. Note 4 to the financial statements reported the following:

Amounts returnable to the County of Erie from 2022	$ (104,484)
Amounts received from prior year receivable for State Aid to Defense Program	104,484
Current year receivable for State Aid to Defense Program	(104,484)
Amount reserved by the County of Erie in excess of future obligations of the Society for 2023	(3,260,301)
Amount returned to the County of Erie	-
Total amount due to the County of Erie	(3,364,785)
Less receivable for State Aid to Defense Program	104,484
Total due to the County of Erie	$ (3,260,301)

The total cash receipts received by the Society from the County of Erie amounted to $17,581,238. The total expenses for the contract, for the year ended December 31, 2023, were as follows:

Program Services - Aid to Indigent Prisoners Program	$ 13,122,148
Management and general	1,233,886
Total contract expenses	14,356,034
Add - fixed asset additions not paid with donor restricted funds	-
Less - depreciation and amortization	(35,097)
Net contract expenses	$ 14,320,937
Net contract expenses	14,320,937
Less - grant cash receipts	(17,581,238)
Total due to the County of Erie (as reported in Note 4 of the audited financial statements)	$ (3,260,301)

Please call me if you have any questions.

Very truly yours,

EFPR GROUP, CPAs, PLLC

Jennifer Kiblin, CPA
Partner

DEZ:

Hope Keilman

From: Cornell, Mark <Mark.Cornell@erie.gov>
Sent: Thursday, August 1, 2024 11:57 AM
To: Hope Keilman; Keating, Robert
Cc: Michelle Parker; Kajdasz, Kimberly; Cathcart, Robert
Subject: RE: Money owed back to Erie County for 2023
Attachments: Assigned Counsel Program 2021 Refund.pdf

Hope:

Correct. Invoice for the 1/4th budgeted amount. Then we'd need a credit memo package that would be pretty similar to this but without sending a physical check. The only real amendment to the letter would be to indicate the exact dollar figure owed back to the county and the request that this be credited against a future quarterly payment.

We'll then do a negative AP entry booked to GL423000 Refunds of Prior Years Expenditures (for Roberts notation).

--
Mark Cornell | Budget Director
Erie County | Division of Budget & Management
95 Franklin St., Room 1605 | Buffalo, NY 14202
P:+1(716)858-2920 | F:+1(716)858-8837
Mark.Cornell@erie.gov | http://www.erie.gov/budget

From: Hope Keilman <hope.keilman@assigned.org>
Sent: Thursday, August 1, 2024 11:50 AM
To: Cornell, Mark <Mark.Cornell@erie.gov>; Keating, Robert <Robert.Keating@erie.gov>
Cc: Michelle Parker <mparker@assigned.org>; Kajdasz, Kimberly <Kimberly.Kajdasz@erie.gov>; Cathcart, Robert <Robert.Cathcart@erie.gov>
Subject: RE: Money owed back to Erie County for 2023

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

Thank you Mark for that heads up, I appreciate it!

I will get that invoice out today – just to clarify, so I should request the original **full** amount for the 3rd qtr (without the credit) correct? And then you will send in the credit when I receive the Final Letter from the Auditor and send to you?

Hope Keilman
Chief Financial & Technology Officer
Erie County Bar Association Aid to Indigent Prisoners
Assigned Counsel Program
403 Main Street, Suite 215
Buffalo, NY 14203
716-856-8804, ext 218
hope.keilman@assigned.org

From: Cornell, Mark <Mark.Cornell@erie.gov>
Sent: Thursday, August 1, 2024 11:45 AM
To: Hope Keilman <hope.keilman@assigned.org>; Keating, Robert <Robert.Keating@erie.gov>
Cc: Michelle Parker <mparker@assigned.org>; Kajdasz, Kimberly <Kimberly.Kajdasz@erie.gov>; Cathcart, Robert <Robert.Cathcart@erie.gov>
Subject: RE: Money owed back to Erie County for 2023

Hope:

Thank you for the notice. I actually noticed yesterday that your 3rd quarter payment hadn't been goods receipted yet and was going to confirm with you/Robert Cathcart in Law whether or not you sent in an invoice.

So, I think our general preference is for the refund to be deducted from a future payment rather than sending checks in the mail back and forth. With that said, get your standard 3rd quarter invoice in as soon as possible because the Comptroller's Office is on about a 4 week delay with AP (that's why I was looking at this yesterday. I received a call from Legal Aid Bureau that they haven't received their payment yet and was looking for an update. It was GRed on 7/5/24 and still hasn't gone out).

Once we receive your audited financial letter on the refund amount as backup, we'll set up an AR and do a credit memo that will automatically deduct from whatever payment goes out (given the current AP delay, it may be this 3rd quarter, if not the 4th quarter).

