

WAYS AND MEANS
COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday May 7, 2008.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Brian Beedenbender - Vice-Chairman
Legislator Cameron Alden
Legislator Lynne Nowick
Legislator Vivian Vilorio-Fisher

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Tim Laube - Clerk of the Legislature
Barbara LoMoriello - Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Gail Lolis - County Attorney
Legislator Montano - 9th Legislative District
Bob Martinez - Aide to Legislator Montano
Christine Malafi - Suffolk County Attorney
Lance Reinheimer - BRO
Ivan Young - Suffolk County BOE

Debra Alloncius - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:09 A.M.*)

CHAIRMAN D'AMARO:

Good morning, Ladies and Gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. I'm going to ask that you join us in the Pledge of Allegiance, please rise, led by Legislator Lynne Nowick.

SALUTATION

CHAIRMAN D'AMARO:

Okay. Last week, we had a discussion on a bill that's been pending in this committee for several cycles, and that is Bill Number 1033-2008, which is a Local Law to establish a prompt contracting policy for not-for-profit organizations. That bill sets some specific deadlines as to when either new contracts or renewed contracts or contracts that are required throughout the year must be executed by the County and the parties involved.

What we're doing today, and I appreciate everyone's cooperation in coming down today is we're going to try to explore a little bit what that contract policy is, how the contracts are done on a day to day basis. I mean, after all, the goal here that we all share is that we want to, after the budget is passed in November by the County and signed into law by the County Executive, we want to get those contracts out and signed as soon as possible, and, of course, we want the payments to be made under those contracts as soon as possible. So what I'd like to do today is try and explore that procedure a little bit, maybe highlight some of the problems that folks are having when they go through that contract procedure and see if we can maybe resolve some of those problems today as well.

And with that, I'd like to then turn to our agenda and ask the first person who's been asked to come up today and speak to us, which would be Louise Hamlet, Director of the Wyandanch Day Care Center, and she represents Suffolk day care centers here today before the Ways and Means Committee. Louise, are you here?

MS. HAMLET:

I'm here.

CHAIRMAN D'AMARO:

Okay. Why don't you come on up, please.

MS. HAMLET:

Go to the podium.

CHAIRMAN D'AMARO:

You can go to the podium or you can sit at the table, whatever you prefer. We're going to ask that you take that microphone and speak into it so everyone in the room can here what you have to say. And if you can start off by stating your full name for the record, tell us who you are representing today, including yourself, of course, and your organization. And then we can get into your contracting procedures and the experience you have with Suffolk County.

MS. HAMLET:

Sure. Good morning to you again, Legislator D'Amato and Members of the Ways and Means Committee, and good morning to the audience. My name is Louise Hamlet, and I'm the Executive Director of the Wyandanch Day Center, one of the first structures built for child care in Suffolk County. We're entering our 40th year of continuous services. I have been the Executive Director for the past 28 years.

And some of the negative experiences that we are having in terms of prompt reimbursements of

Suffolk County Department of Social Services has left a tremendous strain and burden on us as providers of quality services. We are not-for-profit; we provide day care for 217 children from six weeks. We have a toddler program, preschool and school-aged program. It has been a nightmare so to speak. There has been no meeting of the minds. And some of my board members have said that it seems to be a mean spirit that should not be there in terms of cooperating and providing care of children most in need of services, at-risk children so to speak.

I want to take this opportunity to thank you and the Ways and Means Committee for giving us the opportunity to come together as one, because we do have common ground, which are children and the welfare and safety of children and see if we can resolve some of these issues, because a resolution is truly a win-win for everybody. And as it is now, it's a losing game for childcare providers and children of our County.

I thank you. And I've given you chronological events of issues that spoke for itself. And when you have time, if you have a moment to look at it, you will see these are unresolved issues that go back for years. Thank you so much.

CHAIRMAN D'AMARO:

Ms. Hamlet, thank you. And I think you stated it extremely well and very eloquently that we all have the common goal of making sure that we provide for children. And, you know, the Legislature did pass a bill recently requiring the prompt payment under the daycare contracts.

What we're here today to focus on is how quickly you get your contract and how quickly it is sent to you, reviewed, signed, what the requirements are in order for you to get the contract, what submissions are required to the County of Suffolk in order to move the procedure along. And could you take a few minutes and just tell us your experience with not getting paid under the contract, but getting to contract itself?

MS. HAMLET:

My experience has been a very negative one and a very nightmare situation in that we always submit our monthly billings on time or before the due time. And the reimbursement has been so late, sometimes, if you look in there, over a year, six to eight months. And what business can operate in such a fashion.

CHAIRMAN D'AMARO:

That would be you're getting paid, and that is, of course, a very important issue. And as I said, we tried to address that. How about getting your signed contract?

MS. HAMLET:

The contract? The contract comes to us very late.

CHAIRMAN D'AMARO:

Okay. Are you in contract for this year?

MS. HAMLET:

I just signed it, and it's going all through the different routes and what not.

CHAIRMAN D'AMARO:

Okay. So you just signed off on your contract with the County, what, this week, last week, recently?

MS. HAMLET:

No. Last month, the end of last month. April.

CHAIRMAN D'AMARO:

The end of April. Okay. All right. And can you tell us just how soon after the New Year did you get that contract? Was it -- what was required for you to submit in order for you to receive the

contract? I mean, just give is a little bit of a highlight of what you need to go through to contract with Suffolk County.

MS. HAMLET:

What is requires to come into compliance with a contract for Suffolk County you have to submit your liability insurance, you have to -- they give you three contracts, and you have to have that reviewed with your Board of Directors, which takes some time, and then you have to submit that in terms -- they're looking to see you're viable to conduct a business with them. And then it goes through different procedures. And that contract, as I said, is still floating around. Mine is the second signature on it.

CHAIRMAN D'AMARO:

Do you recall when you first received the proposed contract for this year?

MS. HAMLET:

I received the proposed contract I say some time in March.

CHAIRMAN D'AMARO:

Are you sure about that?

MS. HAMLET:

I'm not sure. Probably some time in March.

CHAIRMAN D'AMARO:

That's what you recall?

MS. HAMLET:

Yes.

CHAIRMAN D'AMARO:

And where did that contract come from, do you recall?

MS. HAMLET:

Suffolk County Department of Social Services, the Accounting Department.

CHAIRMAN D'AMARO:

All right. And is this contract that you received the first one you've ever signed with Suffolk County, or is this a renewal?

MS. HAMLET:

Well, it's a renewal, so to speak.

CHAIRMAN D'AMARO:

And the renewal -- how many contracts -- how many years have you been contracting with Suffolk County?

MS. HAMLET:

Thirty-nine and a half years.

CHAIRMAN D'AMARO:

Are you sure about the half?

MS. HAMLET:

Yes.

CHAIRMAN D'AMARO:

Okay. All right. And when your contract came to you this year some time in March, as best as you can recall, were the submissions required to get the contract or to go through the contract the same from year to year, or have they changed?

MS. HAMLET:

I have noticed in the past few years, the submissions, which is called the rate page, that has changed. And they have on that rate page a sentence that speaks to reimbursing providers of child care who use the daily rate at one-fifth. I have sought to resolve that problem, and it remains an open issue. I don't know what they mean by it, because the day care is open Monday through Friday from 7 a.m. to 6 p.m. We deliver services to children, and I believe that we should be reimbursed for the services that have been delivered.

CHAIRMAN D'AMARO:

I've just been informed by my colleagues who are more experienced on this matter than I am, and it seems to me that you really -- you're a fee-for-service, you voucher your services to the County, you don't really get a contract from Social Services; is that correct?

MS. HAMLET:

No.

CHAIRMAN D'AMARO:

No? Okay.

MS. HAMLET:

We have a contract that we have to sign.

CHAIRMAN D'AMARO:

You do?

MS. HAMLET:

And then we voucher for services. But you do sign a contract. You must be a contracted agency in order to submit that voucher.

CHAIRMAN D'AMARO:

I see. So you do sign a contract, but it's a somewhat different contract than --

MS. HAMLET:

A yearly contract.

CHAIRMAN D'AMARO:

-- what we do with the other contract vendees.

MS. HAMLET:

Yes.

CHAIRMAN D'AMARO:

All right. Is there anything else you would like to add at this point?

MS. HAMLET:

I would just like to add that I'm hopeful that some people would be here from the accounting service so that we would have an opportunity to address the issues that I have presented to you and bring some resolution so that we can continue to deliver services to at-risk children.

CHAIRMAN D'AMARO:

Okay. We also -- I'm going to ask you to stay right there. Legislator Viloría-Fisher has some questions.

LEG. VILORIA-FISHER:

Thank you, Mr. Chairman. Thank you, Ms. Hamlet, for coming here today.

MS. HAMLET:

Good morning, Legislator Fisher. How are you?

LEG. VILORIA-FISHER:

Good to see you. I had received correspondence from your office at my office, and I also received correspondence from one of my constituents who's -- who has been very aware of the details of the prompt payment resolution that we passed.

MS. HAMLET:

Yes.

LEG. VILORIA-FISHER:

And at that point, you were late. This was, in February, you were both rather late. I did call Social Services, and I was told that there had been conversations with your organization as well as the Tutor Time that had contacted me and that there had been a glitch with the system, with the Kinder-Track or Kinder-Care System and that that was being rectified. Did you get -- have they caught up with you at all with that glitch?

MS. HAMLET:

I wish to respond to you categorically, and as I said, that's why we took out time and prepared a chronological chain of events. It speaks for itself. There have been no conversations until the issue was brought before the Legislature. And you can see by the timing -- I don't have my glasses with me -- can I just get my glasses?

LEG. VILORIA-FISHER:

Well, I haven't had time to go through these numbers that are right here today.

MS. HAMLET:

But I don't have my glasses.

LEG. VILORIA-FISHER:

Sure. You can get your glasses.

CHAIRMAN D'AMARO:

And while Ms. Hamlet is doing that, I just want to note for the record that -- which I failed to do at the beginning, I apologize -- Legislator Montano is also with the committee this morning. Legislator Montano is the sponsor of the bill under discussion.

MS. HAMLET:

Thank you so much for permitting me to get my glasses. As I said, I've placed a package in your hands, and it's a chronologically billing events.

LEG. VILORIA-FISHER:

Is that the page that says, "summary of uncollected jobs billing"?

MS. HAMLET:

Exactly. You have it?

LEG. VILORIA-FISHER:

Then you have lists, which are individual students. And, Mr. Chair, with the way this works, the

voucher goes with the child. That's why it's different from the other contract agencies.

MS. HAMLET:

Correspondence to resolve these issues was initiated by Wyandanch Day Care Center on 1/24/07. And then you see wherein Suffolk County Department of Social Services, they have been more responsive 2/06/07. And you go down the list, you can see that there was no real good-faith effort to meet and to solve the issues. It's like a snapshot. I made a snapshot for you, very detailed. So when you have an opportunity, it speaks for itself loud and clear.

LEG. VILORIA-FISHER:

Okay. Thank you. Well, make sure that your Legislator receives this and that you can have continued conversations, specific -- because it is law right now that you should be receiving payment within 30 days unless there's an issue that's interfering with the flow of that money coming to you. So it's important that your Legislator get this and be in contact. And I'll be in touch with him as well.

MS. HAMLET:

I thank you so much.

LEG. VILORIA-FISHER:

Thank you for being here.

CHAIRMAN D'AMARO:

Thank you, Legislator Viloría-Fisher. Also, Legislator Brian Beedenbender has some questions.

LEG. BEEDENBENDER:

Hi, Ms. Hamlet. Considering that 39 and a half years, you afford us an opportunity to get some real historical perspective. So my question for you, has this been a problem? And you've been the Executive Director for 28 years you said, right?

MS. HAMLET:

Yes.

LEG. BEEDENBENDER:

Has this been a problem for 28 years?

MS. HAMLET:

Not in the beginning.

LEG. BEEDENBENDER:

Okay.

MS. HAMLET:

But then in the past, I'd say, ten years, the situation began to get very muddy and very complex and very messy. So it appears to me to be a structural thing that the quality of services coming from Suffolk County Department of Social Service has been eroding.

LEG. BEEDENBENDER:

You say it's about -- about the past ten years.

MS. HAMLET:

Yes.

LEG. BEEDENBENDER:

Okay. Thank you.

MS. HAMLET:

Thank you so much.

CHAIRMAN D'AMARO:

Thank you, Legislator Beedenbender. Legislator Alden.

LEG. ALDEN:

Brian caught the gist of what I wanted to ask. But in the past ten years, has there been a consistency with who you dealt with? Has it been the same person over the past ten years or the same group of people?

MS. HAMLET:

No, it has not. And Wyandanch Day Care Center and our Legislator, Elie Mystal, before that, prior to that it was Legislator Maxine Postal, we had initiated meetings with the Commissioner, and the meetings went absolutely nowhere.

LEG. ALDEN:

Okay. That answers the question. Thank you.

MS. HAMLET:

You're welcome.

CHAIRMAN D'AMARO:

Thank you, Legislator Alden. Are there any other questions from any Legislators. Ms. Hamlet, I thank you for coming down and helping us with this. We are trying to resolve these issue that you have. As Legislator Viloría-Fisher did note, we did pass legislation that hopefully will help you to resolve some of the issues you spoke to us today about. And with that, if there's nothing else you would like to add at this time, I'm going to ask you to take your seat. I'm going to call the next person on the agenda to come on up and talk to us about their experience. And that would be Judy Pannullo, Executive Director of Suffolk Community Council, Inc.

MS. HAMLET:

Again, I thank you on behalf of Wyandanch Day Care Center, Board of Directors, children, families.

CHAIRMAN D'AMARO:

Thank you.

MS. PANNULLO:

I'm going to ask that Erica Chase sit with me, because we're working together.

CHAIRMAN D'AMARO:

And Ms. Chase is Director of Smart Government for Strong Families Coalition.

MS. PANNULLO:

Good morning. Thank you for allowing me to speak this morning. The Suffolk Community Council is an umbrella agency of health and human service agencies. We've actually been in business for 75 years this year. And we've always worked closely with the elected officials of the Legislature and the County Executive's team in a mutual partnership serve better the community.

And so I just wanted to give you a history of the work that the council has been doing on the issue of contracting. We actually call it smart contracting, rather than prompt contracting, and hopefully, it will be that. In 2003, when Steve Levy became the new County Executive, I served on the transition team and was the co-chair of the Health and Human Service Committee, then we recommended the speeding up of the whole process.

That year, the same year, 2003, DSS Commission DeMarzo made a presentation on the grant

process for the health and human services. So we knew that the administration was really looking into this. In 2004, the Suffolk Community Council sent out a survey to all of our member agencies, we have 200 member agencies, most of whom contract with the government, to see what the majority of the complaints were. The majority of the complaints were the delays. And then we started meeting with Paul Sabatino about the contracting issues; this is back in 2004. In one meeting, there were 20 department heads also leading me to believe that the County Executive was really concerned about this issue and trying to work with us.

In '05, I met with Paul Sabatino, Christine Malafi about some of the changes to the complaints about the fact that we weren't able to charge rent on our vouchers. And things were changed as long as it was really pertaining to the contract and for the good of the County, if rent was needed it was allowed. So there were some changes. We then began meeting in the same year, 2005, with United Way working with trying to find out ways to work better, because United Way had been on prompt contracting with New York City.

In 2006, we came up with several requests; one was a duplication -- reduction of duplications of documents from the agencies. We suggested that perhaps it might work to either put on the Suffolk Community Council's website or the United Ways website the constant forms that are needed, whether it's proof of insurance, the 501(C)3, you know, the incorporation papers, that type of thing. We also made some suggestions that it's such a difficult process to do a budget modification; it has to be done before September, and any changes at all, you have to go through a whole process. And we said maybe if it was \$5000, that you could move it from one area to other without having to ask permission or if it were 5%.

We also suggested that rather than getting permission any time you change a person on the contract that it would be easier to just bypass that whole thing and not, you know, wait for permission from the County as long as it wasn't the executive director, but for maintenance and for staff and that type of thing, to not have to get permission. And so -- but those things didn't really come to be. They said that that couldn't actually work. At one point, we were allowed to have a position released, but not all the departments recognized it. So it was -- it was sort of an unclear thing.

This year, January 3rd, the County Executive, Christine Malafi, Connie Corso all came and gave a presentation at the Dennison Building, and they promised to speed up the whole process. In 2007, the Suffolk Community Council asked for several member agencies to give us the first page of their contract, and that has all of the dates that the signatures -- the dates of the signatures; there's four, in some cases, three. And so we could track how long it took just from that sampling. And we've begun to do the same thing for this year, and it's clear that the process is much faster this year.

For the Suffolk Community Council, we have three contracts, we already have two, which is much faster than last year. I have asked my member agencies if they have had any problems. I have not heard from anyone that there have been problems. But that doesn't mean that there isn't, and this is why I've asked Erica to come, because she is working more directly and specifically on this.

Also, in 2007, the Suffolk Community Council joined with health and welfare councils, smart growth -- Smart Government for Strong Families, and they're working exclusively on this. So I just wanted to sort of give you a history of where -- how we got to this point and that it's really an issue that is very important to all of our members agencies. You know, payment is so different -- the child care thing is so different, we need a contract first before we can be paid. Once we have a contract, the payment doesn't take that long. So it's getting that contract in hand that is so important. And so I'm going to turn it over Erica Chase who is the Director of the Smart Government for Strong Families Coalition.

CHAIRMAN D'AMARO:

Good morning.

MS. CHASE:

Good morning. My name is Erica Chase. My duty is that I'm the Director of Smart Government for Strong Families Coalition. I started directing this coalition in August of '08 -- I'm sorry -- August of '07. When it started January '07, there were ten member agencies that came together as the coalition's Steering Committee to look at the issues surrounding the contracting process.

Since then, we have grown to 75 members representing \$55 million in County contracts. I want to -- before I start with this, I'd like to get some clarification as far as the child care contracting process. It is very, very different. As you said -- one of the colleagues have told you that, so I don't want to confuse their contracting process with the contracting process that's in place for non-for-profit's health and human services agencies. Their process goes directly through the Department of Social Services and the Child Care Unit. It is more of a function of whether or not they are safe and following State regulations as to providing the child care services.

So the contracting process with the non-for-profit community, health and human service sector and the County I'll speak to about now. When the Smart Government for Strong Families Coalition started, we came up with a mission and some goals to work toward. One of the goals is to strengthen the delivery system for the services the County purchases through the contracts they enter with their non-for-profit partners. The other goal is to work in partnership with the Suffolk County Legislators and the administration to streamline contract processes to ensure an efficient and effective system that will be put into place now and in the future under new leadership.