--
Mark Cornell | Budget Director
Erie County | Division of Budget & Management
95 Franklin St., Room 1605 | Buffalo, NY 14202
P:+1(716)858-2920 | F:+1(716)858-8837
Mark.Cornell@erie.gov | http://www.erie.gov/budget

From: Hope Keilman <hope.keilman@assigned.org>
Sent: Thursday, August 1, 2024 10:06 AM
To: Keating, Robert <Robert.Keating@erie.gov>; Cornell, Mark <Mark.Cornell@erie.gov>
Cc: Michelle Parker <mparker@assigned.org>
Subject: Money owed back to Erie County for 2023

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

Good morning,

I have just received our Draft Audited Financial Statement for 2023 from our auditor (the Final will be approved at our August 14th board meeting). I wanted to give you a heads up on the money that will be owed back to Erie County and ask you if you want us to send the money back or have it deducted from our 3rd quarter payment request. I normally would have sent the request in on July 1st, but since I knew we were going to be owing money, I have waited to send that request in. We had discussed this sort of transaction during a previous meeting with you.

I can do whatever works best for the Comptroller's Office and Budget Office. The dollar amount is approximately $3,260,301 that we are paying back to the County for 2023. I have 30 days from the date of the final Financial Statement to send the money back to the County. I am prepared to do this in whatever way is best for the County. If the County would prefer payment as we have normally done, it would probably be best if I could send the large dollar amount through ACH.

Please let me know how we should proceed. We have a couple of weeks before our Board meeting, at which the Draft Financial Statements are approved. It usually takes a few days after that for the final statements to be delivered. Therefore, I am anticipating the transaction occurring the week of August 19th. The high dollar amount owed back was primarily due to the higher forecast of the 18-b rate increase vs. the reality of what was actually billed at the new rate.

Thank you for your assistance!

Hope Keilman
Chief Financial & Technology Officer
Erie County Bar Association Aid to Indigent Prisoners
Assigned Counsel Program
403 Main Street, Suite 215
Buffalo, NY 14203
716-856-8804, ext 218
hope.keilman@assigned.org

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Financial Statements

December 31, 2023 and 2022

(With Independent Auditors' Report Thereon)

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

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* * * * *

EFPR GROUP, CPAs
6390 Main Street, Suite 200
Williamsville, NY 14221
P 716.634.0700
TF 800.546.7556
F 716.634.0764
W EFPRgroup.com

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.:

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society), which comprise the statements of financial position as of December 31, 2023 and 2022, and the related statements of activities, functional expenses and cash flows for the years then ended, and the related notes to financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. as of December 31, 2023 and 2022, and the changes in its net assets and its cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Society and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Society's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and Government Auditing Standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and Government Auditing Standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audits.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audits in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Society's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audits.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated August 15, 2024, on our consideration of the Society's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Society's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Society's internal control over financial reporting and compliance.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 15, 2024

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statements of Financial Position
December 31, 2023 and 2022

Assets	2023	2022
Current assets:		
Cash and equivalents	$ 9,261,883	3,479,834
Grants receivable	4,701,238	4,475,432
Prepaid expenses	24,211	24,211
Total current assets	13,987,332	7,979,477
Right-of-use asset - operating lease	1,170,876	1,323,225
Property and equipment, at cost	400,232	388,976
Less accumulated depreciation	(311,666)	(276,569)
Net property and equipment	88,566	112,407
Total assets	$ 15,246,774	9,415,109
Liabilities and Net Assets		
Current liabilities:		
Accounts payable	9,934,211	7,375,883
Due to the County of Erie	3,260,301	-
Accrued expenses	236,406	194,497
Deferred revenue	125,159	75,000
Current installments of operating lease liabilities	159,242	152,349
Total current liabilities	13,715,319	7,797,729
Operating lease, net of current installments	1,011,634	1,170,876
Total liabilities	14,726,953	8,968,605
Net assets:		
Without donor restrictions	494,332	427,352
With donor restrictions	25,489	19,152
Total net assets	519,821	446,504
Contingency (note 11)		
Total liabilities and net assets	$ 15,246,774	9,415,109

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statements of Activities
Years ended December 31, 2023 and 2022

	2023	2022
Revenue:		
County of Erie:		
Aid to Indigent Prisoners Program	$ 14,320,937	9,169,256
State Aid to Defense Program	104,484	130,605
Indigent Legal Services	6,732,562	5,419,500
Total County of Erie	21,157,983	14,719,361
Other grants	219,029	27,500
Interest	98,708	8,504
Net assets released from donor restrictions	3,333	36,711
Total revenue	21,479,053	14,792,076
Expenses:		
Program services:		
Legal services	20,178,187	13,668,281
Supplemental programs	-	8,868
Total program services	20,178,187	13,677,149
Management and general	1,233,886	1,091,533
Total expenses	21,412,073	14,768,682
Change in net assets without donor restrictions	66,980	23,394
Change in net assets with donor restrictions:		
Revenue	9,670	28,370
Net assets released from donor restrictions	(3,333)	(36,711)
Change in net assets with donor restrictions	6,337	(8,341)
Total change in net assets	73,317	15,053
Net assets at beginning of year	446,504	431,451
Net assets at end of year	$ 519,821	446,504

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statement of Functional Expenses
Year ended December 31, 2023
with comparative totals for 2022

	Program Services				Total	
	Legal services	Supplemental programs	Total program services	Management and general	2023	2022
Legal:						
Attorney fees	$ 15,944,747	-	15,944,747	-	15,944,747	9,821,807
Experts, investigative and transcript fees	414,895	-	414,895	-	414,895	427,223
Total legal	16,359,642	-	16,359,642	-	16,359,642	10,249,030
Salaries	2,347,449	-	2,347,449	782,482	3,129,931	2,730,658
Payroll taxes and employee benefits	766,835	-	766,835	255,612	1,022,447	942,356
Temporary help	15,955	-	15,955	5,318	21,273	8,249
Insurance	16,160	-	16,160	5,387	21,547	18,529
Rent	168,159	-	168,159	56,053	224,212	226,983
Reproduction	6,855	-	6,855	2,285	9,140	15,423
Professional fees	160,852	-	160,852	53,616	214,468	193,466
Attorney recognition	-	-	-	-	-	8,868
Office expenses	18,950	-	18,950	6,317	25,267	28,601
Minor equipment	63,775	-	63,775	21,258	85,033	28,779
Postage	2,735	-	2,735	912	3,647	1,135
Telephone	29,633	-	29,633	9,878	39,511	37,015
Training	82,301	-	82,301	-	82,301	120,370
Legal publications	34,577	-	34,577	-	34,577	24,281
Depreciation	26,323	-	26,323	8,774	35,097	31,238
Miscellaneous	77,986	-	77,986	25,994	103,980	103,701
Total expenses	$ 20,178,187	-	20,178,187	1,233,886	21,412,073	14,768,682

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statement of Functional Expenses
Year ended December 31, 2022

	Program Services				
	Legal services	Supplemental programs	Total program services	Management and general	Total
Legal:					
Attorney fees	$ 9,821,807	-	9,821,807	-	9,821,807
Experts, investigative and transcript fees	427,223	-	427,223	-	427,223
Total legal	10,249,030	-	10,249,030	-	10,249,030
Salaries	2,047,994	-	2,047,994	682,664	2,730,658
Payroll taxes and employee benefits	706,767	-	706,767	235,589	942,356
Temporary help	6,187	-	6,187	2,062	8,249
Insurance	13,897	-	13,897	4,632	18,529
Rent	170,237	-	170,237	56,746	226,983
Reproduction	11,567	-	11,567	3,856	15,423
Professional fees	145,100	-	145,100	48,366	193,466
Attorney recognition	-	8,868	8,868	-	8,868
Office expenses	21,451	-	21,451	7,150	28,601
Minor equipment	21,584	-	21,584	7,195	28,779
Postage	851	-	851	284	1,135
Telephone	27,761	-	27,761	9,254	37,015
Training	120,370	-	120,370	-	120,370
Legal publications	24,281	-	24,281	-	24,281
Depreciation	23,429	-	23,429	7,809	31,238
Miscellaneous	77,775	-	77,775	25,926	103,701
Total expenses	$ 13,668,281	8,868	13,677,149	1,091,533	14,768,682

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statements of Cash Flows
Years ended December 31, 2023 and 2022

	2023	2022
Cash flows from operating activities:		
Change in net assets	$ 73,317	15,053
Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities:		
Depreciation	35,097	31,238
Changes in:		
Grants receivable	(225,806)	(1,339,791)
Accounts payable	2,558,328	1,213,253
Due to the County of Erie	3,260,301	(161,302)
Accrued expenses	41,909	15,454
Deferred revenue	50,159	75,000
Net cash provided by (used in) operating activities	5,793,305	(151,095)
Cash flows from investing activities - additions to furniture and equipment	(11,256)	(38,080)
Net change in cash and equivalents	5,782,049	(189,175)
Cash and equivalents at beginning of year	3,479,834	3,669,009
Cash and equivalents at end of year	$ 9,261,883	3,479,834
Supplemental schedule of cash flow information:		
Cash paid for amounts included in measurement of lease liability - operating lease payments	$ 152,349	141,953
Lease assets obtained in exchange for lease liabilities - operating leases	$ -	1,465,178

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements
December 31, 2023 and 2022

(1) Summary of Significant Accounting Policies

(a) Nature of Activities

Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society) was incorporated in 1962 as a nonprofit membership corporation administered under the Erie County Bar Association. The Society was formed to give legal assistance and provide representation in criminal matters to needy persons residing, or charged with a crime, within the County of Erie (the County), State of New York, in accordance with County Law, Section 722.

The Society is funded by three County programs: the Aid to Indigent Prisoners Program, State Aid to Defense Program, and Indigent Legal Services.

Funding for administrative and legal expenses is provided through annual agreements between the Society and the County.

(b) Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

(c) Basis of Presentation

The Society reports information regarding its financial position and activities according to two classes of net assets: net assets without donor restrictions and net assets with donor restrictions. Net assets of the Society and changes therein are classified and reported as follows:

Net assets without donor restrictions - Net assets that are not subject to donor-imposed stipulations and may be used for any purpose designated by the Society's Board of Directors.

Net assets with donor restrictions - Net assets subject to donor-imposed stipulations that may or will be met either by actions of the Society and/or the passage of time.

(d) Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

(e) Cash and Equivalents

For purposes of reporting cash flows, cash and equivalents includes money market accounts and any highly liquid debt instruments purchased with a maturity of three months or less.