These goals will be achieved through the development of a health and human service contracting system, which maximizes the effective use of public funds and reduces the cost associated with the administrative processes. The coalition researched other regions that do business with the non-for-profit community; to name a few, New York City, Westchester and Nassau County, we have met with, and -- to look at their contracting process to see if we can replicate some of their systems that are in place.

Seeing how they do business with their non-for-profit community, we feel that are goals reasonable and attainable. The current system has the non-for-profit sector in a vulnerable state. IR 1033, although in spirit is a step in the right direction, and we are grateful for the time and attention you all have taken to look at the issues that face the health and human service sector, this bill is not acceptable as it is.

I'd like to start by saying that coalition I represent is comprised of a diverse group of agencies that have been doing business with the County for a long time. They are not new agencies, and many of them enter into contracts because of State and Federal mandates for the County to provide these services for the communities. I would also like to add that this coalition is not asking for additional funds, not asking for new programs, and is not asking for anything that has not already been allocated in the County budget. You have, in November, passed your budget and the County Executive has signed off on these line items, but -- line item amounts for these services to be provided.

I testified at the General Meeting back in March and provided data in regard to where the agencies from this coalition were. Since March, there have been contracts executed, as Judy said, and some agencies have received their payments and/or advances, which is a big improvement over last year. But to highlight the magnitude of the problem with a March 1st date as requested in the bill, here are some of the facts.

A member agency of the coalition had only met payroll the week prior to March 18th, when I testified at the last meeting, because of their State funding that was received into their bank accounts. The services they were providing were for County services but had not been paid to that date, and they had not had a contract. They had \$1800 in interest at that point because of their accessing of their funds through their credit line. They have incurred \$51,000 in expenses as of March.

There's another agency of the coalition that had provided \$855,000 worth of services, and last week, prior to the March 18th date, that her payroll checks actually bounced. Another agency with ten contracts from different departments throughout the County, the first quarter represents \$1,045,000 in services to the County. As of March, her quote to me was she had a number of contracts in hand. That did not mean that she was paid on them, that they were executed. Once they're executed, then it takes about 45 days, which is not unreasonable. But the contracts, as Judy stated before, that's the piece imperative piece of this, is to get the contract in hand.

Another one of my member agencies has expended \$313,000 to date, and no contracts as of today. She had -- she updated me yesterday as to where it was. Another agency, at the end of March, they would only operate for another three or four months. As it was, they had no contracts, no money. Another agency, no advance, no voucher. Their contract, all of their paperwork had been in to the County, and they had -- they had outstanding due to them \$450,000. This program, I just want to highlight, that it's a program that is a preventive program for the CPS Foster Care System, which actually saves the County \$600,000 for using this agency rather than placing these children in foster care.

One of the other member agencies, they did receive their executed contracts March 3rd, March 6th, and March 27th, which is a major improvement over last year, which was in July. At that point, they were owed \$270,000, and they receive at the end of March, on March 31st, 156,000 of that 170. So cash was flowing, but as you can see, it's not where it should be. Another agency received contracts. The County has their contracts, they haven't been fully executed, and they're owed \$63,000. There's a food pantry that serves 9000 families per year, they have no contracts, no money. There's another services provider serving 8000 children per year, no contracts, no payment. And they're owed 93,000.

CHAIRMAN D'AMARO:

Ms. Chase, I'm going to interrupt you and make a suggestion. We often hear this type of testimony. I don't want to -- you know, I'd let you continue, because it's important, and I think by going through what you just went through has an impact, and I certainly get the point. But I want to try and get passed the generality. That's why we're here today. All right. And that's why I've asked various officials from the County side to come down.

And lets -- one of the things I find very frustrating in all of the debates on this is that I hear the general complaints, which I'm not saying they're not valid, they certainly are, but we never, you know, have both sides in the room at the same time talking about, okay, let's pick five of these cases or three of these cases that are most egregious and let's figure out what happened and why. Because I think if we do that, then we can really start to improve on that. It's not about, you know, pointing a finger or blaming anyone, but certainly we have to be a little more specific if we're ever going to improve on this. One way to improve may be to set a deadline, and that's what Legislator Montano is proposing in his bill. Another way to improve may be to look at these specifics case by case, explore what happened, and you know, hopefully, come up with solutions where we can keep some flexibility and not have deadlines, but at the same time, get this done to everyone's satisfaction.

So what I'm going to ask you to do -- you know, I don't ever want to cut anyone off, but what I'm going to ask you to do is maybe pick three or five of those cases and tell us who they are, and I'd like to then have a discussion with the County Department responsible for those contracts, and let's let them tell us why it's a problem.

MS. CHASE:

In fact, I was finished with my list. I knew that there were -- I could go on and on, but I picked that random sample to give you -- and as you said, you have heard -- we've been hearing about these for years. I didn't want to go on and on about that. However, clearly from that sample, the coalition is not in favor of the March 1st, because this would put these agencies in this situation year

after year.

The coalition has had conversations with the administration and the departments. We are confident they're looking at these -- looking at ways to make things better. But hearing from Judy and the history of her organization doing the work in the same manner, it does not seem that processes are streamlined. I think you are right. I really believe that there are many recommendations to make, and the coalition has been working on coming up with recommendations and we have presented some of those points to the Executive's Office to make the process better.

For me to give you the names of the agencies and have us discuss individual cases is just going to promote what has been taking place for the past years, it's a Band Aid approach to fixing the problem. That is not what this coalition wants. We want to work in partnership, in collaboration, to work in a positive, in a non adversarial way with the department, the administration and the Legislators to look at the system and come up with real solutions to make it work year after year.

CHAIRMAN D'AMARO:

Okay. You know, that's problematic, that statement, to me, because I want to resolve these problems. This committee is charged with the responsibility of overseeing day-to-day County operations, that's why we're here. Okay. And, you know, you've given us the general picture and it certainly has a substantial impact on us, but I believe that we do need the specifics and we do need a case-by-case review, at least a sampling of the different agencies that are having problems. But are you saying you're not willing to have that discussion?

MS. CHASE:

No, I can. I certainly there are -- you know, the Child Care Council of Suffolk, I worked for them for six years. I know their ins and outs. I knew that their budget process -- their contracting process with the Department of Social Services, so I can speak very clearly on that and their issues this year per se. Now, I would like to also add that I know that the departments -- when I met with the departments and the contract folks who actually do the day-to-day processing of the contracts, I meet with them to see what their process was from the inside. You know, the agencies can say it's broken, but if we don't know what they face, we can't come to a conclusion.

And I will say that throughout the different departments, not pointing fingers at anyone specifically, that many of the questions came from the people processing. They would ask me questions like, "I processed this form, and there's no reason why I have to." Not-for-profits are exempt from this particular form. It's the public disclosure form that I'm talking about. That has to be in triplicate with the contract, but because of the nature of the business that the non-for-profit does and their status as a 501(C)3 organization, they are exempt. They have to complete this form three times with a notary on the piece of paper, and it has to be an original signature of the Executive Director. When you're talking about a Family Service League, for instance, with ten different contracts, that's 90 pieces of paper that never really had to be signed, but it's part of the packet. And the departments have said -- you know, for them to go through 90 pieces, looking at all of those signatures, it wastes their time. And this was a recommendation coming from the inside. So I'm confident that there certain processes that can be taken out and common ground.

CHAIRMAN D'AMARO:

Well, you had mentioned earlier that -- and I really do want to get into some specific examples quickly -- but you had mentioned that you had a litany of recommendations; is that correct? And those recommendations are coming from coalition your members based on their experiences. Is that something you have committed to writing, can submit to us, or is that something that you have given to the County departments? Where is that at?

MS. CHASE:

It's in the final stages. Actually, I'm working with some people at Touro Law School to ensure that our requests or our recommendations are reasonable, You know, looking at different counties that have similar processes, that we're not asking for something that they would not be able to be

delivered.

CHAIRMAN D'AMARO:

What's the goal of your recommendations?

MS. CHASE:

The goal of the recommendations is to come up with some policy procedures, best practices, if you will, from the County standpoint to adopt and to use as their system to process contracts.

CHAIRMAN D'AMARO:

Are you working with anyone from the County on those recommendations?

MS. CHASE:

Yes, with Jim Morgo and his staff. We had a meeting with them, we explained that we were working towards this document, and they were excited to hear about it.

CHAIRMAN D'AMARO:

Is your hope best case scenario if the recommendations are agreed on and adopted to get your contracts fully executed even before March 1?

MS. CHASE:

Yes.

CHAIRMAN D'AMARO:

It is?

MS. CHASE:

Absolutely.

CHAIRMAN D'AMARO:

Okay. All right.

MS. CHASE:

Like I said, we met with Nassau, New York City and Westchester. And they get the majority of their contracts out before March 1st. Many, many times, contract agencies have their, say, '08 contracts before '08, meaning the last week of '07. But they know January 1st, that they have a contract in hand that is signed, sealed and delivered for them to go and deliver their services.

CHAIRMAN D'AMARO:

Contracts are in place by January 1, is that what you just said?

MS. CHASE:

Yes.

CHAIRMAN D'AMARO:

I mean, you know, it may be apples and oranges, but certainly it doesn't mean we can't come up with our best practices and have that goal as well.

MS. CHASE:

Absolutely. I also wanted to add that with all three of the regions that we looked at, their health and human service agencies are a high priority to them. I'm not talking about every -- every entity that the County does business with, because the volume alone would not allow them to get to January 1st. But the partners that they have in the communities to provide the services that are vital to the health and stability of the community members that need them is there, it's a priority and they get these contracts out.

CHAIRMAN D'AMARO:

Right. In a perfect world, everyone would have their contracts by January 1st, but you know, given resources and other balancing considerations, you know, we prioritize all the time. And that would probably be part of that discussion and recommendations that you're going to make eventually.

I want to get into some specific cases, but I want ask my colleagues on the committee if they have questions now or if they want to hold them until after that.

LEG. VILORIA-FISHER:

Could I just ask a question now?

CHAIRMAN D'AMARO:

Sure. Legislator --actually, I had Legislator Alden first, then Legislator Viloría-Fisher.

LEG. ALDEN:

Thanks for coming down. You said that you had -- you represent about five agencies?

MS. CHASE:

Seventy-five.

LEG. ALDEN:

How many?

MS. CHASE:

Seventy-five. In total, about 55 million in contracts.

MS. CHASE:

Yes.

LEG. ALDEN:

What is the percentage -- and I'm not going to hold you to it -- but of mandated services? You think half, three-quarters, a quarter?

MS. CHASE:

A guess would be 75% of some of the contracts. If an agency has five contracts, one may be State funds, another may be a County project that the County has entered into.

LEG. ALDEN:

The point I'm trying to get at, are the services that you provide something that we, in turn, have to provide by law or by --

MS. CHASE:

Yes, many of them.

LEG. ALDEN:

Okay. And these are multi-year relationships.

MS. CHASE:

Yes.

LEG. ALDEN:

So it's pretty much doing the same thing for consecutively for five years, ten years, one year -- no, not one year to be consecutive -- but for long periods of time, right?

MS. CHASE:

Yes.

LEG. ALDEN:

Okay. And is there -- after you sign a contract, and it usually -- now you said it's in the March area, March-April area, at the end of the year, do you still have contact with a compliance officer from the County or somebody that would go and go over where you are in the year, where you are in your contract?

MS. CHASE:

I believe most of the departments require status reports on a quarterly basis. Some of them have to submit monthly status reports of where they are, making sure that they're meeting their milestones, as they should.

LEG. ALDEN:

Somebody as high as Commissioner level or somebody in the County Executive's Office?

MS. CHASE:

In the Contracting Office in the department who --

LEG. ALDEN:

Okay. Where I'm going here is it might even be as simple as a calendar adjustment, because I was in a business that provided government services, school bus transportation, and we did it for multi school districts. And every time -- you had to have a contract in place before September 2nd, 3rd or 4th, whenever, you know, their school year started. So that might be something that we can go that way. And we met on a monthly basis with whatever district it was to go over where we were in our contract basis. And we were negotiating or bidding a new contract before the end of the year. So while we're in -- like, to use this year, while we're in '08, we'd be provided services, we' be coming to the end of the school year, which would probably be around June 30th, somewhere like that. During this period of time, we were in contact to see how we had done on the contract this year and what we were going to do next year. Has that type of dialog taken place?

MS. CHASE:

Yes. Part of the recommendations and the objectives of the coalition is planning and --

LEG. ALDEN:

No. Does that take place now? Is that the procedure now?

MS. CHASE:

It's usually after the fact.

LEG. ALDEN:

So after the fact, you mean after December 31st?

MS. PANNULLO:

Can I jump in here, because the Suffolk Community Council has contracts, and so I know firsthand, you know, what the procedure is. I've already gotten the request '09. And I think most have been -- the contract agencies have gotten a request for '09. And they ask usually for no increase in the budget and what it is you're going to be doing; what are the services provided. So it's pretty much the same unless you have a whole new contract. So that is happening in April or May and so -- for the next year. So I think that's getting to your question, right, Legislator Alden?

LEG. ALDEN:

Sure. Because, I mean -- and we have all the people from the Executive Branch, and that's some of the questions that we're going to ask; do you do the contract compliance as you're going along. And we do our budget in November, we actually vote on it in November. So while you're developing a budget, I would think that you have the projections for next year. And during that period of time -- and you can't do it until the budget is approved -- but you could have something just about ready to

go that was negotiated, if that's the way it is, or bid, whichever way we have to do, in that period of time. So like I said, it might be a calendar adjustment.

MS. PANNULLO:

Absolutely. And in January, we had the meeting with Christine Malafi and Steve Levy and Connie Corso. I mean, Christine was suggesting that we get all our description about the -- about the work that we're going to do early on, even if we don't have the form to sign, you know, to get that on so that everything is together, they just put it all together. And these are good suggestions, but I think this is all coming together with what you're saying.

LEG. ALDEN:

But not talking about all new programs, you're talking about a continuance of something that's been done for five, tens years, or two years, three years, more than one year. I'm understanding a little bit. But as it is now, you don't really start any of that. You put in your information about what you'd like to see for next year, and you do that now or you did last month, and then you start negotiating after January as far as talking about contracts.

MS. CHASE:

As Judy said, what the difference will ask for is a narrative of your program, and they will review that. And if the department has a need for some else, then that negotiation will take place.

LEG. ALDEN:

Let me get this straight. They go over a narrative of your program that is just wrapping up or is in the middle --

CHAIRMAN D'AMARO:

No.

MS. CHASE:

No. They're new projections.

CHAIRMAN D'AMARO:

No. Let me jump in here. I think we might be talking about two different things, Legislator Alden. What you are speaking to, what you're going through now is for '09.

MS. PANNULLO:

'09, that's correct. And it's not a narrative, it's just the budget.

CHAIRMAN D'AMARO:

It's not reviewing where are we for '08, do we have a contract, do we not have a contract.

MS. PANNULLO:

That's right. That's just something in preparation. So maybe I misunderstanding you, Legislator Alden. What I'm saying is that now they're in preparation for '09, right, and so asking for the budget and stuff like that. But you are asking sort of milestone measurements, you know, as to where we are in '08 by the end of the year. You have to do some sort of final report. And I think each department is different. We get money from the Department of Mental Health, we also have one from the Department of Handicapped Services. So the requirements are different.

LEG. ALDEN:

Do you get a communication after the budget is passed that, okay, we adjusted it, we adjusted it down, we adjusted it up? Is there a constant stream of communication?

MS. PANNULLO:

No. No. The first time we hear from the department is when we get the contract to sign.

LEG. ALDEN:

And that would be March of the next year?

MS. PANNULLO:

Yes. It was March this year, yeah. So we wouldn't hear anything until March '09 if it goes as it did this year.

LEG. ALDEN:

All right. Thanks.

CHAIRMAN D'AMARO:

Okay. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. Erica, we heard some of Judy's recommendations that have been discussed, for example, forms that are duplicative that should carry with the agency from contract to contract. That to me, is a recommendation that might be on the table. And, Judy, it didn't go --

MS. PANNULLO:

It didn't go. We thought actually it would be a good place to have it on the website so, departments, if they needed it, they could just click on the website.

LEG. VILORIA-FISHER:

So that was very specific to it being on a website. I think it would be helpful, and I was kind hoping for this today, that although your recommendations haven't been finalized, because you're vetting them with -- with some legal counsel or legal opinions, I was hoping that you could give some recommendations, because you've given us the list of people or agencies that have fallen behind. But looking at those agencies, as the Chair said, where has -- where have we dropped the ball or where has the process failed them and what are the recommendations to address that?

So although you haven't completed your recommendations and finalized them, can you give us some kind of thumbnail sketch of what you're looking at so that we know where we're going and what kinds of questions we can ask the people from the departments; is this doable, is it possible for an agency, for example, a large one such as the, let's say, Pederson Krag, that has a number of -- or Family Service League, can they do one living wage form, one insurance, and have that carried with the agency and not with each contract? Any maybe if we have a recommendation like that, for example, the County Attorney can say to us, you know, we can't do that, because it has to go with the contract. Can you enumerate some of the recommendations, because otherwise we're spinning our wheels, because we have these numbers, that there is a problem, that's why we have this legislation before us, but we need to know how to address it or where to begin our questioning?

MS. CHASE:

That is one of them.

LEG. VILORIA-FISHER:

I mean, very specifically now, if you have any recommendations for us.

MS. CHASE:

Yes. Well, one of the recommendations is looking at the public disclosure form. And if truly it does not -- you know, to change whatever part of the law or policy it is to have that part of the contract for a not-for-profit 501(C)3, to get rid of it. You know, that is a recommendation.

The other one is to have -- rather than the department have to -- the different departments have to go through the 501(C), the insurance disclosure, the living wage, the public disclosure form, and some of the other form that are duplicative, but the same for the County's purposes, not to so have the individual departments handle those papers, but to have possibly another department in --

within the, you know, County Exec's Office or the Attorney's Office.

I don't want to point my finger and put something on them. Maybe -- you know, they would obviously know who could handle that. But to have another agency certificate, as you said, certify the agency where the individual department could look at the narrative to make sure that their needs are being met, to look at the budget to make sure that their budget line that they've been allocated matches what they are purchasing the services for.

And really, I'm not sure what else would be in the contract per se that would have them have to go through their paperwork, but to separate out the agency being certified as doing business with the County and the actual work that the department needs them to do. And then I think there would be a streamline process, for instance, the Family Service League with ten contracts would be certified as the agency, they'd have their ten different contracts, but one department would be alleviated of a lot of duplicative work.

LEG. VILORIA-FISHER:

Have any of the other municipalities that you've looked at done that?

MS. CHASE:

Yes.

LEG. VILORIA-FISHER:

Okay. Which ones, do you know?

MS. CHASE:

For instance, Nassau County has a Living Wage Bill as well, they do not have to fill out the living wage form for every contract to be processed.

LEG. VILORIA-FISHER:

But I mean, do they have a certifying entity rather than have the individual departments, what you just described?

MS. CHASE:

They don't have a certifying agency, but they do have very streamlined forms. For instance, there's one piece of paper for the Living Wage Law. It's an attestation that goes with the contract rather than the packet of information that the Contracts Unit person has to verify, then to put it to the department -- in Suffolk County, we then send it over to the Department of Labor. In Nassau County contract units looks at the attestation, their Comptroller's Office, rather than the Department of Labor there, their Comptroller's Office makes certain that the agency is complying with the law after the contract is signed, sealed and delivered. It's not contingent upon. They're saying, yes, going to comply with this law, period, the end, the contract goes out and the Comptroller's Office at that point takes over and does their audit and makes sure that all of their paperwork -- but it's not contingent. And that's important. New York City does have almost a clearinghouse for the forms. They certify the agency as an agency that they do business with, and their contracting process is a lot faster.

LEG. VILORIA-FISHER:

Judy, when you got that page, that survey that you did with the contract agencies and you said you followed, I guess, a kind of flow chart of the signatures through which a contract had to go, one of those signatures was the County Attorney's Office, wasn't it?

MS. PANNULLO:

Yeah. And depending on where the contract originated, I mean, it was a different process, whether it was from Mental Health or whether it was from DSS, depending on the department, it was different. In some cases, the agency was the first to sign, in some cases, the Department of Law didn't sign at all. It was very, you know, sort of mixed.

LEG. VILORIA-FISHER:

So all the contracts did not go through the Department of Law, is that what you said?

MS. PANNULLO:

I think that there was -- I think one or two -- and I'd have to check with Christine or check with my list -- but there were some that didn't go. You know, I wish I had it in front of me, but basically, it was either that it didn't go to the County Exec's or it didn't go to the Department of Law.

LEG. VILORIA-FISHER:

Okay. The reason I'm asking that is that if, in fact, there is one agency through which we have seen that all contracts flow, perhaps that could be the agency that could do this kind of certifying. You know, just to see that if that particular not-for-profit has complied with public disclosure, insurance, living wage.

MS. PANNULLO:

My understanding is that that's the Department of Law. I mean, that's Christine Malafi's department who's doing that, because she says --

LEG. VILORIA-FISHER:

So if they could do that once for the agency, then the departments don't have to be burdened with all of that certification of these documents, and they could simply look at the narrative of the services that are going to be provided for the contract. So, you know, I'm curious to see that page. That's something we could ask the administration when they come up. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Viloria-Fisher. Legislator Rick Montano, you had a question.

LEG. MONTANO:

Yes. Thank you. And I appreciate your acknowledging me, I know I'm not a member of the committee. I'm going to be very brief. Erica, when you were asked earlier about meetings, I just wanted to, you know, put on the record that we have met twice, same thing with Judy, with respect to this bill. And earlier you said, and I just want a clarification, earlier you said that the coalition -- and I was aware that you would probably make this statement -- that the coalition was not -- as far as the bill is concerned, it is not acceptable to the coalition. And based on -- I won't go into our conversations, but what would make the bill acceptable to the coalition in terms of the substance of it, or are you asking that the bill be withdrawn? I want to be clear on where you're at?

MS. CHASE:

Sorry I wasn't clear. The coalition is in favor of a bill. The coalition is not in favor of having a March 1st date.

LEG. MONTANO:

What would you be in favor of?

MS. CHASE:

A January 1st date.

LEG. MONTANO:

And do you think -- I don't want to belabor this, but one objection to the bill is that March 1st is too late; am I correct in that?

MS. CHASE:

Yes.

LEG. MONTANO:

And you have asked me it to amend to January 1st. Are there any other amendments to the bill or a bill that you would like to address right now? And just for the record, it is my understanding that the coalition is going to be submitting to my office, as the prime sponsor, recommendations for language changes and that you're also going to be looking at how other jurisdictions conduct their contract process, and hopefully, we can incorporate some of those changes into a bill that would be before the Legislature; am I correct on that?

MS. CHASE:

Yes, it is. What we've done in the past few weeks is to look at the New York State Prompt Contracting Bill in comparison to this local bill. Which feel that there's a lot of language that's missing in IR 1033. There are no repercussions as far as if the County does not comply with the law.

LEG. MONTANO:

The penalty aspect of the -- or the sanctions for a failure to not have -- if we had a date that was set in the contract, you would be looking for some kind of penalty or sanction or interest payment that the County would then have to make for its failure to comply if, in fact, the County were responsible for the non contracting; am I correct?

MS. CHASE:

That's correct.

LEG. MONTANO:

Okay. And as I said earlier, I will state it for the record, I am more than willing to entertain whatever recommendations the coalition would like to bring forward. As of yet, I have not agreed to change the date from March 1st, but I certainly would be willing to, again, sit down and do that. You understand, though, that that would entail opening the bill up, because we would have to go back -- I think the changes that you would be looking for would be substantive. And according to our rules, we would have to reopen the -- once we change the language, reopen the process to public hearing, which I'm certainly willing to do. And if we could not get that done within the timeframe of the Six Month Rule, then I would be willing to reintroduced a bill.

And I just wanted to put that on the record, because I didn't think it was clear. Are there any other changes that you or recommendations that you want to discuss or at least, you know, notify the committee of at this point in time, or should we wait until we have your written recommendations?

MS. CHASE:

As I said, we're looking at it now. We did come up with, you know, the interest payments or some kind of penalty. The March 1st date was not acceptable. As I highlighted from my examples, this is what would happen to agencies year after year. You know, in our best -- in our wish list of things to happen is that legislation would be passed and forgotten about, that best practices would be put on the part of both the non-for-profit sector and the County departments and the processes would flow and contracts would be taken care of, and this would never be an issue. That is our wish, to work collaboratively to make those systems a reality.

LEG. MONTANO:

Thank you.

MS. CHASE:

You're welcome.

CHAIRMAN D'AMARO:

All right. Thank you. I'm going to pass this off to Legislator Beedenbender, but before I do, I just want to make it very clear that I'm not necessarily in favor of any kind of penalty. I don't think we're to that point yet. What I'm trying to do is see if we can get this done to our mutual

satisfaction. You know, there are a lot of considerations on our side when balancing, you know, the resources available to process contracts and things like that, and there's a lot of unforeseeables as well. So I'm not sure -- I'm not saying that as a last resort we wouldn't have a penalty, but you know, I'm really trying to use our time here today to get into what the problems are, what are our best practices. And, you know, I very much appreciate how much effort you're putting into this, especially looking at other jurisdictions and see if we can't get some resolution without having to go down that road.

MS. CHASE:

I absolutely agree. The coalition agrees.

CHAIRMAN D'AMARO:

Yeah, because any penalty imposed is paid by the taxpayers of Suffolk County. So, you know, there's other considerations for me at least speaking for myself. And I think that we have a very capable and competent force in the County that is here today listening to you as well. And I want to believe at least sitting here today that we can resolve these issues without having to do something like that.

MS. CHASE:

I believe that as well. I just want to point out that the New York State Prompt Contracting Law, they had put something similar into effect in 1991, but without penalty, without specific dates, without specific responses. They even went as far as that all contracted agencies must sign a waiver to enter the contract not to press any charges when they're late.

In 1991 till 2008, nothing was really put in place to protect the non-for-profit sector and to put the State in a real position to answer their call to get into contracts. Until 2008, January 1st, they amended that law and they put it into -- they amended the law, and now it has teeth. And I think that Suffolk County, both the administration and this body, can learn from that and say, do we need something in place for 15 years as -- do we need something in place that's not going to make any difference?

CHAIRMAN D'AMARO:

Let me -- I just want to move us along here. I mean, the flip side of that is then if the deadline is not met, then you get into reasons why -- before you impose the penalty, you know, will the non-for-profit pay a penalty if for some reason it's determined that it's the non-for-profit that's for some reason not in compliance. I really would rather not go down that road. You know, my approach to all of this is to, you know, get the parties together, let's get the dialog going, let's fix that. I'm not interested in blaming, I'm not interested in getting into finger pointing sessions that say, you know, it's your fault, we shouldn't have to pay a penalty. It's very unproductive in my opinion. Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, that was a large substance of my comment. As I'm sure you know, Erica, when we dealt with this issue with the care providers, I was the lone no vote, and the reason was because of the penalty. And all the issues that Legislator D'Amaro said, I agree with, but the addition is that if we put a penalty in place and we don't meet it, we still have not solved your problem. All we've done is -- you still haven't -- you still either don't have your contract or your money and now we're paying a penalty.

So I think what I'm very encouraged by and look forward to seeing is all the recommendations you talked about in terms of changing the structural process, because, you know, in the past, before I was sitting here, I did have some work on this. In fact, Judy, I sat in in probably two or three of the meetings about this with you and the County Attorney. So I think that is a really productive and definitely a really good way to go. And I thank you for doing that, because this is a problem we've been struggling with both at the Executive side and the Legislative side for a long time.

And as Ms. Hamlet said earlier, for the day care providers, at least, which I know are different, we're talking about ten years. You guys probably fit into maybe roughly the same timeframe. So I would really encourage you to focus not on the penalty, because it is somewhat problematic for me. And I know that the State needed to put it in, but I think, you know, the difference -- one of many differences between the State and this Legislature is this right here. You would not have this opportunity with a large committee. So we -- I think, you know, the Chairman and the rest of the committee, we've committed to finding a way to negotiate this problem. So I would encourage to try to do it in another way and to keep coming back to us as we work through the project. It could be five, six months from now.

MS. CHASE:

One of the recommendations is to form a working group of different partners to reevaluate or to see where systems, once the changes are made hopefully, reevaluate what the departments' needs are, what the Executive's needs are, what are your needs and what the community's needs are. To constantly work to better the system, that's what we want.

CHAIRMAN D'AMARO:

That's great, and that's what we want. And we're not going to, of course, come to a complete resolution here today. I was encouraged by some of the opening comments that you are seeing some improvement. Certainly, the Day Care Bill as well as Legislator Montano's bill has put a very bright spotlight on this, and I appreciate the sponsors of those bills in doing so. I want to move us along. We have other issues that we need to get to today. I would like to ask you to pick two or three specific cases and very briefly tell us who they are, what you perceive the problems to be, and then I'm going to ask the folks from the County who are here to come up and help us address that and see if we can just get some sense or feel of the case-by-case analysis of what's happening on what you view as an egregious situation.

MS. CHASE:

And I know your point, and it's well taken, as far as, you know, we can't really look at a problem unless we know exactly who it is coming from. And again, I represent a coalition. And certainly, if we want to have future meetings, and I can bring those specific executive directors down to meet and talk about their individual issues, and then that way they can have a conversation about what is holding them up.

I only have the facts that were given to me from the coalition. I am fully aware that there could be agency issues that are slowing the process down. So I would much rather hear from the departments about the situations that -- the issues that I bring to the table as far as the duplicative workload that they have, if they have suggestions, and to have a further meeting with executive directors that can answer questions on that side further.

CHAIRMAN D'AMARO:

Okay. You know, this is a dynamic process and it's a flexible process. I don't have a problem with that. I have every intention of staying focused on it, however, because I can't go to another meeting with generalities, I can't go to one meeting with one side and then hear from the County on the other side, and no one is ever talking to each other. We need to end that. And that much I do know. But I do appreciate the fact that you represent a coalition, and perhaps you don't have those specifics with you today. Would it be possible for you to give us today the name of some organizations you'd be willing to bring to the next committee meeting to have that dialog, or would you not know sitting here today?

MS. CHASE:

I wouldn't know specifically. I can give you a few of the names of the coalition members.

CHAIRMAN D'AMARO:

Why don't we do this? Why don't you communicate with my office when you speak to your coalition members; who's willing to come down and talk specifically about the experience they have had and

what their problems are, and then I will communicate that to the County's responsible parties. And at the next committee meeting, we'll pick up the specific dialog, all right, which helps us here today as well. We've gone on quite some time, and we need to get to some other business.

But what I do want to do as long as the folks from the County are here Social Services, the Youth Bureau, Probation, Health, Aging, I do want to ask you to just step aside for a few moments and have a quick dialog with the County representatives who've heard all your testimony today and figure out, you know, are there some general issues we can discuss here today and get an update as to what their departments are doing, what how they're doing, what their problems are. Let us, you know, just have that dialog and see if we can pull that forward, and then next time, we can have a more specific discussion.

MS. CHASE:

Okay.

CHAIRMAN D'AMARO:

Okay? So I thank both of you.

MS. CHASE:

Thank you.

MS. PANNULLO:

What is the next date of the Ways and Means Committee?

CHAIRMAN D'AMARO:

We'll get back to you on that. June 4th.

MS. PANNULLO:

June 4th?

CHAIRMAN D'AMARO:

June 4th. All right. So, Ms. Pannullo and Ms. Chase, thank you very much --

MS. CHASE:

Thank you. Thanks for your time.

CHAIRMAN D'AMARO:

-- for participating in the process. This is going to be a continual process. Okay?

MS. CHASE:

Yes. Thank you very much.

CHAIRMAN D'AMARO:

And you'll communicate with me, with my office, let us know who's coming down next time, and we'll pick it up then with you.

MS. PANNULLO:

And thank you for you efforts on this. It's very important to the agencies.

CHAIRMAN D'AMARO:

Sure. Absolutely. All right. Next, I'd like to ask whoever would like to come up for the County to start, whether it's the County Attorney's Office or Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chair. I know I'm here with Christine Malafi, the County Attorney. I just would like to state for the record that we have a number of representatives from the different agencies in the

County here today. And we came here prepared to deal with some of the specific problems, because some of the specific problems may also be institutional problems or they may be good reasons why these particular contracts -- you always here horror stories. And there may well be a horror story out there should be heard.

Look, we heard this young lady from the Wyandanch Day Care Center. We can answer some of those questions that she raised today about why the payments haven't been made. Because she was specific and gave some document to the Legislature, we can -- we can deal with that and we can answer some of those today.

I've asked Erica to please remain. We have people from the agencies who can respond; if it's because the contract agency hasn't provided the documents or it's because it's too onerous with a particular filing. That was a day we had hoped that maybe we could resolve some of that. We are doing everything that we can in good faith to try to move this process along, also -- also recognizing that we have a fiduciary obligation to the taxpayers to make sure that their tax dollars go for the right reasons and also that we follow the State guidelines in each individual case.

Christine can talk to the process that her office goes through. But again, we do have -- we brought a lot of people here today to try to answer some of these questions. And I think we have made enormous progress in the last year moving the contract process along. So I'm going to go out and try to catch -- see if we can resolve some of these things even before you leave today.

CHAIRMAN D'AMARO:

Let me respond top that, and then I'll pass it off to Legislator Alden who wanted to offer some comments. I do appreciate the testimony that we've heard, that even the Chief Deputy County Executive is involved now, there are discussions going on, there is an attempt on both sides, I think, in good faith to try and improve the process itself. Legislator Vilorio-Fisher, I know, committed to that, has asked questions about recommendations. There's a lot going on here now, and I'm very, very encouraged by that.

But I have a very basic concept in my mind. And you know, maybe it's too simplistic, but you tell me if you think it is. We worked very hard on passing a budget in November, in November. I would say a vast majority of the contracts that are going to be effective in the following year are probably renewals, if I had to guess, more than 50%. I don't know what the percentage is, but more than 50%. We passed a budget in November. Why can't we have a substantial amount of those contracts in place by January 1? I don't necessarily believe that January 1 is an unrealistic date unless there are certain requirements and processes that are required maybe even by State Law that I am unaware of. It just seems to me that if you are doing business as a government and contracting for services that are to commence on January 1, your contracts should be in place by January 1.

MR. ZWIRN:

Well, I think the amount of work that would be provided -- that would be demanded on the County Attorney's Office and the Budget Office and different agencies, when you think about the budget being passed in November, you have -- you have -- aside from the holidays that you have, the Christmas Holidays, Thanksgiving Holidays, you're working in a very small window. And I think if these contracts -- they'll go through the laborious, you know, procedures that have to be followed. You know, I can only surmise that when you talk about Nassau and Westchester, what are the numbers of contracts that they have to deal with versus what the numbers that Suffolk has to deal with? Are we talking apples to apples? I don't know that answer to that question, but that would be interesting to know.

CHAIRMAN D'AMARO:

Okay. In the interest of moving forward, and I appreciate your answer, I think -- you know, my understanding is there is a large volume of contracts let out by the County. And I really don't want to get -- you know, I think it's better to move into some of these recommendations that we've

heard. You know, perhaps if we do streamline the renewal process, if we pick one area as opposed to new contracts, maybe we look at renewals first and say, you know, how can we change the renewal process so at least those can go and move along quicker. You know, it might be something we want to address. I have a few Legislators that want to make some brief comments, Legislator Alden and then Legislator Vioria-Fisher.

LEG. ALDEN:

And actually, you hit on what I was going to ask Christine. Is there a way -- and I don't want an answer today, but I think that, you know, at some point we should have a dialog. Is there a way to move the workload, you know, back in the calendar? Instead of starting in -- and I don't know if you do start right away in November, once the budget is passed and then work to the March date of trying to contracts executed. But if there's a way move back that process to, like, even now. Start looking at these -- especially if it's a continuation of a contract. And I think that Lou hit it right on the head, that there's going to be so many similarities, there might be a couple of little things, even the amount, it might go up 5%, it might go down 5%. But unless we're coming up with a totally new program, it's going to be very, very similar.

And compliance is important. And having a dialog as we go along with these non-for-profits and suppliers, we're going to see where they are this year. If we're happy with them, we're going to keep them maybe next year. That's what our anticipation would be. That's how we develop our budget, and that's how it gets passed. And I know there's a lot of work in preparing a document and doing the different investigations that you have to do, but -- again, I don't expect an answer today, but if you can look at it from that point of view, that can we move that calendar up or back then, and that's what I'm saying.

And then from Ben, if this has to go through the process through different departments, the same thing would happen -- you know, would have to happen throughout the County, that we'd have to move the calendar and the required investigations or certifications, we'd have to move that back in the calendar year. And that's just -- you know, I don't expect an answer today on that either, but I think that's a starting place, because of what we were talking about before. If you need 30 certified signatures, or if you need ten or one or if you can -- you're talking about -- that's a minor point. Even all the documents that are required for it are minor points, especially when you're talking about somebody that's providing service starting January 1st, and here we are in March or April and we're getting around to a contract. That's the part that would bother me. And it's the same thing that I think the Chairman raised.