(1) Summary of Significant Accounting Policies, Continued

(f) Concentration of Credit Risk

Financial instruments that potentially subject the Society to concentrations of credit risk consist principally of cash and cash equivalents accounts in financial institutions. The Society maintains cash and cash equivalents at financial institutions which periodically may exceed federally insured limits (FDIC); however at the end of each day, funds are transferred to numerous banks in amounts less than the FDIC limits to ensure all funds are fully collateralized at the end of the day. At December 31, 2023 and 2022, the Society's cash and cash equivalents were fully collateralized.

(g) Capitalization and Depreciation

Property and equipment are recorded at cost. If donors stipulate how long the assets must be used, the contributions are recorded as support with donor restrictions. In the absence of such stipulations, contributions of property and equipment are recorded as support without donor restrictions. Depreciation is provided for in amounts sufficient to relate the cost of depreciable assets to operations over their estimated service lives using the straight-line method. Improvements are capitalized, while expenditures for maintenance and repairs are charged to expense as incurred. Upon disposal of depreciable property, the appropriate property accounts are reduced by the related costs and accumulated depreciation. The resulting gains and losses are reflected in the statements of activities. The estimated useful life of assets are as follows:

Improvements	15 years
Furniture	7 years
Equipment	5 years

(h) Grants and Contributions

Grant awards accounted for as exchange transactions are recorded as revenue when expenditures have been incurred in compliance with the grant restrictions. Amounts unspent are recorded in the statements of financial position as deferred revenue.

The Society is the recipient of grants that require expenditure for specified activities before the Society is reimbursed by the grantor for the costs incurred. Documentation showing actual costs expended is included when submitting reports for reimbursement. Certain grantors pay in advance of incurring the specified costs; in those cases, the amount received in excess of amounts spent on reimbursable costs is reported as deferred revenue.

Contributions (including nonfinancial assets) that are restricted by the donor are reported as increases in net assets without donor restrictions if the restrictions expire (that is, when a stipulated time restriction ends or purpose restriction is accomplished) in the reporting period in which the revenue is recognized. All other donor restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statements of activities as net assets released from restrictions.

(1) Summary of Significant Accounting Policies. Continued

(i) Receivables and Credit Losses

The Society's receivables are primarily derived from grant income. At each statement of financial position date, the Society recognizes an expected allowance for credit losses. This estimate is calculated on a pooled basis where similar characteristics exist and individually when there are no shared characteristics.

The allowance method is derived from a review of the Society's historical losses based on an aging of receivables. Historical losses have been consistent. This estimate is adjusted for management's assessment of current conditions, forecasts of future events, and other factors deemed relevant risk factors. As a result, management has determined that no allowance for credit losses is necessary.

The Society writes off receivables when there is information that indicates that there is no possibility of collection. If any recoveries are made from any accounts receivable previously written off, they will be recognized in revenue. There were no write-offs for the years ended December 31, 2023 and 2022.

(j) Subsequent Events

The Society has evaluated subsequent events through the date of the accompanying report which is the date the financial statements were available to be issued.

(k) Income Taxes

The Society is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code (IRC), therefore, no provision for income taxes is reflected in the financial statements. The Society has been classified as a publicly supported organization that is not a private foundation under Section 509(a) of the IRC. The Society presently discloses or recognizes income tax positions based on management's estimate of whether it is reasonably possible or probable that a liability has been incurred for unrecognized income taxes. Management has concluded that the Society has taken no uncertain tax positions that require adjustment in its financial statements. U.S. Forms 990 filed by the Society are subject to examination by taxing authorities.

(l) New Accounting Policies

At the beginning of 2023, the Society adopted Accounting Standards Codification 326, Financial Instruments - Credit Losses (Topic 326) Measurement of Credit Losses on Financial Statements, as amended, which modifies the measurement of expected credit losses on certain financial instruments, including grants receivable, and requires organizations to measure all expected credit losses for financial instruments based on historical experience, current conditions, and reasonable and supportable forecasts for collectability. The Society adopted this new standard utilizing the modified retrospective transition method. The adoption of this Standard did not have a material impact on the Society's financial statements.

(2) Liquidity

The Society has $13,963,121 of financial assets available within one year of the statements of financial position date to meet cash needs for general expenditures, consisting of $9,261,883 of cash and equivalents and $4,701,238 of grants receivable. Of these financial assets, $25,489 are subject to donor or contractual restrictions for the attorney training program. The remaining financial assets are for general expenditures within one year of the statements of financial position date.

(3) Grants Receivable

The Society has grant contracts with the County of Erie for the State Aid to Defense Program (ATD), Indigent Legal Services (ILS), New York State Division of Criminal Justice Services (DCJS) and a contract with Niagara County. At December 31, 2023, the amount due to the Society amounted to $4,701,238 ($104,484 for ATD, $8,362 for NYS/DCJS, $4,578,950 for ILS and $9,442 for Niagara County). At December 31, 2022, the amount due to the Society amounted to $4,475,432 ($104,484 for ATD, $4,361,781 for ILS and $9,167 for Niagara County). Grants receivable have been deemed fully collectible based on management's evaluation.

(4) Due to the County of Erie

The amount due to the County at December 31, 2023 and 2022 is summarized as follows:

	2023	2022
Amount returnable to the County to fund the future obligations of the Society	$ (104,484)	(239,665)
Amounts received from prior year receivable for State Aid to Defense Program	104,484	78,363
Current year receivable for State Aid to Defense Program	(104,484)	(104,484)
Amount returned to the County	-	161,302
Amount reserved by the County in excess of the future obligations of the Society	(3,260,301)	-
	(3,364,785)	(104,484)
Receivable for State Aid to Defense Program	104,484	104,484
Total due to the County	$ (3,260,301)	-

(5) Accounts Payable

The Society's accounts payable balance is based partly on estimates of vouchers not submitted as of year-end, other accounts payable which consist of normal recurring trade payables and amounts due to attorneys for vouchers submitted. A summary of the two types of accounts payable at December 31, 2023 and 2022 is as follows:

	2023	2022
Accounts payable	$ 2,992,062	1,812,091
Accounts payable - vouchers not submitted	6,942,149	5,563,792
Total accounts payable	$ 9,934,211	7,375,883

The Society estimates the "accounts payable - vouchers not submitted" balance as follows:

(a) A calculation is made of the historical average cost, over at least the past two years, of each case having a particular initial charge, using the most serious of multiple charges which may be pending against a client.
(b) The average time for completion of cases with each such charge is calculated using the same information base.
(c) The historical average cost for each charge, as calculated above, is applied to each unvouchered open case at year-end.
(d) A percentage of completion is calculated for each outstanding voucher using the date of assignment of the outstanding voucher as compared to the average time of completion, as calculated above.
(e) For each unvouchered open case at year-end, the historical average cost is multiplied by the percentage of completion. The sum of each of these calculations represents accounts payable for all cases for which the attorney has not yet submitted a voucher.

(6) Net Assets With Donor Restrictions

Net assets with donor restrictions amounted to $25,489 and $19,152 at December 31, 2023 and 2022, respectively, and consists of funds restricted for the attorney training program and the attorney reception.

(7) Retirement Plans

The Society provides retirement benefits for employees through a tax deferred annuity plan and a simplified employee pension (SEP) plan. The tax deferred annuity plan is available to all employees and is funded through a salary reduction of the participating employee. The SEP plan includes all employees who work at least 20 hours per week and requires that the Society contribute 10% of the employees' annual salary. Participants of both plans are fully vested from their first day of participation in the plans. Pension plan costs amounted to $306,308 and $270,550 for the years ended December 31, 2023 and 2022, respectively.

(8) Economic Dependency

Substantially all of the Society's funding is dependent upon contracts with the County. The loss of these contracts would have a material adverse effect on the operations of the Society.

(9) Related Party Transactions

Certain members of the Board of Directors of the Society, who are attorneys, are also involved in providing services to the Society, through representation of assigned indigent prisoners, for which they receive payment consistent with the guidelines specified in the contracts with the County. Payments to these Board members amounted to $959,426 and $661,851 for the years ended December 31, 2023 and 2022, respectively.

(10) Right-of-Use Assets - Lease Liabilities

The Society leases building space for program services at 403 Main Street Buffalo, NY under an operating lease and has elected the practical expedient not to separate lease and nonlease components for all lease transactions. The building lease includes options to extend the lease term, and options to terminate the lease and the vehicle lease includes an option to purchase. The Society only includes these options in the measurement of the lease assets and liabilities when it believes these options are reasonably certain of being exercised. The Society also has certain leases that contain variable lease payments and leases with terms less than 12 months. The Society has elected to recognize these lease expenses on the straight-line basis or when incurred. The leases provide for monthly payments of various amounts through December 31, 2029. The lease assets and liabilities were calculated using the risk-free discount rate at the later of lease inception or period of adoption, unless explicitly stated, in accordance with the Society's accounting policies. Additional information about the Society's leases are as follows:

	2023	2022
Lease expenses:		
Operating lease:		
Program services	$ 152,250	149,414
Management and general	50,750	49,804
	203,000	199,218
Variable payments:		
Program services	21,212	24,700
Management and general	6,626	8,233
	27,838	32,933
Total lease expense	$ 230,838	232,151

(10) Right-of-Use Assets - Lease Liabilities. Continued

	2023	2022
Weighted Averages:		
Remaining lease term - operating lease	6.00 years	7.00 years
Discount rate - operating lease	4.11%	4.11%

The aggregate maturity of the lease payments under ASC 842 for the five years following December 31, 2023 and thereafter is as follows:

	Operating
2024	$ 203,000
2025	223,299
2026	223,299
2027	223,299
2028	223,299
Thereafter	223,299
	1,319,495
Less unamortized discount	(148,619)
Total lease liability	$ 1,170,876

	2023	2022
Lease liability:		
Operating lease:		
Current installments	$ 159,242	152,349
Noncurrent installments	1,011,634	1,170,876
Total lease liability	$ 1,170,876	1,323,225

(11) Contingency

The County may perform periodic audits of the Society and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such questioned costs could lead to reimbursement to the County. Management believes that it would be able to provide support acceptable to the County and that any disallowances would not be material.

(12) Functional Expenses

The Society's purpose is to give legal assistance and provide representation in criminal matters to needy persons residing, or charged with a crime, within the County of Erie and County of Niagara, State of New York, in accordance with County Law, Section 722. All expenses related to these services have been allocated to program services with the exception of certain administrative expenses. Salaries and benefits are allocated among program and support services based on time and effort. Office and other expenses are allocated based on direct usage.

EFPR GROUP, CPAs
6390 Main Street, Suite 200
Williamsville, NY 14221

P 716.634.0700
TF 800.546.7556
F 716.634.0764
W EFPRgroup.com

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

The Board of Directors
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, the financial statements of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society), which comprise the statement of financial position as of December 31, 2023, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to financial statements, and have issued our report thereon dated August 15, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Society's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control. Accordingly, we do not express an opinion on the effectiveness of the Society's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Society's financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Society's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Society's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Society's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 15, 2024

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS
SOCIETY, INC.

Independent Accountants' Report On
Applying Agreed-Upon Procedures

As of and for the year ended December 31, 2023

EFPR GROUP, CPAs
6390 Main Street, Suite 200
Williamsville, NY 14221
P 716.634.0700
TF 800.546.7556
F 716.634.0764
W EFPRgroup.com

INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

The Board of Directors
Erie County Bar Association Aid to Indigent
Prisoners Society, Inc. and the County of Erie:

We have performed the procedures enumerated below on Erie County Bar Association Aid to Indigent Prisoners Society, Inc.'s (the Society) compliance with their agreement with the County of Erie as of and for the year ended December 31, 2023. The Society's management is responsible for compliance with the requirements of their agreement with the County of Erie.

The Society has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of their compliance with their agreement with the County of Erie. Additionally the County of Erie has agreed to and acknowledged that the procedures performed are appropriate for their purposes. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. We obtained and reviewed the agreement between Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society) and the County of Erie (the County).

   FINDING - No exceptions were noted as a result of applying this procedure.

2. We reviewed a sample of vouchers to ascertain that the Society is charging $60 per hour with a maximum of $2,400 to private counsel for legal representation of a person charged with a misdemeanor or lesser offense and no felony prior to April 1, 2023 and that post April 1, 2023, the Society is charging $158 per hour for all legal representation, with a maximum of $10,000.

   FINDING - No exceptions were noted as a result of applying this procedure.

3. We reviewed a sample of vouchers to ascertain that the Society is charging $75 per hour with a maximum of $4,400 to private counsel for legal representation in all other cases governed by County Law Article 18-B prior to April 1, 2023 and that post April 1, 2023, the Society is charging $158 per hour for all legal representation, with a maximum of $10,000.

   FINDING - No exceptions were noted as a result of applying this procedure.

4. We ascertained that expenditures of County funds were separately accounted for and expended to promote the County purpose underlying the agreement.

   FINDING - No exceptions were noted as a result of applying this procedure.

5. We ascertained that the Society furnished to the County Comptroller and the County's Budget Director any independent auditors' report made for the Society, within thirty days after receipt of the report.

   FINDING - No exceptions were noted as a result of applying this procedure.

6. We ascertained that the Society refunded to the County within ninety days of the Society's independent auditors' report any unused amount of monies paid to the Society.

   FINDING - No exceptions were noted as a result of applying this procedure.

7. We ascertained that the Society filed with the Clerk of the Erie County Legislature on July 10, 2023 and January 11, 2024 a membership list, a full financial report, including sources and uses of funds, and minutes of each meeting held during the preceding six months. The memorandum of agreement states that the reports be filed before January 1st and July 1st of each calendar year.

   FINDING - No exceptions were noted as a result of applying this procedure.

8. We ascertained that the Society submitted to the Erie County Attorney, for filing with the Erie County Legislature, quarterly reports showing the disposition and status of the County funds provided for indigent defense, including all appropriations, and denoting which attorneys have received such funds for their services.

   FINDING - No exceptions were noted as a result of applying this procedure.

9. We ascertained that the Society provided the Erie County Attorney with the required State Aid Voucher, together with the back-up documentation, so as to enable the County to obtain State reimbursement under the Indigent Parolee Program.

   FINDING - No exceptions were noted as a result of applying this procedure.

10. We reviewed the Society's requirement to maintain records with respect to the "Attorney of the Day," including amount of compensation paid, the number of hours and days the attorneys are so assigned and the number of indigent defendants represented thereby.

    FINDING - No exceptions were noted as a result of applying this procedure.

11. We ascertained that the Society's use of County funds was limited to expenses such as salaries, fringe benefits, rent, utilities, office supplies and equipment and educational programs and services.

    FINDING - No exceptions were noted as a result of applying this procedure.

We were engaged by the Society to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the Society's compliance with their agreement with the County of Erie. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Society and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Society and the County of Erie and is not intended to be, and should not be, used by anyone other than those specified parties.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 15, 2024

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-4	NYS DEC	Public Notice of Brownfield Cleanup Program Application

Attachments

24COMM. 15M-4

EC LEG AUG 6 '24 PM1:06

Notice and language identification chart to be mailed to those on contact list included in the BCP Application:

Public Notice

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from 4780 Sheridan Drive LLC for a site known as Former Gleason's Nursery, site ID #C915407. This site is in the Town of Amherst within the County of Erie, and is located at 4774 & 4780 Sheridan Drive.