MS. MALAFI:

Well, what I will tell you is that, just as an example, health services in the non-for-profit line items, there's 167 line items in the Health Services Department, but only 17 contracts are needing because we've been doing multi-year agreements. So we are working towards making it less contracts every year. So Health Services is a good example, from 167 to only 17 contracts.

The contracts do not initiate from my department. I get the departments the model contracts, and then -- I heard Ms. Chase say that her members first notice of their funding is when they get a contract. To my understanding, that's wrong. The departments send out letters to each of the agencies saying you were provided with X amount of funding, get us your program descriptions. Not only that, but most of these agencies know while the budget is pending that they're getting X amount of money -- that they're going to get X amount of money in a contract. And I've said it dozens of times, and I've said it in a seminar with the non-for-profits and I've said it to anyone who will listen, any not-for-profit, they know first when they get their funding. All they have to do is get to the department -- and I've told them to cc me, send me personally a copy of their program budget, and I will start -- I will help the departments. I did not get a single cc on a program budget to start something.

And I will say, we've been working with Judy Pannullo extremely closely. She knows if she e-mails me or she calls me and there's a problem or a glitch, we fix immediately. I do understand that the

process seems long and tedious. Most of the complaints that I heard are with respect to forms that are required because this Legislature and the County Executive have passed laws that require the forms. I don't have the authority, no one else -- I don't have the authority and none of the departments have the authority to say you don't need to get us a form.

I understand the -- like, for example, the Public Disclosure Form that everyone is complaining about, I don't have a problem with -- non-for-profits are exempt, however, the law requires them to fill out the form to say they're exempt. I have no problem with that being on file in a department and they don't have to fill out that form anymore. So I guess, you know, Paul Sabatino's requirement that they have three originals, I don't agree with. But a lot of the other forms, for example, their 501(C)3 form, yes, that could be in a central location, but it can't just be there forever. I need to know that they're still a 501(C)3 corporation at the time we're doing a contract with them. Their clearance, the insurance that we need in place can't just be in place -- they want to -- a lot of the complaints are they want to be able to file it January 1st and it goes for the whole year, I have no way of knowing, for example, that the insurance is still in effect for the whole year.

LEG. ALDEN:

Christine, that's my point. Those are the process to go into contract. What I'm talking about is the procedure prior to that -- like, in a normal law office, if you have a client that's going into a lot of contracts, you know, they would come in and say -- the client would say -- and we're your client, Suffolk County, "Here's what we need. We need these services," ten thousand contracts, whatever it is. And you would know at the time that we adopt the budget, but actually you would know a little bit before that how the process is proceeding, if we're even considering doing these programs again. You know, that's what I'm looking for, maybe moving it to that -- that point of our procedures as we're debating budget for the next year, if that's when we can start, you know, either contracting or putting together a contract that might be modified when we get a final budget. But you can put most of this stuff together at that point.

MS. MALAFI:

That's the model contract, and the only thing that changes for the -- most of the time for the non-for-profits are their program services, the exhibits that go with the contract. And the contracts do not initiate out of my office, because when the budget is passed and there's a line item, the department that handles that program has to determine whether or not the program fits within what they need to be done. They have to figure out what to do with the money.

LEG. ALDEN:

Okay. Now, they would tell you then, "Here's what we need, here's when the contract -- does the contract actually go out from your office to the not-for-profits?"

MS. MALAFI:

No. It goes from the departments.

LEG. ALDEN:

From the departments.

MS. MALAFI:

And what happens is the contract cannot go out until the department receives from the contract agency their budget and program services.

LEG. ALDEN:

But that's a little backwards, because the -- our agencies are telling us, as Legislators, "Here's what we need, here's a budget," -- actually they're telling the Executive and then the Executive prepares a budget and sends it over to us, we make a little bit of a change on it, but that's where -- that's where the wants and needs would be and actually, the dollar amounts, right there.

MS. MALAFI:

As far as I know, that is just the general, "We need 5000, we need 10,000, we need 15,000," but the budgets and the program services that are required to be exhibits to a contractor, a legal contractor; this is what you'll do for us and this is how you will spend the money, are not given to the County until after your budget is passed.

LEG. ALDEN:

Right. But the initial point is these are continued services, these aren't -- unless it's a new one, and that's a whole different, you know, procedure. But if it's a continuation of services, why would they have to develop something -- you know, you take what you did last year and we add five to it or subtract two from it or whatever we're going to do with it, that's the same -- you know, that's a point to start.

MS. MALAFI:

I agree.

LEG. ALDEN:

And that can happen right now for '09.

MS. MALAFI:

Correct. All the agency has to do is go make a photocopy of last year's, put the 2009 on it and send it to us. The question is really -- how I hear you is who has the burden of saying what the non-for-profits are going to do for the next year. And I guess the departments could just assume that the non-for-profits will do the same thing they did last year, but you know, then the department would have to go find --

LEG. ALDEN:

But if they've done it for four years in a row, that's a safe assumption.

MS. MALAFI:

Well, that's assuming that it's the same. I'm sure if I pick up four non-for-profit contracts from a department for four years in a row, I would be surprised if there were no changes for the four years in the program services or the budgets. That would be an anomaly, I believe. They can answer, but I have to tell you, I think that that is not the norm.

LEG. ALDEN:

Okay. But anyway -- I'm sorry, I'm using up a lot of time. That would be what I'd like to get into more in depth of how we can change that process. And, Ben and Christine, we'll continue the conversation.

MS. MALAFI:

I will tell you, I did speak to the Nassau County Attorney to ask her, Well, how do you guys do it? Do you guys get them out faster?" She said, "We don't have as many Legislative requirements." They don't -- and they have less than half the amount of contracts we have in a year.

LEG. ALDEN:

I knew it was going to be blamed by us.

MS. MALAFI:

I'm not blaming --

LEG. ALDEN:

I'm only kidding. Christine, I'm only kidding.

MS. MALAFI:

I know, but a lot of the Legislative requirements --

MR. ZWIRN:

Just you, Legislator Alden, not the entire Legislature.

MS. MALAFI:

A lot of the Legislative requirements and the reason we do things the way we do them is because it helps us at the back end. We always think of it in reverse, when there's a problem. We've had a couple of problems since we've -- since January of 2004, where we had to -- we had to sue not-for-profits to get monies back because they were misspent, it wasn't -- if I don't have the documentation, if the County doesn't have the documentation that it needs in a file with the contract or what they were supposed to provide that they didn't provide, how they were supposed to spend the money and how they actually spent the money, we wouldn't be able to recoup those moneys.

And, yes, the non-for-profits that we need to go after to get money back are few, not even half a percent of the ones that we actually contract with. So I'm not saying that there's anything wrong with the non-for-profits or the contracting agencies, but we do from the other end. We're trying to protect the County because the one or two that we need to go after we need to go after for half a million, a million or more dollars. And we're protecting from the back end. Can the entire process be changed so that it's more streamlined? I have every -- I would listen to anything. The County Exec's Office, we've been in meetings after meetings. We have every -- we've been trying to streamline it more. And I think that this year, we've streamlined it, and we'll work toward streamlining even more for next year.

CHAIRMAN D'AMARO:

Okay. Let me jump in here. This is getting back into the generalities that I've been hearing for -- over and over and over again, not to discount the efforts that are being made on both sides and they're talking and we're not privy to those meetings. I had a point that I wanted to make.

LEG. VILORIA-FISHER:

While you're thinking about it, can I go?

CHAIRMAN D'AMARO:

Yes. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Actually, I was going exactly where Legislator Alden went in his line of questioning which is a result of what your comments were, Mr. Chair, which were very well taken. The County Executive presents a recommended budget. And so I believe that what Legislator Alden is saying regarding pushing back the process makes sense within that context. When the departments are preparing their budgets, they are repeated contracts that they have year after year. And so the process of vetting the different not-for-profits and looking at the what narratives that they're offering in terms of what their needs are for the next year, all of that is done well before we vote on the budget in November. And so it seems to me that that process has begun.

I don't think that Legislator D'Amaro was inappropriately asking for January 1st, based on a vote in November, because, in fact, departments have been looking at them well before that. And I understand what you are saying, but I think it's something we should be looking at that the process for the contract should begin when the recommended budget is being prepared. You know where you are going.

The other thing is regarding the forms. Christine, you know, I respect what you said some that there is some fluidity regarding some of the forms that are involved with the agencies; the 501(C)3, that it doesn't have to be a constant. However, those not-for-profits that are contracting with the County have ten or 17 contracts, they're submitting their 501(C)3 status at the same time anyway. I mean, if their work doesn't begin till later on in the year, they're still submitting it to you at the beginning of the year.

I'm going to use Family Service League again because they are so big, and I repeat the recommendation, which I heard, which I thought I was the only one who thought of it, and then it's a good idea, so lots of other people had thought about it. Those forms, the one based on 2025, the County Executive's, you know, I-9, that's a form that has to be included, the Living Wage. If the Family Service League did that once and didn't have to include all those forms -- by the way, Legislator Alden, this would be saving us a lot of paper -- if they didn't have to do all those forms for every one of their different contracts, it would save so much time for the departments.

MS. MALAFI:

I agree, but the law requires it for each contract. The law says for each County contract.

LEG. VILORIA-FISHER:

Okay. That was my question. Which law?

MS. MALAFI:

For example, the I-9 Law that says that for each money spent on a County contract -- I'm trying to think of the exact language, but it requires it for each contract. It can't be on file. And also, you're assuming --

LEG. VILORIA-FISHER:

I thought it required it of the contractor not the contract. I thought it was that the County not do business with a contractor who didn't file I-9s. Is the language --

MS. MALAFI:

For the employees on each contract. Some of the non-for-profits, each individual contract -- for example, Family Service League has more -- several contracts. They may not have the same employees working on every contract, so I will not know whether or not, for example, I-9 is complied with each contract based upon the I-9s filed for one contract.

LEG. VILORIA-FISHER:

But if they file -- I'm not saying that they file it for a contract, I'm saying that they file it for the agency saying in whatever contract we enter into with the -- an attestation -- that in any contract with which they -- into which they enter with the County, they would follow -- you know, they would file I-9s. I mean, could that cover it?

MS. MALAFI:

I'd have to look at the law. I didn't bring it with me.

LEG. VILORIA-FISHER:

I'm just talking about one form. That's one sheet of paper. I'm more concerned with the Living Wage, and I guess -- does that have to go with each contract as well?

MS. MALAFI:

Yes. And the Living Wage, it's the same thing, because they do it for each employee who would be working on the specific County contract. So it may not be the same employees --

LEG. VILORIA-FISHER:

And can there be language added to their form that says that, you know, that we -- but they'll -- I get -- I do member items from my office, and they're very little member items. You know, for example, Meals on Wheels, has -- you know, they came to our office and said, "Look at this form, this Living Wage," they got totally blown out of the water. And I said, "No, if you read it carefully, you could just put not-A, not-applicable." But it's another part of this daunting packet that they all get.

And I mean, Meals on Wheels -- I'm just thinking there should be some way that we could have the

agencies put language that says, in any of our contracts, we will follow the Living Wage Bill. You know, I don't know if we can, but maybe if our legislation is demanding that, maybe we can have legislation that says that if there's an attestation by contract agencies, that they will abide by, you know, Resolution X, Resolution Y, Resolution Z.

MS. MALAFI:

In each of the contracts it will say any legislative requirement is also a clause in our contracts, which say they will comply with these laws --

LEG. VILORIA-FISHER:

Okay. So that's something we could talk about and work on.

MS. MALAFI:

Right. Some of the forms are just -- they are, because in the law, it says these forms have to be on file.

LEG. VILORIA-FISHER:

I'm just talking about doing a revision of those laws, you know, saying this will revise those laws so that there only has to be something that goes with the agency. But we'll talk about it, that's just a conversation.

CHAIRMAN D'AMARO:

Thank you, Legislator Viloría-Fisher. We're going to rely on the parties involved; the County as well as the contract agencies to come up with the real specific suggestions. A couple of quick points I want to make, and then Legislator Beedenbender asked for an opportunity. Two things -- well, the first is what might be helpful is for us to have flow chart, a simple basic chart maybe for next time that would show us, you know, while -- as we break down into segments every step of the process without getting, you know, into every nuance.

It's my understanding that most contracts originate from the department responsible for administering the contract. You know, so there's -- you know, what does it take that contract generated, you know, where does it go, what's required in response and what the timing may be. And I think that would be very useful certainly to us on the committee to at least get a visual of what the process is in respect of a flow chart so that we can talk more intelligently about it. I'm going to defer to Legislator Beedenbender in a moment, but, Mr. Zwirn, I'm going to ask you if, for example, from these various departments that are represented here today, are the individuals who are responsible for getting the contract out to the agency here today?

MR. ZWIRN:

A lot of them are here, yes.

CHAIRMAN D'AMARO:

They are? Because I do want to take a few minutes to hear from them, okay?

MR. ZWIRN:

Sure.

CHAIRMAN D'AMARO:

Legislator Beedenbender.

LEG. BEEDENBENDER:

I'll just be real quick. I think, you know, as we've been going through this, you know, it's a complicated process. And I think that we kind of -- we got mixed, some terminology, and we're not talking about the same thing. Because from my comment -- from what I understood from Judy was saying is that the problem that had developed and the problem that she's working on a lot is actually getting the contract in the agency's hand for them to fill out.

And I think we got into this whole discussion, and there were just some suggestions by Ms. Chase about how to make the process easier for the agency, you know, less forms for them to fill out so they could get it back quicker. But I think it's important that we differentiate, because I don't think the problem -- you know, from the work that Judy has done with the County Executive, I don't think the problem is the agency getting the blank forms in their hands. I think that's happening earlier now, because you get the model contracts out to the departments. And I think that -- unless I'm incorrect, Judy, that's what you are talking about; actually getting the forms to fill out earlier.

And I just think it's important that we make the distinction between the agency getting the form and any difficulties they may have in filling them out, because I'm not sure which January 1st we're talking about. If we're talking about having a fully executed contract by January 1st, I can't even imagine how that would happen. But if we're talking about the agencies simply having the form to return in their hand, I think that's -- that's a much different goal post, and it's one that -- one that might -- that is a lot more realistic than having a whole thing done.

Because just from the member item example that Legislator Viloría-Fisher used, you know, I have contract agencies that have money from, you know, my predecessor. And we call and they say, "Yeah, well, we have it, we just haven't done anything with it." And that doesn't mean that every agency acts that way, but I think we just really have to be careful about which goal post we're talking about here. So if it's to get them -- get the contract agencies the blank form by January 1st, I think that's something that the departments -- and it wouldn't be your office, Christine -- but it's something the departments could certainly do, but -- and then it's important how we talk about -- because, you know, we have to factor in how much time it takes to get stuff back. If there are forms they don't need to fill them out, we should eliminate them or find ways to do it.

MS. MALAFI:

There's also the lines -- the forms are online, like, the Department of Labor Website has the Living Wage forms online. They have -- a lot of them, all you do click on the website, the County website, and the forms are right there, you just print them out.

LEG. VILORIA-FISHER:

I just wanted to clarify something very quickly --

CHAIRMAN D'AMARO:

All right. Quickly, and then Legislator Alden has --

LEG. VILORIA-FISHER:

-- because it pertains. I wasn't trying to enter into their conversation and working out -- you know, smoothing out any bumps. I was just trying to refer to items that -- the fault was blamed on us for over-legislating all these forms. So if we could streamline the way we've legislated the forms, that's why I was offering that.

CHAIRMAN D'AMARO:

Okay. It would seem to me that if the contract agencies know that, you know, 95% of these are probably going to be renewed in some form, you were talking about the program, that is generated by the agency itself.

MS. MALAFI:

And the budget, the specific budget. The agency budget comes from the agency.

CHAIRMAN D'AMARO:

And maybe another thing we can -- you know, we can talk about deadlines on the County side, but maybe we can talk about deadlines on the non-for-profit side as well, or target dates.

MS. MALAFI:

We've been -- in the Department of Law, the Legislature added a position in my office. And there's a woman whose job it is to do these contracts and follow these contracts with all the departments, because before January of 2008, to my knowledge, there was no one in the County who just followed these contracts.

And what -- you know, we've been calling, we call the departments, and the departments seem to be responding relatively quickly; some are a day, some may be a week, some may be two weeks. Once the agencies get the program description and the budget, the actual budget, to them, the contracts seem to be moving. And if there's any problem with any -- I told Judy, I'll tell Ms. Chase also, if there's any problems, if you call me, we will see if there's a snag. And if there is a snag, we'll fix it. And what Judy Pannullo and I have been doing is if we see something has happened more than once, I look at it from our -- the County's end, and I try to fix it. So we are moving towards making everything quicker. I wish I could tell you that everything could be done, I can't even imagine all these contracts being done by January 1st.

CHAIRMAN D'AMARO:

Okay. We have another presentation coming up, so I'm going to move this along quickly. Legislator Alden.

LEG. ALDEN:

Just really quickly in response to Legislator Beedenbender, I define the problem here as having a mandate to provide services, and the mandate comes from above us. And us having people out there, you know, performing services for us, and we don't have a contract with them, a signed contract. And that goes on for basically months. That's a big problem. And I would love to see us being in contract, you know, prior to the start of service, and especially when it's mandated, because God forbid something happens and we end up with a lawsuit. There's a lot of problems with having people perform things that we were supposed to do or are required by law to do, and we don't even have a defined relationship with those people.

CHAIRMAN D'AMARO:

It's a valid point, yes. It truly is. But again, you know, we're getting -- there's a big picture, and then there's case by case. And I think we've had a great discussion here today on the big picture. I think we were all pretty much aware of it. And I don't want to get into, you know, again, the blame game or anything like that. I want to try and see if we can fix it, but I think the way we're going to do that is a couple of things. We need to get into some specifics, we can do that next time. I think a flow chart would be very helpful. But I do want to quickly, Mr. Zwirn, ask you if we can hear from some of the responsible County employees for getting the contracts out. And I had a few questions as well.

MR. ZWIRN:

Absolutely, Mr. Chairman. And I would like to say that, look, while we are loathed to, you know, this kind of legislation, where there are deadlines and to put in artificial deadlines that we have to have reasons, and now we're talking about actually talking about actually having penalties that the taxpayers are going to have to pay. You have to remember that the people that doing this great -- and we've made great strides in the last year. There were a lot of complaints last year. You can hear the comments today that things have improved greatly. And we're trying to improve them even more.

You have a lot of people who are working in good faith, who are hard-working civil service workers who are doing everything they can to get these contracts processed; the County Attorney's Office, the different department heads. I mean, this is a good faith -- nobody is here trying to hold up the process. So we appreciate the opportunity to be able to come in here today. And we think this is a very constructive way to how we could do it as opposed to, you know, mandating it and then us having to scramble and stop doing something else to get something else done.