Access the application and other relevant documents online through the DECinfo Locator: https://www.dec.ny.gov/data/DecDocs/C915407/. The documents also are available at the document repositories located at Willamsville Branch Library, 5571 Main Street, Williamsville, NY 14221 and Buffalo & Erie County Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Joshua Vaccaro at NYSDEC, 700 Delaware Avenue, Buffalo, NY 14209; via email at Joshua.vaccaro@dec.ny.gov or by calling 716-541-9657. All comments must be submitted by **August 30, 2024**.

Site information can be viewed by entering the site ID noted above at: http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at: https://nydecprod.prod.acquia-sites.com/environmental-protection/site-cleanup/regional-remediation-project-information/environmental-cleanup-email-newsletters.

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 550 contaminated sites statewide and incentivized redevelopment. There are more than 650 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: https://nydecprod.prod.acquia-sites.com/environmental-protection/site-cleanup/brownfield-and-state-superfund-programs/brownfield.

NEW YORK STATE | Department of Environmental Conservation

Kathy Hochul, Governor | Basil Seggos, Commissioner www.dec.ny.gov

Translation Available. Don't see your language? Ask!

English	To have this document translated into a language you can understand, contact the person below. There is no charge for the translation.
Español **Spanish**	Si necesita la traducción de este documento a un idioma que pueda entender, comuníquese con la persona indicada abajo. La traducción es gratis.
简体字 **Simplified Chinese**	如需將此文件翻譯成您能理解的語言版本，請聯絡下方人員。本次翻譯不收取費用。
Русский **Russian**	Чтобы получить перевод этого документа на понятный вам язык, свяжитесь с представителем, данные которого указаны ниже. Плата за эту услугу не взимается.
אידיש **Yiddish**	צו האבן די דאקומענט איבערגעטייטשט אין א שפראך וואס איר קענט פארשטיין, פארבינדט זיך מיט די פערזאן אונטן. די איבערטייטשונג איז פריי פון אפצאל.
বাঙালি **Bengali**	এই নথিটি আপনি বুঝতে পারেন এমন একটি ভাষায় অনুবাদ করতে, নিম্নলিখিত ব্যক্তির সাথে যোগাযোগ করুন। অনুবাদের জন্য কোন চার্জ দিতে হবে না।
한국어 **Korean**	이 언어를 본인이 이해할 수 있는 언어로 받아보려면 아래 담당자에게 문의하십시오. 번역료는 없습니다.
Kreyòl Ayisyen **Haitian Creole**	Pou yo ka tradwi dokiman sa nan yon lang ou ka konprann, kontakte moun ki anba a. Ou p'ap peye anyen pou tradiksyon an.
Italiano **Italian**	Per ottenere la traduzione di questo documento in un'altra lingua, contatti la persona indicata qui di seguito. La traduzione è gratuita.
العربية **Arabic**	لترجمة هذا المستند إلى لغة يمكنك فهمها، تواصل مع الشخص أدناه. لا يتم تطبيق رسوم مقابل الترجمة.
Języky Polski **Polish**	Aby uzyskać tłumaczenie tego dokumentu na język, który jest dla Ciebie zrozumiały, skontaktuj się z poniższą osobą. Za tłumaczenie nie jest pobierana żadna opłata.

Contact: Joshua Vaccaro, 716-541-9657, Joshua.vaccaro@dec.ny.gov

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-5	NYS DEC	Public Meeting Notice - Air State Facility Permit Modification

Attachments

24COMM. 15M-5

EC LEG SEP 5 '24 AM10:17

YOU ARE INVITED

Virtual Public Meeting
September 16, 2024 at 7 PM
Air State Facility Permit Modification

Alkegen (formerly Unifrax Corporation) has submitted an application to the New York State Department of Environmental Conservation (NYSDEC) for modification to is current Air State Facility (ASF) permit for the Pirson Plant at 55 Pirson Parkway, Tonawanda, NY. A Public Participation Plan has been developed in accordance with NYSDEC Commissioner Policy 29, Environmental Justice, NYSDEC Program Policy DEP 24-1, and Permitting (CP-29). The purpose of this meeting is to inform the public about the project and to involve the community during the ASF permit modification application review process.

To Join Online
Click the following link or QR code:
https://alkegen.com/6886-2/
Meeting ID:
233 909 324 095
Passcode:
yJDhbX

To Call-in Using a Phone
Dial in using the following number:
+1 860-785-9453
When prompted, enter the Meeting ID:
851 777 459#

Agenda:
- Project Overview
- Background
- Scope of work
- Project schedules
- Community Impacts
- Questions and Answers

Your Attendance is Important!

Project personnel will be available to answer questions from the community. For additional information on the proposed project:

- Contact: Ana Keefe by phone at (716) 389-2701 or by email at AlkegenPirsonComment@alkegen.com
- Visit the repository at: https://tinyurl.com/AlkegenAirPermit

Contact the project liaison to request reasonable accommodation for a disability or interpreter services in a language other than English, so that you can participate in the call and/or to request a translation of any of the event documents into a language other than English.

Air State Facility Permit Modification Fact Sheet

- **Project:** Air State Facility Permit Modification
- **Applicant:** Alkegen (formerly Unifrax Corporation) [Unifrax]
- **Facility:** Unifrax 1, 55 Pirson Parkway, Tonawanda, NY 14150
- **NYSDEC Application Number:** 9-1464-00323
- **A Public Participation Plan (PPP) has been developed in accordance with NYSDEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29), and DEP 24-1**

What is the Proposed Project?

The Proposed Project will incorporate certain changes, including increased operational time on three existing production lines. This increased operating time will allow the applicant to hire 23 full-time employees, in addition to benefiting other potential downstream hirings and local economic benefits through contractors and other third-parties. To implement the proposed project, Unifrax submitted an application for a major modification to its current Air State Facility (ASF) permit to the New York State Department of Environmental Conservation (NYSDEC) to modify various operational conditions required by the current ASF permit to meet the goals of increased production while ensuring ongoing compliance at all three production lines. Alkegen has already taken several actions to improve the pollution control equipment and has done a comparative analysis to show that the equipment used to reduce the amount of contamination leaving the Facility is the best technology available and that the proposed increase in emissions is within what NYSDEC guidance deems an acceptable range. The purpose of this fact sheet is to inform the public about the proposed project and to involve the community during the NYSDEC permit application review process.

Why does Unifrax Corporation need to modify its Air State Facility Permit?

Unifrax is seeking increased operational time for its three production lines to be able to address increased production quotas for Original Equipment Manufacturers (OEMs).

How might the project affect the surrounding community?

The proposed action and permitting decision would have potential environmental and economic impacts to the local community. Alkegen's current air permit allows the Facility to operate three production lines for a certain number of days each year. Air from these production lines is treated with equipment designed to remove as much air contamination as possible. The restriction of operating days is in place to keep emissions of certain air contaminants below the NYSDEC's standard emission values beyond the Facility's property. The proposed action would allow the Facility to operate all three production lines for more days each year. The production lines already exist, so no additional construction is required, which means no additional downstream environmental impacts would occur. This proposed action would have potential impacts to air quality in so much as the operations would be running for longer periods and producing additional emissions, but no other related environmental impacts, such as increased vehicular traffic or noise. The proposed action would increase the emissions of air contaminants from the Facility; however, the potentially impacted area does not contain any residential properties, schools, adult or childcare facilities, churches, or recreational facilities. Air from the production lines is treated with equipment designed to remove as much air contamination as possible. In addition, Alkegen has made numerous equipment and process improvements intended to further limit air emissions. A positive economic impact on the community would be realized if the Proposed Project is approved. Approximately 23 new, well-paying, full-time skilled trades and staff jobs would be added. Other potential local benefits include downstream hiring by companies that service and support the Facility including contractors and third-party service and material vendors.

How can I participate in the permit review process?

- Attend the upcoming virtual public meeting scheduled for September 16, 2024 at 7 PM to learn about the project, ask questions and/or express concerns about the project.
- Ask questions, express concerns, provide input or submit by comments in writing, by phone or email to the project contact person identified below.

Where can I get more information about the proposed project?

- Visit the online document repository at: https://tinyurl.com/AlkegenAirPermit or visit the City of Tonawanda Public Library (333 Main St., Tonawanda, NY) to obtain application materials, relevant documents, and information about the project.
- Contact Ana Keefe by phone at: (716) 389-2701, by email at: AlkegenPirsonComment@alkegen.com or in writing at: 55 Pirson Parkway, Tonawanda, NY 14150 for information on the project, instructions on how to attend the upcoming virtual public meeting, or to find out about the status of the permit application and public comment period.

Who is responsible for reviewing the Permit Application?

- NYSDEC Region 9 Headquarters, 700 Delaware Avenue, Buffalo, NY 14209, is responsible for reviewing and issuing the required permits. Tel: (716) 851-7165; email: DEP.R9@dec.ny.gov

Erie County Legislature
Meeting Date: 09/12/2024

SUBJECT

COMM. 15M-6	ASSEMBLYMAN PAT BURKE	Request to Present Proposal on Energy Costs

Attachments

24COMM. 15M-6

Letter from the office of

New York State Assemblyman Pat Burke

142nd District - South Buffalo, Lackawanna, Orchard Park, West Seneca

TO: Chair Timothy J. Meyers

EC LEG SEP 6 '24 PM3:10

FROM: Assemblyman Pat Burke

RE: Energy Costs

DATE: Sep 5, 2024

Dear Erie County Committee Chair Timothy J. Meyers,

I am writing to request the opportunity to present my proposal for municipal power before your committee on September 19th, 2024. Considering the recent NYSEG electricity rate increases, our constituents are facing significant financial strain, and it is essential that we explore solutions. My proposal aims to explore bringing municipal energy back to Erie County, offering a more affordable and sustainable alternative.

This proposal will require collaboration at both the state and county levels to ensure we can provide clean, renewable energy at a more affordable price. By giving consumers an alternative energy option, we can foster a more competitive market and fight current price gouging. I would appreciate the opportunity to present further details and discuss this proposal during the upcoming Erie County Energy and Environment Committee meeting.

Thank you for your consideration, and I look forward to the opportunity to engage with you on this critical issue.

Best Regards,
Assemblyman
Pat Burke AD142