CHAIRMAN D'AMARO:

Well, I appreciate that. And, you know, if we can avoid penalties on our end, well, maybe we can have the non-for-profits avoid interest payments on their ends. And that's what we're trying to work at here.

MR. ZWIRN:

I have asked Ken Knappe to lead us. He is from DSS.

AUDIENCE MEMBER:

Excuse me.

CHAIRMAN D'AMARO:

Hold on one second. I'm sorry, but we're not going to have time today for you to further address the committee, okay? I can't do that, because you are not on the record.

CHAIRMAN D'AMARO:

Ken can address some of the issues that were raised. Mr. Chairman, just tell me who else you'd like to have up here, and we'll --

CHAIRMAN D'AMARO:

All right. Ken, why don't you just introduce yourself to the committee first, please. Welcome.

MR. KNAPPE:

Good morning. My name is Ken Knappe. And I am in the Department of Social Services, Division of Client Benefits. And within the Division of Client Benefits is the Day Care Authorization Bureau. And I spoke in length at several committee meetings in the past; at the Health and Human Services about the strides that we've made in day care payments. Next to me is our Executive Director for Finance, who's in charge, of course, of the accounting units and the payments for the child care payments as well.

CHAIRMAN D'AMARO:

All right. I don't want to get into that aspect today.

MR. KNAPPE:

I apologize.

CHAIRMAN D'AMARO:

You may not be the right person to be here with us at this moment. The day care payment was something we had addressed previously in some other legislation. I want to talk about the other contracts going out to the non-for-profits.

MR. KNAPPE:

In the Department of Social Services in my Division of Client Benefits, we handle approximately 20 of the food pantries go through my unit. And just to let you know from the department's perspective, right after the budget is finalized -- and currently we do wait until the whole veto process plays out -- we send out a letter, either divisions or the finance unit depending on who the contract is around the last week of November, the first week of December, mentioning to the contract agency the -- for this case, the 2008 Budget has adopted \$10,000 for your contract agency.

CHAIRMAN D'AMARO:

Okay. Let me cut you off there, because we're running out of time. I want to ask you this: Instead of sending that letter, if it's a renewal, why can't you have -- perhaps we can explore getting the attachments earlier and having the contract go out as opposed to a letter.

MR. KNAPPE:

The difficulty that I would have, let's say if the dollar amount changed. If there's no change in the

dollar amount and the agency wants to do exactly the same thing, I don't see a problem. If the dollar amount has changed and perhaps they want more reimbursement to go to staff members for their time being spent on the project rather than possibly goods or services that are being purchased for the members of the County, that might be another dialog that you might have to have -- I'm putting my old budget hat on -- with the Comptroller's Office and their guidelines and their protocol as well.

CHAIRMAN D'AMARO:

I can understand and appreciate your point that any change is not just simply, you know, taking some Wite-Out and putting a new number in. It has to be subject to review and approval, and there's a process for that, and there are reasons for that process. But what percentage would you say come in with no changes from your department annually?

MR. KNAPPE:

Very few have changes -- very few do not have changes.

CHAIRMAN D'AMARO:

And it's usually a dollar amount change?

MR. KNAPPE:

Normally dollar amounts. Well, a lot of them are -- in my area, there's a lot of them that are Legislative add-ons; the food pantries are done in the Legislative process when your organization is working on the budget. And that dollar amount changes quite often depending on what the current situation is.

CHAIRMAN D'AMARO:

If a dollar amount -- I am a contract agency and I contracted with you for 2007, and then budget process comes to fruition in the middle of November of 2007 for '08, okay, if I, as a contract agency, have any change in that budget in dollar amount, or maybe I have a change, maybe the dollar amount stays the same, but the allocation of how I want to administer those funds has changed, that is not something that can just be changed in the contract, and then the contract sent out. That is subject to an internal review, is what you're saying?

MR. KNAPPE:

Correct.

CHAIRMAN D'AMARO:

And what percentage of contracts require that review?

MR. KNAPPE:

The dollar amounts are on a regular basis changing. If the dollar amount hasn't changed, the support staff and the contract agencies, they may have changed their allocations on -- the allocations on how the agencies want to spend the money. In general terms, it might be all for programs, but specifically --

CHAIRMAN D'AMARO:

Okay. I got it. All right. But in addition to that contract and the review of those types of changes, the other thing we're talking about here today are the year after year redundant submissions as backup to receiving your contract. Now, is that something your department requests each time and handles handled each time? And what's your experience with those requests? Are they complied with timely? Do you make them timely? What is the time?

MS. CLARK:

Good morning.

CHAIRMAN D'AMARO:

Good morning.

MS. CLARK:

My name is Patricia Clark, and I'd like to speak to that issue. Each year when the contracts are renewed, we go through the entire process. It's not just simply a matter of changing the date and the dollar amount on a boiler plate contract. We get the boiler plate contract from the County Attorney's Office. But all the other requirements that were discussed here today; a new current budget, a new program narrative, a new explanation of cost form and all the compliance documentation is initiated every year for every contract. So it's the entire process that has to take place in order to get to the point of the document ready to be executed.

CHAIRMAN D'AMARO:

Right. And that process is exactly what we need to look at and see if we can't streamline it.

MS. CLARK:

Absolutely. I think we're all in agreement on that.

CHAIRMAN D'AMARO:

Okay. Do you have any ideas? You don't have to answer that, that's a rhetorical question. I'm sure that you do having living -- you know, you're living this day-to-day. And I'm going to ask you perhaps through your Commissioner and working with the Executive's Office to please think about that, and also, you know, communicate that to your department heads. I'm not going to ask you to do that here today. But certainly, you know, my -- I believe that, you know, these problems can be solved, and I think you are probably the best resource we have to solving them because you're dealing with this on a day-to-day basis. Legislator Alden.

LEG. ALDEN:

And the point I made before, and I think you were here when I was making it, you develop a budget, it goes to the County Executive, and then you ask us. So we're only given -- you know, we're going to approve a budget of goods and services that you've asked us to approve.

So as far as -- you know, there's some point before we vote on that that you've developed a need and developed what you need to fill that need. That's the point where I think I'd like to see you start, you know, maybe shopping around to get somebody to fill that need, if it's a service. Or if it's an actual purchase of a good, then, of course, you can shop around for that on a contract.

But when you tell us you need X number of -- what do we do -- not adoptions, but child placements, right? Okay. So based on what we did last year, here's what we're going to do this year, or we anticipate this year, that's the point -- when you put that in your request for the budget, that's when I think you can start a process to go into contract.

MR. ZWIRN:

Mr. Chairman, we have John Heilbrunn here from the Health Department, and maybe he can speak to some of the issues that Legislator Alden has raised here as well, if that's okay.

CHAIRMAN D'AMARO:

Yes. I'm sorry, your last name again.

MR. HEILBRUNN:

John Heilbrunn, welcome. And, yes, go ahead.

MR. HEILBRUNN:

The first thing I would just like to say is that we would welcome -- DHS would welcome the opportunity to be part of any contract process working committee that would comprise of the coalition members, of the Exec's Office, County Attorney's Office. We agree that there could be things that could be tightened up, so we would welcome being part of that process.

We also would welcome meeting with any specific contract agencies that may have issues with our processes so that we can work with them to work individual issues as well. But as far as what you said, Legislator Alden, I think the issue is that -- I can't say specifically -- but I think in general some of those contractors might not have all the information they need to give us a budget in September when the recommended budget is put out there, to give us information that we would need to put as part of our contract for 2008 for this year.

In other words, we work with -- as soon as the budget is adopted in November, we begin to reach out to those contract agencies and we get information -- as ask them for, as Pat Clark said, two things; a program description and a budget for the new contract year. And that process sometimes is lengthy. Sometimes we don't hear back from them.

LEG. ALDEN:

Not to interrupt you, but, okay, what would be something that would be missing, because now we're getting into specifics and that's great? What would be something that would be missing?

MR. HEILBRUNN:

Well, they may not have their insurance information. For example, for a new budget year, they might not have their insurance information available to them, they might not know what their lease is going to be for the next year, they might not know what their staffing costs are going to be for the next year.

LEG. ALDEN:

Those are things you can deal with later on. You can go into contract, and I'll give you a for instance -- you absolutely can. We would bid a contract to do a school district if they wanted 100 buses, and I was required to give them the certificate of insurance, the registration and title on those buses. If on day one, I had sold some of those buses or bought new ones, I'll give them a revised certificate and I'll go into them and I'll get an approval there on that.

But you can go into what the specific service that they're going to provide. I think the rest of it is, you know, required, but that's follow-up stuff. You developing what you need, you know, I need X number of whatever, hospital beds, whatever it is, that you could develop, whether, you know, they're going to provide it, you know, today or tomorrow or a certificate of insurance. You know, that to me is something that later on --

MR. HEILBRUNN:

We would be very willing to try to work with those agencies as soon as possible. I'm just suggesting that maybe at times, we have trouble getting that information from the post budget adoption.

LEG. ALDEN:

And that's a legitimate --that is absolutely legitimate. And that puts it on the -- our contract agency. But as far as our purpose and to get things going in a more timely fashion, if we know we need something, I don't see where we can't get that -- you know, communicate that need to a non-for-profit. If they can't supply it, we'll go to another one. And get that conversation going and get that proposed contract. And we all do it as attorneys, a proposed contract can get changed right up until the last second and even after it's executed?

MR. HEILBRUNN:

I'm in agreement with you. I think we need to -- but I'm saying that, you know, we need those contract agencies to be able to be more forthwith with us in giving us the right information so that we could move that process, because we have trouble getting that information even on -- even as the system exists today.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

Are you directly responsible for getting the contracts out to the agencies?

MR. HEILBRUNN:

The Health Services Department sends their contracts out to the agencies -- yes. Yes, we send them out.

CHAIRMAN D'AMARO:

And when our budget is finalized towards the end of November or, I guess, mid November, you send letters out to each contract agency that your department is contracting with. Is the letter specific as to what infection you need?

MR. HEILBRUNN:

Yes.

CHAIRMAN D'AMARO:

Do you set a deadline?

MR. HEILBRUNN:

I'm not sure, I'd have to check, but I don't think we give them a deadline.

CHAIRMAN D'AMARO:

Okay. What you're saying today is that part of your experience is that you will not send the contract out until you have all of these items in place. Legislator Alden is making a point that maybe the contracts can go out even though you don't have everything in place. We have to look at that.

MR. HEILBRUNN:

Our process is that at Social Services we require them to give us a budget and a program description for the new contract year. Once we have that information in place, then we process the --

CHAIRMAN D'AMARO:

In some circumstances, it may be difficult to have the budget to you by mid-November if you were a contract agency?

MR. HEILBRUNN:

I'm suggesting that that could be a problem, but we could look to doing that, yes.

CHAIRMAN D'AMARO:

Have you ever-- do you ever get the submissions that you are talking about from the contract agencies before you ask for them?

MR. HEILBRUNN:

Well, on a renewal contract, something that's like, going -- you know, continuing contract, we actually get them after the budget request from the department is put out in April or May. So we put that out, and then they give us a preliminary budget, and a preliminary description of services. And then once the budget is adopted in November, then we actually go back to them and they confirm that information to us.

CHAIRMAN D'AMARO:

But what I'm hearing is a lot of the finality to what the submissions are going to be and what the contract is going to say really hinges on knowing that the budget is final. Is that an accurate statement?

MR. HEILBRUNN:

Right.

CHAIRMAN D'AMARO:

And that's creating a crunch period then, because if we're not until mid November to meet a January 1 deadline for thousands of contracts becomes very difficult. I see a lot of heads going up and down saying -- yeah, the light bulb went on.

MR. HEILBRUNN:

Health Services has about 1700 contracts.

CHAIRMAN D'AMARO:

How many?

MR. HEILBRUNN:

1700.

CHAIRMAN D'AMARO:

1700. And what percentage of those are executed fully by January 1st?

MR. HEILBRUNN:

I would say very few.

CHAIRMAN D'AMARO:

Yes. Legislator Fisher, and then I think we're going to bring this to a close for today, and we'll take it up next time.

LEG. VILORIA-FISHER:

Mr. Heilbrunn, thank you for being here. I thought I just heard you say that before we vote on the budget you are able to send a letter to those agencies that are repeat, that generally have -- saying that we're contemplating having them in the budget.

MR. HEILBRUNN:

Right.

LEG. VILORIA-FISHER:

Right. Okay. And what kind of percentage is that of your 1700.

MR. HEILBRUNN:

Excuse me.

LEG. VILORIA-FISHER:

That's exactly the kind of thing that I think we've all been asking for. He had said that before we vote on the budget, they send out the letter to those repeat agencies, which is exactly what we've been asking. And I'm just wondering what kind of -- what percentage that is of the 1700.

MR. HEILBRUNN:

Deidre DeSimone is the head of our contracts unit. I'll let her answer that question.

LEG. VILORIA -- FISHER:

Okay.

MS. DESIMONE:

Good morning. There's approximately 100 contracts that are categorized as the 4980 contracted agencies out of those 1700. So we're only talking about 100 of them.

LEG. VILORIA-FISHER:

Okay. Now, there are 400 agencies, but how many contracts do they have?

MS. DESIMONE:

Well, there's a lot of pseudo codes that are lumped into one. So an agency could have maybe one, two or three, but they could have a lot of programs on each contract. So it's kind of hard to identify. We've been trying to put as many programs as we can with one provider, so that we're not duplicating the process. So a contractor could have up to six programs on one contract and possible maybe three or four different contracts.

LEG. VILORIA-FISHER:

So it could be almost 50% of your contracts then that go out beforehand, because if you have 400 providers --

MS. DESIMONE:

100 providers.

LEG. VILORIA-FISHER:

Oh, only 100.

MS. DESIMONE:

Maybe about 60 contracts in all. As Christine Malafi had said earlier, only 17 contracts will be executed in 2008 for those agencies. The rest are budget approval forms. It's a documentation, a one-page document that allows us to adopt a budget for each year of a multi-year agreement.

LEG. VILORIA-FISHER:

Wait a minute. Of those 1700 contracts, only 100 are -- you have 1600 new providers every year?

MS. DESIMONE:

The balance of the other contracts is 1600 or what we call fee-for-services; they don't require -- they're not pseudo coded, they don't require budgets, and they're paid on a fee-for-service basis. Those contracts are issued in September and October of the previous year, and usually we can get them executed by January 1st. The only delay in these unique contract agency contracts is that we need a budget. And normally the budget is approved in November, the County budget. That's when we can move forward with finalizing a budget with each of the contracted agencies.

LEG. VILORIA-FISHER:

Okay. You're really confused me, so I think we have to wait till we see a flow chart, because we were under the impression that you were burdened by the 1700 contracts. And now you're saying that most of them done beforehand because they're subject --

MR. HEILBRUNN:

I just mentioned that as a point of information, that that's the volume of contracts we handle in the department in total.

CHAIRMAN D'AMARO:

Right. Which was a direct response to my question.

LEG. VILORIA-FISHER:

So I got a little confused by that. All right. When we see the flow chart, I think it will be clearer. And I hope you'll come back, Ms. DeSimone.

CHAIRMAN D'AMARO:

Thank you, Legislator Viloría-Fisher. I think we have come full circle. And I think this is now highlighting the point that I was making at the outset that we need to get into some specifics, because they're -- you know, we're talking about, well, you know, I send a letter, but we need a budget. Well, I can't send you a budget until I can finalize that internally with my not-for-profit.

You know, there's all kinds of considerations going along here. And I would expect with the testimony we heard today that there is a vast improvement or some improvement at least in the process. You know, we're highlighting the process now, we're taking a hard look at it.

I'm encouraged by that testimony, but there seems to be also these real egregious cases floating out there that are just kind of, for lack of a better way of putting it, ruining it for everything else that you're achieving here. And I think we need to get into those specifics and find out in these worst cases why is this happening. And I think from that we might be able to also get some recommendations on how to improve the entire process.

I'm also going to ask, Mr. Zwirn, through you that -- and I appreciate all of the department employees, individuals, who came down here today. I apologize if not all of you got a chance to talk to the committee. But I'm going to ask that you work with your Commissioners, Department Heads, with the Executive's Office, if you folks on the front lines have recommendations, it's not a blame game, it's not finger pointing, I'm not going to put you on the spot on the record here, but I would appreciate as someone responsible for overseeing this process and being a part of County Government, I would appreciate if you would take your expertise, because you guys are the ones that have it, and if you would go to your Commissioners, Department Heads and to Mr. Zwirn and the County Executive's Office and communicate with them, then when they come back here, maybe we can not only have the non-for-profits recommendation, but maybe we can have yours as well. And that can also be added to the dialog having with Mr. Morgo and the other dialogs that are happening with the County Attorney's Office. So I think that might be the beginnings of a very productive process if we can all kind of work together on that. Mr. Zwirn, did you want anything?

MR. ZWIRN:

Just one thing. When we talk about the egregious -- the most egregious cases, if we could find out what they are in advance so that we bring the people down here, we can resolve them. We're not -- we're trying to be helpful.

CHAIRMAN D'AMARO:

Well, that is what I was trying to do today.

MR. ZWIRN:

I understand that. But even -- it doesn't have to be done in a public forum. If they can tell us between now and the next meeting so we don't have to mention anybody's name, but we can go through a case study and find out, well, this took six months beyond what it should have taken, that is what was claimed, and this is what -- this is what the real was or this is what was in dispute. Just so we all are on the same page and we know we're trying to find -- you know, make this process work for everybody. It's not -- we're not trying to punish anybody, we just want to try to get it done. And we're willing to put the time and effort into do it.

CHAIRMAN D'AMARO:

If that's the preference of all the parties involved, that's certainly okay with me. But I would like to, at our next meeting, pick up some dialog. If the non-for-profits and the Exec's Office want to resolve that outside of this forum, I'm not adverse to that. But I think one of the ways you also help to resolve a problem is to set some goals. And I think one of the goals I'd like to set for this committee is to ask for specific recommendations at our next meeting as to what we're going to do to improve of process. You may have implemented them already, it may be -- you know, it may be something that, you know, you need more time to develop. But, you know, we heard a lot of general testimony here today, and certainly there's a lot to the process. But I just feel that there has to be ways to improve the efficiency of what we're doing. And I know the County Attorney's Office has been doing that, the departments have been looking at that, but I think if they were presented to us, I think it would be helpful when considering whether or not to impose a deadline.

MS. MALAFI:

I absolutely understand what you are saying. I just would like to be in the position that, if at your

next committee meeting a non-for-profit is going to sit here and say this contract wasn't handled properly, there were problems, if we know about it in advance at least then I can bring a story to you to explain it to you. If somebody is going to get up here and say we had a problem with a contract, but I'm not going to tell you the name of the contract and I'm not going to tell you, you know, exactly what happened, I can't find out what the problem is. Is all I'm saying -- asking is that if any of the non-for-profits are going to have a complaint about how their contract was handled, if I could just get an e-mail or a telephone call with the name just to I can look up as to what happened to that contract so I can tell you what happened on that contract.

CHAIRMAN D'AMARO:

Well, why don't we do it this way? Why don't we do it this way? We'll have our next committee meeting, and we'll have this on the agenda. Hopefully we'll get through it a lot quicker than we did today. We won't -- I'm going to specifically ask that my office be notified in advance of who we're going to talk about, okay, and I will communicate with the County Attorney's Office and with the Executive's Office. I mean, we want everyone prepared. You know, we don't -- you know, otherwise we're just going to adjourn to the next meeting. It doesn't make any sense. And that was the original intent of what I'm trying to do. And that brings us right back to where we started from. So if there are no other questions or comments, I appreciate everyone coming down today and working with the Ways and Means Committee. And, you know, I think this is a good cooperative effort, and we'll keep it going for next time. Thank you, everyone, I appreciate it.

Okay. We're going to continue now with the Ways and Means Committee with the rest of the agenda. That was item IV on the agenda, presentations. I just wanted to ask, again, if there is anyone here who during the public comments section of the agenda would like to address the committee on any topic. Is there anyone here for that purpose? Okay. If not, we have another group of individuals here who wanted to make a brief presentation to is in connection with one of the bills we're going to considering today. But what I'd like to do is take the bill out of order so it can be before us, have the presenters come up and tell us what it is, and then we can take action on that bill first. And that would be Resolution -- Introductory Resolution Number 1430-2008. And I'm going to offer a motion to take that resolution out of order and put it before us now. So moved. Seconded by our Vice-Chair Legislator Beedenbender. All in favor? Opposed? Abstentions? That motion carries. All right. So Resolution 1430 is now before the committee to be considered.

1430, Authorizing a contract with General Code Publishers to update the Suffolk County Code. (Pres. Off.)

Gentlemen, good morning and welcome. If you'd like to introduce yourself and please go ahead.

MR. CRAPARO:

I'm Anthony Craparo from General Code. I'm the regional representative here in New York for Long Island and Westchester County.

CHAIRMAN D'AMARO:

Okay. Welcome to the committee, and I appreciate your sitting through the prior presentation. It's was lengthy, but something we've been working on a long time. Just pull the mike right up to you and speak directly into it just so everyone can hear what you have to say. We're considering a bill today that is now before the committee, which is Resolution Number 1430 to update and reorganize our Suffolk County Code. And you are representing the company that is proposing to do that; is that correct?

MR. CRAPARO:

That is correct.

CHAIRMAN D'AMARO:

Okay. Why don't you go ahead and tell us what you propose. Hold that microphone right up to you, please.

MR. CRAPARO:

If I may, we need to set up a call here, a link that we were preset to have the editor of your code book on line with us so if you had specific questions about the code we could address it. So I need about two minutes to get that set up.

General Code Corporation has been in place for 45 years. We've done the Code for the County for over 24 years. We prepare all of the codes that you use, these small little books. There's actually two volumes of it that we've been working with for, again, 24 years. We have over 2500 customers in 29 states, over 800 here in the State of New York. So we've been a very well accepted firm in professional services performing code work for municipalities and counties throughout New York.

Again, there are 150 codes presently, code books, in place here in the County that you utilize. The Attorney's Office, different members of the Legislature carry the code books and so on. At present, it is in volumes. There are 80 supplements that have been done since 1984 to it. And it's expected now with some new legislation coming through that you'll be moving into your third volume. That said, the workability of utilizing the code has been hampered at best, is the best was to describe it. As you can see, two volumes if people needed to take them with them to meetings and so on is a rather difficult task to perform.

We were asked and took a look and doing an analysis of the code as exact today and to make some recommendations on how to improve the usability of the Code, the quality of the Code itself. Sections of the Code, if they have discrepancies from one section of the Code to the next, so this is some of the work that we're looking to perform for you.

Further, some of the chapters need to be reorganized for the simple reason that you have sections of the laws that apply in different areas scattered throughout the Code, and we bring that back together again to make the Code, A, more readable; a living document and also a document that becomes more usable, because things that you need to look for are in one place. We'd also like to look at the different -- the table of contents as it exists -- and this is kind of technical -- as it exists, but you have a standard table of contents and you have A and B Chapters. If you're not an attorney working with this Code every day, it becomes very difficult for the average municipal employee to understand what's going on in that Code.

Also, the table of contents is divided into -- and it's purely set up on subjective matter rather than a codifiable either alphabetical or subject matter layout that applies across both volumes. So it makes it difficult to use the two separate volumes. There is no index for the Code across the two volumes at present. So if you had to find something, it becomes very difficult.

Also, with the number of codes that are out there, presently you have 150 that are being basically managed by the Clerk of the Legislature. So they have the task of keeping those Codes up to date, all the supplements being in the right place and so on. At the present time, as no fault, it's just the normal progression of things as you add supplements and so on, many of the Codes are not up-to-date, and they're not -- they don't have right sections in them. So you Code volumes that are really usable in the form that you want to have them.

If we talk about just taking one section, like the Sanitary Code, it has now been adopted by the Board of Health. It really doesn't necessarily need to even be in the Code that you have standing here right now. So we can save almost 250 pages in the Code and reproduction of the Code by itself. If we also took thing simply like the notes to the Local Laws and moved them to the end of the chapters rather than as notes right out of a particular law, it makes the Code, A, more reasonable and readable, and it makes simple to find where you know all the notes are in one section in the back of each chapter.

It also allows us to eliminate some of the resolutions in Part V of the Code, which have become outdated. Some committees no longer exist, they're still notated in the Code and so on. So it

cleans up a lot of that work as well. Some of the reasons -- I can get involved and talk about all of the separate reasons of why you want to refresh the Code, but mainly it is to make it more usable and bring it back to being a living document.

From a financial standpoint, because you have 150 Codes, one of the things that we did discuss with the Clerk of the Legislature was to take those 150 volumes and say you really don't need 150 volumes first of all. You may be able to use -- and we found that we could put it up online for you so a lot of the users could have access to the Code via the web, via your internal systems, eliminating the need to publish all this paper. So you'd be very green for one thing. You'd go from a book that looks like this to basically and eight and a half by eleven Code that's more readable, it's not in two columns, it just much more easily read, more like a book rather than a document of small type. And as I get older, I don't know about the rest of you, it gets harder to read small type.

Really I wanted to open it up to questions from you folks as to what you may want to know about the process and so on. I know you're tight for time today, I was warned about that, so I want to make sure I got to your questions. But we can talk about any individual piece of the process that you'd like and how it works, what you're going to get in the end of the work being done and so on. So I'll open that up to the committee, I guess. Yes, Legislator Nowick.

LEG. NOWICK:

Thank you for the presentation. Just so I'm clear on it, when you talk about the Code, the County Code, that's different from the County Laws, that's our policy, the Code, is that what your --

MR. CRAPARO:

This is the County's book of Legislation, yes, all of your Codes that --

LEG. NOWICK:

So it's Codes and Laws.

MR. CRAPARO:

And laws.

LEG. NOWICK:

So it's Codes and Laws?

MR. CRAPARO:

Yes.

LEG. NOWICK:

Okay. Thank you.

CHAIRMAN D'AMARO:

All right. The resolution that's before -- Mr. Nolan, did you want to say anything?

MR. NOLAN:

That's a Charter, the Administrative Code, Regulatory Local Laws, some Local Laws that govern how the County does its business. And then also some resolutions have been codified as well. And that's all under the rule brick of the Code.

LEG. VILORIA-FISHER:

Just a short question.

CHAIRMAN D'AMARO:

Yes, go ahead.

LEG. VILORIA-FISHER:

When it says, "complete editorial analysis --

MR. CRAPARO:

Yes, ma'am.

LEG. VILORIA-FISHER:

Because in the editorial process, there has to be a basic concept, an understanding of what's behind that Code in order to understand the Legislative intent. So, would you be working with our Legislative Counsel or Department of Law when you are doing any editorial work there?

MR. CRAPARO:

Absolutely. The process basically states we take the laws as they exist and analyze those and we create what is called a work book from it. And each excerpt of the analysis, we look at each section of the Code, each law, make sure -- and making sure that it complies with State requirements, State Statutes and so on, that it doesn't interfere with other sections of the book, so eliminating discrepancies within the book. And then we create this work book that says to the attorneys and the people working on the committee working on the new version of the book, updating the book, here is what we're suggesting as a change, here is what you have on today, here what we're suggesting as a change in each section. If you chose to rewrite or rework what we're suggesting, or leave the Code at all -- and we go through it step by step each chapter and each section of the book.

Once that is created, once that book is answered, the work book is completed or the analysis book is completed, we take it back and create a manuscript from it. That then gets looked at by all the members of the council that's working on the book, and then the next step, very simplified, is we publish the book. But that process can take up to 24 months.

LEG. VILORIA-FISHER:

Okay. Your answer led to another question.

MR. CRAPARO:

Yes, ma'am.

LEG. VILORIA-FISHER:

And perhaps our Counsel can tell us. He just mentioned a committee or a council that's working on it. Has that committee been formed? Do we know who's going to be working in proofreading the manuscript and the editorial comments?

MR. NOLAN:

No. I do not believe that's been set up yet. I believe, based on what I've heard about this, is that certainly I'd be one of the people looking at the suggestion, but I think you probably all want to pull in the Department of Law, the Municipal Law people. Beyond that, that I'm not certain who it would go to, but certainly people in the County should be looking at their suggestions.

LEG. VILORIA-FISHER:

Sure.

MR. NOLAN:

And I think maybe it should be a two-way street, because I know that in at least in a couple of cases, laws have been codified and a certain section has been pulled out and codified in our Code, but standing by itself, the meaning of the law was not really clear and has caused questions and problems. So it really needs to be, I think, a two-way street.

MR. CRAPARO:

And the process is. The first thing we do when we get involved is we set up an additional call to decide who are the members that we will be -- our editorial staff will be dealing with.

LEG. VILORIA-FISHER:

Okay.

MR. CRAPARO:

And then we go -- there is that and back and forth as regular meetings go on into each section. Reviews are done very completely in each section before anything is published.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

That's the total price?

MR. CRAPARO:

Say it again.

LEG. ALDEN:

That's the total price for the whole process.

MR. CRAPARO:

That's the total price for the whole process. Now, if I may explain some things to put it in a good light for you or a clear light, the original proposal asked for a 150 of the binder books to be put together, actually 100 sets -- 150 sets rather. That would have initially cost \$63,000 to pull together with all the editorial analysis and the work that needed to go on. In conversation with the Presiding Officer and the Clerk, we found that if we reduced the number to 15 actual physical Code books needing to be in specific areas by statute, and then using the internet and the network system here with the County, you could reduce that number and save \$20,000 just at that level in publishing if -- you know, rather than publishing those books, you would save that money by not having to publish.

Also -- in fact, let me go just quickly through here for a minute. I'll put up some other numbers for you.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Alden.

MR. CRAPARO:

This section, just as a quick one for you, Mr. Chairman, there's also going forward some additional savings that you can incur by going to the larger size book. You save printing costs each year, approximately, between the printing costs and the costs of reducing the number of Codes about \$5000 additionally each year to keep the book up to date.

CHAIRMAN D'AMARO:

Okay. Is that it?

LEG. ALDEN:

Yeah.

CHAIRMAN D'AMARO:

All right. The resolution sets forth what your proposing to do in a very brief format. So this dollar amount gets us to the final product.

MR. CRAPARO:

That is correct.

CHAIRMAN D'AMARO:

Is there any way the dollar amount would be exceeded?

MR. CRAPARO:

I'm sorry, say it again.

CHAIRMAN D'AMARO:

Well, you know, similar to a construction project with cost overruns, can we anticipate further requests or --

MR. CRAPARO:

That is the dollar amount.

CHAIRMAN D'AMARO:

That's it.

MR. CRAPARO:

That's the complete contract. Unless you come back with additional laws that you are going to be adding on doing to the process, otherwise, no, that would be --

CHAIRMAN D'AMARO:

Well, how long does that process take?

MR. CRAPARO:

It's a two-year process.

CHAIRMAN D'AMARO:

Two years?

MR. CRAPARO:

Correct.

CHAIRMAN D'AMARO:

So we're going to have additional laws on a biweekly basis.

MR. CRAPARO:

You may have a few, but it's not something that's going to be a major cost.

CHAIRMAN D'AMARO:

Those are \$10,000 each, right?

MR. CRAPARO:

No. Not at all. Not at all. I think the Clerk of the Legislature might be better to explain to you what your normal year's process is. Tim?

MR. LAUBE:

Currently we have 197 copies of these out that the Clerk's Office maintains. So the supplement comes through, we have to make 197 copies and distribute them around the County. They're not all County employees, these are attorneys in private practice, libraries and such. I've been encouraging a lot of the ones from in the private sector to use the online system. And I know locally there was a library that was more than happy to do that instead of spending the money to update the Code. It's \$350 to buy a whole Code to start, and then \$100 a year thereafter, while it's free to use the internet. So it's labor intensive to the Clerk's Office every time the supplement comes through to make all these copies up.

I've been in contact with a lot of department heads that would prefer to go to the electronic copy. The hard copy will be available for those who want it. It's just like when we started scanning documents here at the Legislature and making them available online, there's some people who prefer the hard copy to have it in hand, and some people prefer the electronic copy.

CHAIRMAN D'AMARO:

I guess what I'm saying is you're going to fix a date and time where that's the Code you're updating, and anything that we enact and becomes law in Suffolk County subsequent to that would be subject to an update.

MR. CRAPARO:

Right. It's a supplementation is what we call it.

CHAIRMAN D'AMARO:

Right. So at some point, you have to fix -- this is the Code and this is what we're updating, you'll work on that first, and then you'll get into the supplement, the cumulative supplement basis.

MR. CRAPARO:

Well, actually, based on and at the direction of the Clerk of the Legislature itself, if you said to us this is to come out next week and we're working on the Code, and you say we need to have it in this Code, we would actually make it part of that as per your direction.

CHAIRMAN D'AMARO:

Right. And is there an additional cost to doing that?

MR. CRAPARO:

Modest. Modest cost based on the size of the supplement itself. If it was only a few pages, it could be a couple of hundred dollars. If it was, you know, a hundred pages, it would more.

CHAIRMAN D'AMARO:

Okay.

MR. CRAPARO:

But that's your normal supplementation process today, Mr. Chairman.

CHAIRMAN D'AMARO:

I agree with you that the Code is very difficult on use, and just physically and just substantively very difficult, but well organized.

MR. CRAPARO:

Well, I think when you see the versions up on the internet and how easy it is to search through them at that point, you'll wonder why anybody would have wanted to have the hard copy to carry around.

LEG. BEEDENBENDER:

Motion.

CHAIRMAN D'AMARO:

All right. Are there any other questions? All right. We're going to end it there. I'll offer a motion to approve Resolution Number 1430-2008, which is before the committee, seconded by Legislator Beedenbender. All in favor? Any opposed? Abstentions? Motion carries. **APPROVED (VOTE: 4-0-0-1 - Not Present - Leg. Viloría-Fisher).**

All right. Sir, thank you very much for coming in.

MR. CRAPARO:

Thank you.

CHAIRMAN D'AMARO:

Good luck in revising the Code. And also, thanks to the Clerk of the Legislature and to the Presiding Officer's Office for saving us a few bucks as well. There are two other bills I'd like to take out of order this morning. The first -- the next bill is Resolution Number 1275-2008, it is on the Tabled Resolution Section, Section V of the agenda. It is a bill amending the rules of Legislature. It was tabled at our last session. Some of the committee members expressed the desire to have the sponsor to come in to explain the proposed IR, and Legislator Montano had been kind enough to indulge us and appear this morning. So what I'd like to do is offer a motion to take 1275-2008, amending rules of the Legislature out of order. So moved by Legislator Nowick. All in favor? Any opposed? Abstention? That resolution is now before us.

1275-2008, Amending Rules of the Legislature (MONTANO).

Legislator Montano, would you like to start us off or --

LEG. MONTANO:

Sure.

CHAIRMAN D'AMARO:

Whatever your preference may be.

LEG. MONTANO:

I'd be happy to. Thank you very much for acknowledging me. Again, I recognize I'm not part of the committee. I won't belabor this. This is a rule change that resulted from the removal of a -- the attempted removal of a bill from my committee. It more or less codifies, I think, the practice that we now have in the Legislature when bills are laid on the table. Once they're looked at -- at the beginning of the year, when we organize the Legislature, the jurisdiction of the various committees are filed with the Clerk of the Legislature.

And this rule change simply says that when a bill is laid on the table Counsel to the Legislature shall review the subject matter of the bill and make an initial determination as to which committee the bill should be assigned to based on -- based on a -- you know, the closeness, because sometimes bills can be -- overlap committees. So what we want to do is we want to assign -- what the bill says is that Counsel, who is not a member of the Legislature, shall make an initial determination as to which committee a bill shall be assigned to.

If the -- then if the Presiding Officer wishes to change the committee or to reassign a bill -- and we all know that this happened in relationship to a bill that was before my committee. And I think, you know, Newsday did a story that, you know, explains how and why -- not necessarily why, but how the bill came up to be reassigned. The bill was ultimately not removed from my committee. But in any event, the process now is that if the Presiding Officer wishes -- under this rule, if he wishes to remove a bill from one committee to another, he shall first request the consent of the Chairperson of the Committee where the bill was initially assigned. If the Chairperson consents, then there is no issues with removal of the legislation, proposed legislation, from one committee to another.

If, on the other hand, Chairperson of the Committee says, "No. I want to retain jurisdiction of this bill in my committee," then the Presiding Officer -- and not to diminish the authority of the Presiding Officer to reassign a bill -- the Presiding Officer would then have the authority to reassign the bill, but he or she would have to explain the reasons why and file those reasons with the Clerk of the Court.

The last language, and I think it's the most controversial, the last sentence of the rule deals with any

attempt to influence or assign -- the assignment or reassignment of any legislation for political purposes or to secure a more favorable disposition of any legislation shall be subject to the provision of Rule 13 -- 13, Standards of Official Conduct. That language deals with whether or not we could possibly have an ethical violation for purposes of removing a committee for other than legitimate reasons with respect to the subject matter of the -- the subject legislation and the conduct there.

And I think that's most controversial part of the resolution or the rule change. But for the most part, the other parts really deal with the procedural aspect of how rules are assigned to committee. And I do believe that for the most part the process that's outlined prior to this last sentence is the process that we employ now. And that's why the rule change was put forward.

And I'd be happy to answer questions with respect to this you may have. And I would like to say this: I know at the last meeting there was an attempt to -- or there was a motion made to table to call subject to call. I would like this -- this is a clear cut issue, I don't think it's complicated. I would like an up or down vote on this. I don't think -- if it were to be tabled for -- I would entertain any recommendations to change the language of the rule. And I would ask then that if -- if there were some recommendations, I would table it. But if it were tabled subject to call, I would simply withdraw it and resubmit it. And I would do that continually until we get an up or down vote. So I think we should dispose of this. Either pass it, discuss what changes, if any, would be made prior to passage or defeat it.

CHAIRMAN D'AMARO:

All right. Legislator Montano, again, the committee appreciates you coming in to explain the justifications for the bill from your perspective. I do appreciate that. Does anyone have any questions?. Legislator Nowick. You know, Legislator Nowick, before you go, I was just going to ask on the record if Counsel would let the committee know what the current procedure is and how this is different.

MR. NOLAN:

Well, pursuant to our current rules, the assignment of legislation to committees is the purview of the Presiding Officer. I think the longstanding practice under this rule has been that the Presiding Officer, for the most part, delegates that to my office, and we generally recommend where the bill should be assigned to. If the Presiding Officer disagrees with something, a recommendation, obviously, what he says goes as to where the bill is going to be assigned. And so ultimately, he has the authority. The Presiding Officer has the authority to assign legislation to committee.

CHAIRMAN D'AMARO:

Legislator Nowick, did you have a question?

LEG. NOWICK:

Legislator Montano, as I understand it, then the change would be rather than the Presiding Officer having the authority, the Presiding Officer to Counsel, what your bill would do is give the ultimate authority -- the first authority to the Counsel to the Legislator.

LEG. MONTANO:

Yes. It would not diminish the authority of the Presiding Officer to reassign a bill to a committee, but it would place the initial assignment of the bill in the responsibility of the Counsel. And the reason for that is that we do have on file, as I indicated, the jurisdictional requirements or the jurisdictional basis of a committee, and it's my feeling that bills should be assigned to a committee that most closely parallels the subject matter of the bill and the jurisdiction of the committee to which it's assigned. And it does give the Presiding Officer the authority to then say, "No. I want it to go to a different committee."

LEG. NOWICK:

Could I just stop you right there?

LEG. MONTANO:

Sure. Go ahead.

LEG. NOWICK:

So if Counsel makes the decision and the Presiding Officer says to Counsel, "I want it to go to another committee," can Counsel disagree? Who's got the authority then.

LEG. MONTANO:

The Presiding Officer has the authority. But what happens is that once a bill -- under this rule -- and this just -- this just clarifies that we have before the Legislature. And I might add that I think that not only this, but a lot of our rules need to be relooked at, you know. And maybe we could talk about that at a later time. And obviously, there's an issue, and everybody knows what I'm talking about.

But if the Presiding Officer, who is the elected, you know, Chair -- Chairperson or whatever, however you would describe it, of the Legislature wishes to reassign a bill, one Counsel has made a decision, then -- there are two requirements; one is that you seek the concurrence of the Chairperson of the Committee --

LEG. NOWICK:

Okay. That was my question.

LEG. MONTANO:

Yeah. You just go to the Chairperson and say, "Lynne, this was put in Consumer Protection, but I think it belongs more in Ways and Means." If you don't have a problem with that, he reassigns it.

LEG. NOWICK:

Okay. Just to back up then.

LEG. MONTANO:

Go ahead.

LEG. MONTANO:

Right now the way it is, the Presiding Officer can put this into a committee. The way you're changing it is that the Presiding Officer, he if he -- he or she disagrees with Counsel, can move it with the --

LEG. MONTANO:

Concurrence.

LEG. NOWICK:

-- concurrence of the Chairperson of the Committee.

LEG. MONTANO:

Right. Right now -- go ahead.

LEG. NOWICK:

The Chairperson of the Committee then has the ultimate decision.

LEG. MONTANO:

No.

LEG. NOWICK:

No.

LEG. MONTANO:

No. No. That's what I was going to get to. Right now, a committee can be assigned and reassigned from one committee -- a bill can be assigned to a committee and then reassigned to one, two or three committees by the Presiding Officer without any input from the Chairperson of any of those committees.

Under this rule, it simply says that the Counsel shall make the initial determination and assign it to a committee. If the Presiding Officer wishes to change that assignment, he must seek the concurrence, he must, you know, basically go to Chairperson, like yourself as Chairperson of Consumer Protection or me as Chairperson of the Budget and Finance Committee and say -- or Legislator D'Amato as Chairman of Ways and Means and say, "I'm going to remove this committee from" -- I mean, "this bill from your committee." If you say, "I don't have any objection to that," it is simply reassigned. If you say, "I have an objection to it," the Presiding Officer can still do it, he just simply has to notify the Clerk and say, "These are the reasons why I decided to take this committee -- this bill out of your particular committee." So it doesn't diminish the power, it just puts on record the reason. And the motivation behind that is that I believe that we should have committees and bills that most closely parallel the subject matter of the bill.

LEG. NOWICK:

Okay. I'm glad I asked. Then what I'm understanding is as long as the Presiding Officer puts on record --

LEG. MONTANO:

Yes.

LEG. NOWICK:

-- he's changing, the changes continues --

LEG. MONTANO:

Absolutely.

LEG. NOWICK:

-- even though the Chair disagrees.

LEG. MONTANO:

Absolutely.

LEG. NOWICK:

Thank you.

LEG. MONTANO:

You're welcome.

CHAIRMAN D'AMARO:

All right. I'm just going to state, I have a couple of problems with the bill. The first is kind of a threshold issue. I view the initial determination being made by Counsel as almost an inappropriate delegation of authority to an unelected member of the body. I think that a Presiding Officer is put in place by a majority of this Legislature to make certain decisions, one of which is how we proceed and who hears what and what the interpretation of the jurisdiction of the committees are. And I think it's improper to delegate that authority in the first instance to Counsel. And also, I think you are putting Counsel in a very untenable position by doing that.

The second issue I have with the bill is that the last sentence, which Legislator Montano read into the record, "any attempt to influence the assignment or reassignment legislation for political purposes or to secure a more favorable disposition of legislation shall be subject to the provisions of Rule 13," well, what does that mean? Who is going to make that determination? Who is going to say, "No. That's a political purpose, or that's -- you are just doing that for a more favorable

disposition"? You'll never get to a committee process if you start getting into that dialog. I don't think that's effective.

LEG. MONTANO:

Okay. Let me --

CHAIRMAN D'AMARO:

Let me just finish.

LEG. MONTANO:

Go ahead.

CHAIRMAN D'AMARO:

The reason why this is part of the discretionary authority of the Presiding Officer is because that is the voice of the people of Suffolk County speaking through a majority. Okay? We do not need to spend this Legislature's time arguing with Committee Chairs and pointing fingers and blaming each other over who's doing what and why. That's why I want my Presiding Officer making those decisions. And if I have an issue with any of that, I can take it up with my Presiding Officer, and I can take it up in my committee. But I don't think that we should be delegating that authority and putting in vague language to penalize Legislators under Rule 13 when no one is every going to agree on whether or not those penalties should be imposed. And, Legislator Montano, if you would just hold off one moment, Legislator Fisher please go ahead, and then, of course, to Legislator Montano.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. I prefer to look at Rules of the Legislature when we are setting up the rules for the year. And perhaps we can revisit this rule, but I'd rather revisit it when we are setting up the Rules of the Legislature at the beginning of the year.

The second issue I have with this is what you said, Mr. Chair, which is that I don't believe that we should be putting the burden -- Counsel serves as Counsel. Counsel is not an elected official, and I think this -- making him responsible for the assignment is not appropriate, because he does serve as Counsel.

We do have other alternatives, because we have clear definitions of the purview of each one of our Legislative Committees. And I believe if a Legislator feels that his -- that a piece of legislation has been inappropriately assigned, if there is political pressure, or if there is pressure from other areas of government, that that should be aired before the full Legislature. And that Committee Chair has at his disposal the definition of what should be covered within the purview of his committee and that he or she feels that the assignment of a particular piece of legislation in another committee was inappropriate. And let the Legislators, the 18 elect officials, address that concern.

And I don't agree with that particular piece of legislation that you were talking about and its reassignment. And I agree that it wasn't an appropriate assignment from my point of view, my opinion, but I think that we vet that as 18 individual people looking at the merits of a particular case. But I believe that we should save rule changes for the beginning of the year and discuss it not in the heat of anger, but in an overview of how we are running the Legislature.

CHAIRMAN D'AMARO:

Well said. Yes. Legislator Montano. Yes.

LEG. MONTANO:

With respect to two points you raised. The first point, you mentioned that you believe that it's an inappropriate delegation. And I think you also mentioned that Counsel was an unelected authority, and therefore, he would not have or should not have that authority. My question to you would be are you speaking from a legal perspective or a political perspective in terms of the delegation? Are you saying -- and I'm not clear if you're stating that it is legally inappropriate to delegate this

responsibility to a nonelected official. And there are cases that talk about inappropriate delegation of authority from a public body. And then there's the flip side of that, which is a politically inappropriate delegation. Are you speaking about one, two or the other? I just want some clarification on that.

CHAIRMAN D'AMARO:

I don't know what legally permissible and not -- - or impermissible. What I do know is what I believe and what I'm comfortable with as a member of this body. And what I am comfortable with is having the Presiding Officer have the discretion in the first instance to assign bills to committee.

The second point I made, also, coupled with that is, you know, Counsel is here to represent us, each of us, 18 clients, if you will, and I don't want to put our Counsel in the middle of that debate if there is going to be one. I just think it's -- any kind of discretionary authority should be exercised for this body by an elected official and not by someone we're relying on for legal advice.

LEG. MONTANO:

All right. And I thank you for clarifying that. And I will wrap up. So the inappropriate delegation, I will take that to mean in the context of politically and not legally, because you're not saying that we don't have the authority to -- to delegate this to Counsel; am I correct?

CHAIRMAN D'AMARO:

I wouldn't use the word politically. I'd say as a functioning --

LEG. MONTANO:

Yes.

CHAIRMAN D'AMARO:

-- representative branch of government.

LEG. MONTANO:

I accept that and I understand it. I just wanted to clarify the distinction between the two. And the last part of your comment was with respect to the last sentence, which I would agree with you is the most controversial part of the -- of the proposed rule change. And I'll state very clearly, if this committee feels that the other part of the rule change is not objectionable, I would be willing to amend that and strike that last sentence and leave it the way it was.

With respect to Legislator Vioria-Fisher's point, I do tend to agree in a general sense that rule changes should be done at the beginning of the year. And I, myself, have objected to certain rule changes in the middle of the year. The reason that came about was because the situation that led to the dispute -- and I figured that it would be better to address it, at least to bring it forward, because it's something that popped its head up in the middle year. I generally, as a proposition, think -- and I would state that I think not only this rule needs to be looked at, but other rules need to be looked at and, you know, need to be clarified so that we don't run into a problem, you know, in the middle of the year with respect to how do we interpret rules that for the most part are 30 years, 20 years old and, you know, inartfully drawn.

So the first point -- the first issue that was raised by Legislator D'Amaro, I believe, is a policy question, which we can address, because we're not talking about the legality of whether or not it's appropriate to make this change. And, you know, if the committee is so disposed, I would be willing to delete the last section of the rule change. And if not, then I would ask just for an up or down vote.

LEG. ALDEN:

I have a couple of quick comments. First off, I don't really believe in the committee system. I was in the majority and I didn't believe in it, and now I'm in the minority, and I still don't believe in it. I believe that every Legislator should be entitled to look at the evidence for and against every piece of

legislation, and our current system does not allow every Legislator to do that.

But the political reality is there is a majority, they make the rules, and then basically, the rest of us have to live with that. And I would be afraid to vote for this because I might be removed as a Chairman of a Committee or have my cushy committee assignments realigned. So I'm not going to support this at this point. And, Rick, I think you made your point.

LEG. MONTANO:

That's honest.

LEG. ALDEN:

I think you made your point on all of it.

CHAIRMAN D'AMARO:

Well, if I can, just in defense of our Presiding Officer, say I don't think he would ever make a committee reassignment based on how you vote.

LEG. ALDEN:

On this one?

CHAIRMAN D'AMARO:

On any bill.

LEG. MONTANO:

I'm not going to comment on that. Go ahead.

CHAIRMAN D'AMARO:

Fair enough. Are there any other issues or comments? Okay. The Chair will entertain any motions. Does anyone have a motion.

LEG. VILORIA-FISHER:

Well, since the sponsor asked us to vote it up or down, I would like to make a motion to approve.

CHAIRMAN D'AMARO:

Okay. I'll second the motion. And I'll call the vote? All in favor? Opposed? Show of hands, please. Five opposed. Abstentions? None. The motion does not carry. **FAILED (VOTE: 0-5-0-0 - Opposed - Legis. D'Amaro, Beedenbender, Alden, Nowick, Viloría-Fisher).**

Thank you, Legislator Montano, for helping us out.

LEG. MONTANO:

Thank you for hearing me.

CHAIRMAN D'AMARO:

We have one more bill we'd like to take out of order today. It is Bill 1427-2008, it falls right on the agenda right prior to 1430-2008, amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase of Optical Scanner HAVA voting machines for the Board of Elections. I will offer a motion to take this out of order, seconded by our Vice-Chair Legislator Beedenbender. All in favor? Opposed? That motion carries. The bill is now pending before the committee.

1427, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase of Optical Scanner HAVA voting machines for the Board of Elections (CP 1451). (Co. Exec.)

With us today, and the reason I took this out of order, is Mr. Ivan Young from the Board of Elections,

Assistant to the Commission, who has been gracious enough to make himself available to us today to answer any questions we may have on this particular resolution. And what this resolution does is provide funding -- or at least the County's 5% share of funding, \$573,000, through bonding for the purchase of 400 Optical Scanners. This is a -- you know, the continuing saga of the HAVA litigation and settlements.

New York State is trying now to comply with the various rules and regulations and court decisions that have come down, and it seems to me we -- this committee had a Special Meeting on the HAVA legislation about two years ago, and we got some information then. And we're now moving to purchasing the new voting machine for the County of Suffolk as mandated, I think, through the Federal and then the State Boards of Election. And, Mr. Young, welcome to the committee. Is that accurate? Is that where we're at right now?

MR. YOUNG:

Yes, it is.

CHAIRMAN D'AMARO:

Yeah. Okay. And is the Board of Elections now prepared to receive these machines, can we store the machines, are we ready to go forward at this time?

MR. YOUNG:

We are in the process of getting our warehouse in order. We have had conversations with DPW who we'll be meeting with next week to install the electrical sauce as well as updating the HVAC System in our warehouse to accommodate the storage of these -- of these voting machines.

And at the last Legislative Meeting that took place on April 29th, the Legislature did pass and approved a resolution which we expect the County Executive to approve and sign to add an additional warehouse to our existing building so that we have additional storage capacity for these machines. So, yes, we are in the process of being prepared to receive these machines.

CHAIRMAN D'AMARO:

All right. And I just had one other question, and then I'll get to my colleagues. The County then has specific -- 400 specific types of machines that we know we're going to purchase; is that correct?

MR. YOUNG:

That is correct. These are 400 optical --

CHAIRMAN D'AMARO:

I'm sorry. Do we have any choice?

MR. YOUNG:

No. At this point, no.

CHAIRMAN D'AMARO:

No. So this is all mandated through the State --

MR. YOUNG:

Correct.

CHAIRMAN D'AMARO:

-- Board of Elections system. The whole thing we heard about getting the State certification of machines and things like that. And, of course, this is not enough machines to cover every Election District in the entire County, this is just the beginning, I believe, more targeted toward disabled for the next election; is that true?

MR. YOUNG:

That's correct. I was going to say that. There's 400 machines total we're getting this year. And it's a two-phase process where phase one, which will occur this year as of September '08 Election where we will have one of these Optical Scanners in every polling place to assist disabled voters to vote independent, and then next year, we will have one of these Optical Scanning machines in every Election District throughout the County next year.

CHAIRMAN D'AMARO:

I'm going to just advise the committee that next week we're considering a presentation from the Commissioners of the Board of Elections to bring us up-to-date on our compliance as well as the types of machines and what the reactions are to those machines, because a lot has happened in the last two years.

But this particular bill is only for the 400, again, targeting disabled individuals who need to vote. And there's all kinds of other considerations that come along with this that we'll get into next time with the Commissioners, you know, how do we train our poll inspectors, how do you use the machines, how do you move the machines, what special considerations are there, how do we educate the voting public as to the change. We don't want to discourage anyone from coming to a polling place, of course, and casting their vote. So there are a lot of issues we can get into at our -- when we get into the presentation from the Commissioners. Today we're just considering the 5% funding for the 400 machines proposed in this bill, which, by the way, doesn't require an offset, because it's more than -- less than -- more that 50% funded. So we don't even need an offset in our Capital Budget. Legislator Viloría-Fisher had a quick question, and then Legislator Alden.

LEG. VILORIA-FISHER:

Than you, Mr. Chair. Hi, Ivan.

MR. YOUNG:

Good morning.

LEG. VILORIA-FISHER:

You're looking very happy today.

MR. YOUNG:

Very happy. Thank you.

LEG. VILORIA-FISHER:

I just have a question about what you handed out regarding the Office of General Services. Are we going to have to pay interest on this because it's after May 5th?

MR. YOUNG:

Well, that is one of the reasons why I wanted to speak to the committee about the urgency of approve this legislation.

LEG. VILORIA-FISHER:

Ivan, why didn't we get a CN at the last General Meeting.

P.O. LINDSAY:

I could answer that.

LEG. VILORIA-FISHER:

Thank you. Because I'd hate to pay interest.

LEG. LINDSAY:

I just want to point out that the resolution in the packet has been amended and the change is that the County Executive does not want to be identified with this resolution. So I have put my name on it as the sponsor, and that's why you didn't get a CN.

LEG. VILORIA-FISHER:

Okay, and how much will this cost us on penalties -- I mean, in interest.

MR. YOUNG:

It will not cost us anything right now, which is why I wanted to come to speak about this bill before the committee.

LEG. VILORIA-FISHER:

But we're already two days late.

MR. YOUNG:

Well, this is what happened. Last week, in Syracuse, there was a State Board of Election Conference that I and the Commissioners attended, and this is where we got this information that I just handed out to the committee members about the OGS proposed, for those counties that have not paid their 5% match, which was due on April 18th. Now, we received, as the letter indicates, a first notice on April 21st, and this -- we will be receiving a second notice that we have not paid our 5%.

Now fortunately, when we did go to the conference last week, I did have a copy of the resolution and we did meet with OGS to explain to them that we are intending, that this County intends to comply with our 5% match, it just has to go through the Legislative process. They were willing to work with us. And these actions that they are talking about will not take effect until let's say some time in June. But they would like us, the County to -- the Board of Elections specifically, to respond to them in writing to explain to them, okay, exactly what will happen, when will things be happening, and more importantly, when will we receive payment.

And we verbally made a representation to them that this bill was introduced in the Legislature last week, it's going to the committee process, which we anticipate and hope that it will be approved, and at next week's -- next week's General Meeting, that this bill will be approved. And from my conversation with the Budget Office yesterday, I was told that payment can be made no later than June 15th if everything goes according to plans; that is if it's approved by this committee, it's approved at the General Meeting next week, the County Executive signs it, they have to wait the three week period because it's a bond resolution, that we can make the payment to the State by June 15th. Before we made that representation in writing to the State, we just wanted to make sure that at least certain steps were being taken, and the first being that this bill gets out of committee.

LEG. VILORIA-FISHER:

Okay. Now, I guess my question is to the Presiding Officer. If the County Executive didn't want his name on this, do you think that there's a chance that he won't be signing it? In that case, it would 30 days and then three weeks after that.

P.O. LINDSAY:

I hope not. I don't know.

LEG. VILORIA-FISHER:

Oh, he has 30 days to sign it, but it becomes law after 15 days; is that it?

MR. BROWN:

I think it's 15 days.

LEG. VILORIA-FISHER:

So Dennis, 15 days?

MR. BROWN:

Yes.

LEG. VILORIA-FISHER:

I just don't want to pay interest on something --

MR. YOUNG:

Well, in addition to paying interest, they will also -- the State will also deduct money from whatever State aid is due to -- that this County is due to receive, which we hope the County would avoid. And that's why I wanted to make sure knew; the Legislature and the County Executive, knew of the potential penalty that this County would face.

LEG. VILORIA-FISHER:

My guess would be then that the County Executive would sign it.

MR. YOUNG:

Absolutely. Without speaking on behalf of the County Executive, I have received indications that he will likely support this resolution.

LEG. VILORIA-FISHER:

Thank you. I just wanted to know that we weren't paying interest.

CHAIRMAN D'AMARO:

All right. I'm going to defer Legislator Alden in just one moment. If we have to buy these machines, I'm just glad they're not the DREs, first that's the first thing, because I think you can't even buy those at a fire sale any more throughout the entire United States. And I appreciate everyone's efforts in moving away from that. The other question I had was for the County Attorney's Office of perhaps our Counsel. Is there any more litigation out there that we need to be aware of that could possibly undo the purchase of these machines?

MR. BROWN:

I would actually have to check that back at the office, but I can get back to you with that answer. I don't know. I don't know standing here.

MR. YOUNG:

Well, if I could just answer that question, Legislator D'Amaro. The only litigation that is currently pending right now is the Federal litigation that we are all aware mandating that we have to implement these machines this year. Now, there is Phase Two of this whole implementation, which would be a certification of new machines that will have to be approved for Plan A machines, the machines that we'll be using for every Election District. And, again, if certain vendors are not selected by the State, perhaps that may interfere or affect this litigation. But one of the reasons that this County chose this machine is because unlike the other machines that have been certified by the State, this is the one machine that can be used for both -- as a valid marking device as well as a full-face Optical Scanner machine. So in other -- there's other vendors -- there's other machines that were certified as a valid marking device that cannot and will not be certified as a Plan A machine that could be used by all the voters.

CHAIRMAN D'AMARO:

I'm listening to you, but I'm also thinking while I'm sitting here that, you know, even if there is some litigation out there that ultimately is going to change things, the only thing we have in Suffolk County right now are lever machines, and certainly they are not accessible to everyone. So even if we purchase these machines, you know, they're going to be making the voting process more inclusive for individuals, handicapped individuals. We need that either way, in my opinion, at least. Legislator Alden.

LEG. ALDEN:

There's a number of issues that I think are unresolved, a number of questions that I can see that really between now our next General Session would have to be, you know, explained in more detail to me to be able to vote in the affirmative on this. But I'll offer a motion to discharge.

CHAIRMAN D'AMARO:

Well, just give me an idea of what you need resolved? Just give me an idea.

LEG. ALDEN:

A lot of things, like, for instance, the lawsuit and are we just going to take this money and throw it down the tubes if there's another certification process on other machines with, you know, more beneficial attributes of the machines. These were designed -- and primarily, the testimony -- and I'm trying to recall it without having it in front of me, but there were some groups that were not real happy with this that were, like, handicapped groups that came before us. And this was more of a compromise than the solution to the problem.

So, you know, there's a number of people that I'm going to contact, some evidence that I have in my office that I'm going to reread, and one of the other people that I'm going to call is Ivan. But I would rather resolve all those before voting in the affirmative in my mind -- unless Ivan tells us that a discharge motion is going to hurt, as long as it's before the full Legislative body, right?

MR. YOUNG:

When you said discharge, are you looking to approve this legislation out of committee?

LEG. ALDEN:

Discharge it from committee, put it before the full Legislature.

MR. YOUNG:

As long as it gets approved at the full Legislative Meeting, I guess, I'm not really -- you know, I'm open to whatever avenues it gets us to that -- to that recommended -- but I think that knowing from Legislative experience the Legislature, the other Legislative bodies, who are not here to hear this testimony, they would -- it gives them some level of comfort knowing that it went through a committee process, and that the committee approved a bill out of that committee as opposed to just sending it to the floor and having them hear it for the first time.

CHAIRMAN D'AMARO:

That kind of leads to my comment. And I appreciate, Legislator Alden, that you have questions and very legitimate valid questions that need to be asked, but I also, having lived through this somewhat closely over the last couple of years, know that either way, we need to make our voting more handicapped accessible anyway. And these machines are really targeted for that limited purpose. And I think we need to move the process along, we need to get some hands-on experience with these machines, we need to know can we deal with them, how do we deal with them, how do we train for them. You know, actually, it works out that we're only purchasing the 400 to begin with as a preamble to then what may ultimately turn out to be thousands of more machines that we're going to have to purchase. Legislator Fisher, did you have a comment on that?

LEG. VILORIA-FISHER:

I was going to say exactly what you, just said, Mr. Chair.

CHAIRMAN D'AMARO:

Okay.

MR. YOUNG:

Again, if I could just respond to Legislator Alden's comment. I have not heard or are aware of the comments or the concerns that the handicapped community have with this particular machine. I know that this machine has been vetted through the handicapped communities, disabled community. I know that we have had several meetings, myself personally with Bruce Blower and the Suffolk County Disabled Advisory Committee. And they have seen this machine, and they have approved the machine. And again, as it's been stated before, this is just for the handicapped community so that they will be able to vote independent. And, again, I don't see any down fall.

And again, the funds that we are -- that are being used to purchase these machines are Federal monies that are available at this moment. If for some reason this County does not use this money to purchase those machines or we pass on that opportunity, then the County --

CHAIRMAN D'AMARO:

Mr. Young, let me interrupt you, because we are running very over, and I do appreciate your comments. I agree with you; we've exhausted just about every avenue, the process has been delayed -- without saying why. And I would support a motion to approve this. And, of course, we can still ask those questions if it's out on the floor, whether it's approved or discharge with recommendation. So in the interest of moving that along, I'm going to offer that motion to approve, seconded by Legislature Beedenbender.

LEG. ALDEN:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Alden, please go ahead.

LEG. ALDEN:

This commits us to a total -- my math -- close to \$700,000; is that correct?

MR. YOUNG:

It's 572,000 approximately.

LEG. ALDEN:

How much.

MR. YOUNG:

It's 572,000.

LEG. ALDEN:

Then we have to pay interest on that, right?

MR. YOUNG:

No. No. No. If we do not pay the 5% match by a certain time, then we will be penalized by paying interest on whatever funds that they use --

CHAIRMAN D'AMARO:

He meant the interest on the bonds.

MR. YOUNG:

Okay.

LEG. ALDEN:

So we're borrowing \$572,000, it's going to cost us 130, 140,000 in interest. So we're making the commitment on our end of \$700,000. And that's 5% of the purchase price of the?

MR. YOUNG:

Yes.

LEG. ALDEN:

Okay. You got a motion, you have a second.

CHAIRMAN D'AMARO:

Okay. There is a motion to approve pending before the committee, it has been seconded. All in favor? Any opposed? Abstentions?

LEG. ALDEN:

Abstain.

CHAIRMAN D'AMARO:

One abstentions. Motion carries **APPROVED (VOTE: 4-0-1-0 - Abstentions - Legis Alden).**

Okay. We're going to now quickly move through the balance of the agenda. If we would turn to Section V, which is Introductory Resolutions -- I'm sorry. Tabled Resolutions. Section V, Tabled Resolutions, I'll call the first.

1033, Adopting Local Law No. 2008, A Local Law to establish a prompt contracting policy for not-for-profit organizations. (Montano)

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to table, I'll second the motion. We had a very productive discussion on this earlier, which is ongoing. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

1054, Adopting Local Law No. 2008, A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers. (Eddington).

Requires public hearing. Motion to table, seconded by Legislator Beedenbender. All in favor? Any Opposed? Abstentions?

Motion carries. **TABLED (VOTE: 5-0-0-0).**

1158, Naming the Supreme Court Building in Riverhead the "Thomas M. Stark Supreme Court Building." (Romaine)

LEG. NOWICK:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Nowick, who is also Chair of what I call the Naming Committee. I'll second that motion. All in favor? Any Opposed? Abstentions? Motion carries. Just for the record, that Naming Committee is scheduled to meet again on June 4th.

TABLED (VOTE: 5-0-0-0).

1235, Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act. (Co. Exec.)

This had been previously tabled in committee, giving our Counsel if nothing else an opportunity to review the rules. And Mr. Nolan, if you'd like to report back to us.

MR. ZWIRN:

Mr. Chairman, we'd like to ask that this be tabled just one more cycle.

LEG. ALDEN:

Good. Motion to table.

CHAIRMAN D'AMARO:

Motion, okay, at the request of the County Executive. Motion to table by Legislator Alden, seconded by Legislator Nowick. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**.

1298, Establishing owner occupancy requirements for North Bellport properties. (Browning)

LEG. BEEDENBENDER:

Motion to table at the request of the sponsor.

CHAIRMAN D'AMARO:

Motion by Legislator Beedenbender to table at the request of the sponsor, seconded by Legislator Cameron Alden. All in favor? Opposed? Abstentions? Motion carries. The resolution is **TABLED (VOTE: 5-0-0-0)**.

1311, Approving payment to General Code Publishers for Administrative Code pages. (Pres. Off.)

LEG. BEEDENBENDER:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Alden, I'll second.

LEG. VILORIA-FISHER:

How much is that for, Mr. Chair?

CHAIRMAN D'AMARO:

Fifty-nine hundred.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRMAN D'AMARO:

I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

1315, Adopting Local Law No. 2008, A Charter Law to make the County's leasing process open, competitive and accountable. (Beedenbender)

LEG. BEEDENBENDER:

Motion to table for a public hearing.

CHAIRMAN D'AMARO:

Motion to table, seconded by myself. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**.

1320, Authorizing certain technical correction to Adopted Resolution No. 103-2008. (Co. Exec.)

It's changing the project number. I'll offer motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender and also place on the Consent Calendar. I'll call the vote? All in favor? Opposed? Abstentions? Motion carries? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0)**.

1321, Authorizing certain technical correction to Adopted Resolution No. 105-2008. (Co. Exec.)

It makes the same change in project number. I'll offer the same motion, same second, same vote for the Consent Calendar. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0)**.

1322, Authorizing certain technical correction to Adopted Resolution No. 606-2006. (Co. Exec.)

Again, changing the project number. Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0)**.

1324, Creating the Asset Evaluation Review Board for the sole purpose of soliciting and reviewing proposal for the sale/lease back of the H. Lee Dennison Building. (Romaine)

LEG. BEEDENBENDER:

I'll make a motion to table.

MR. ZWIRN:

We would like a chance if possible to talk to the sponsor about this, because I know that he stated publically he was going to recommend that we put reimbursable agencies in the Dennison Building. Right now, the reimbursable agencies that would have their rents reimbursed are now in buildings that are being by the County, so they would not be available to go back in the Dennison Building, which houses mostly the Comptroller's Office, the Treasurer's Office, the County Attorney's Office, all departments that would have to pay rent somewhere else in the event that they were moved out of the Dennison Building. So we're not sure exactly where --

LEG. ALDEN:

I'll second it to allow the process to go on.

CHAIRMAN D'AMARO:

Okay. Motion by Legislator Beedenbender to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**.

1325, Sale of County-owned real estate pursuant to Local Law 13-1976 Thomas J. Dunn and Linda S. Dunn, as tenants by entirety (SCTM No. 0200-787.00-06.00-034.000). (Co. Exec.)

This is a 40 by 100 lot in Brookhaven that was -- - the successful bidder is the adjoining owner for 15,000. I'll offer a motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender -- on the motion.

LEG. ALDEN:

Could we just put on the record, you know, what the appraised value of that was? There's a couple of them like that.

MR. KENT:

The appraised value for this parcel is 15,000. We have received and deposited a payment of 15,000.

LEG. ALDEN:

Great.

CHAIRMAN D'AMARO:

I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

1326, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-056.00-03.00-059.000). (Co. Exec.)

This is a parcel, \$7100 are being paid in back taxes with also a tax adjustment in closing, I believe, for use by the Wyandanch Fire Department for parking and firehouse purposes. I'm going to offer a motion to approve, seconded by our Vice-Chair Legislator Beedenbender. Anyone on the motion. I'll call the vote? All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

1329, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Deborah Lo curto a/k/a Mary Deborah Locurto (SCTM No. 0900-148.00-01.00-016.000). (Co. Exec.)

This is an 80 by 100 lot, I'll but being redeemed as a matter of right under Local Law 16-1976. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

1330, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jose L. Amaya (SCTM No. 0100-083.00-02.00-052.000). (Co. Exec.)

This is also a Local Law 16. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

1332, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Karalyn Karcher (SCTM No. 0200-441.00-03.00-015.000). (Co. Exec.)

Again, a Law 16 redemption, as matter of right. Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

1333, Sale of County-owned real estate pursuant to Local Law 13-1976 Valerie A. Trocchio (SCTM No. 0500-083.00-03.00-058.002). (Co. Exec.)

This is a parcel located in the Town of Islip being sold to the adjoining for \$3600. It's a 30 by 100 lot. Mr. Kent, how does that comport with the appraisal?

MR. KENT:

It's 30 by 200. The appraised value is \$3000, there were two competing bidders. The successful bidder bid 3600.

CHAIRMAN D'AMARO:

Very good. I'll offer a motion to approve, seconded by Legislator Alden. All in favor? Opposed? Abstentions. Motion carries. **APPROVED (VOTE: 5-0-0-0).**

1334, Sale of County-owned real estate pursuant to Local Law 13-1976 Dowling College (SCTM No. 0500-325.00-03.00-006.000). (Co. Exec.)

A parcel located in Islip, 40 by 100, sold to the college as the adjoining owner for 19,500. Mr. Kent, the appraised value?

MR. KENT:

The appraised value was 19,500. They were the only bidder, they bid the appraised value.

CHAIRMAN D'AMARO:

Very good. I'll offer a motion to approve, seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

1343, Adopting Local Law No. 2008, A Charter Law to change the Legislative term of office. (Cooper)

LEG. BEEDENBENDER:

Motion to table for a public hearing.

CHAIRMAN D'AMARO:

Motion to table based on a public hearing. I'll second. All those in favor? Opposed? Abstentions? Motion carries.

TABLED (VOTE: 5-0-0-0).

1344, Establishing the health care benefits policy for Suffolk County Off-Track Betting Corporation. (Pres. Off.)

At the request of the sponsor, I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions. Motion carries.

TABLED (VOTE: 5-0-0-0).

1345, Authorizing certain technical correction to Adopted Resolution No. 203-2008. (Co. Exec.)

This bill is changing -- the technical correction is changing the fund number. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

1380, Requesting legislative approval of a contract award for an audit of the Public Administrator's Office. (Co. Exec.)

This is requiring a supermajority vote of this committee. It was the only respondent to an RFP put out. And this is for an audit of the Public Administrator's Office. I'm going to offer motion to approve.

MR. ZWIRN:

Mr. Chairman, if I might. Could we just ask that this be -- I'm sorry. I thought there was a question, there isn't.

CHAIRMAN D'AMARO:

Just to correct the record, I misspoke. You don't need the supermajority here in committee, you only need it in the full Legislature. Mr. Zwirn, we're okay? You're all right with it?

MR. ZWIRN:

Yes.

CHAIRMAN D'AMARO:

I'll offer a motion to approve, second be Legislator Alden. Thank you. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0)**.

1404, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Babylon (SCTM No. 0100-058.00-01.00-044.000) pursuant to Section 40-D of the Suffolk County Tax Act. (Co. Exec.)

Taxes were paid, but misapplied. There was an error on the municipal side. I'll offer a motion to approve this. This would cancel the tax deed. Is there a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Beedenbender. All those in favor? Opposed? Abstentions? Motion carries **APPROVED (VOTE: 5-0-0-0)**.

1410, Authorizing use of H. Lee Dennison Executive Office Building property by Cooley's Anemia Foundation. (Kennedy)

This would authorize use of the north parking lot from 9:00 to 5:00 for a bar-b-que, I believe it is, benefitting a very worthy cause. Motion by Legislator Alden, I'll second -- seconded by Legislator Nowick. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

The next two resolutions have already been acted on by the committee. We have one Procedural Motion in Section VII.

PM.07, Procedural resolution directing the Clerk of the Legislature to post public hearing information. (Beedenbender)

Legislator Beedenbender?

LEG. BEEDENBENDER:

I'll make a motion to approve.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Beedenbender, the sponsor, seconded by Legislator Viloría-Fisher.

LEG. BEEDENBENDER:

I think Legislator Alden just wanted to know what it is. With the public hearings that we do, we publicize in the two official papers which aren't really available County-wide. So all this would do is we'd have a public hearing at the Legislature. On the Legislative Website, Tim would post it. So if

somebody went to the Legislative Website, they can see when the hearings are.

LEG. ALDEN:

Good.

CHAIRMAN D'AMARO:

Okay. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0)**.

There's been no request for Executive Session today. I'll entertain a motion to adjourn, seconded by Legislator Beedenbender. All those in favor? Opposed? We're adjourned. And thank you, everyone for your participation today.

(*THE MEETING WAS ADJOURNED AT 1:25 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY