

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 June 18th, 2008.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Cameron Alden
Legislator Lynne Nowick

MEMBERS NOT PRESENT:

Legislator Brian Beedenbender - Vice-Chairman
Legislator Vivian Vilorio-Fisher

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Barbara LoMoriello - Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Christine Malafi - County Attorney
Linda Bay - Aide to Minority Leader
Paul Perillie - Aide to Majority Leader
Justin Littell - Aide to Legislator D'Amaro
Allen Kovesdy - County Exec's Budget Office
Joe Muncey - Budget Review Office
Chris Kent - Director of Real Estate
JoAnne Sanders - Suffolk County ADV
Patricia Clark - Finance Administration
Marsh Spector - SNAP
Carole Edgar - SNAP
Pat Policastro - Youth Bureau
Ken Knappe - Department of Social Services
Debra Alloncius - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:11 A.M.*)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join the committee in the Pledge of Allegiance led by Legislator Lynne Nowick.

SALUTATION

CHAIRMAN D'AMARO:

Once again, welcome. And I'd like to turn to our agenda this morning and start with the public portion. We have one card that's been submitted, Debra Alloncius, representing the Association of Municipal Employees. Good morning.

MS. ALLONCIUS:

Good morning, Chairman D'Amaro. My name is Debbie Alloncius. I'm here to speak on behalf of IR 1547. On behalf of Cheryl Felice and the Association of Municipal Employees, we would like to see the extension of the lease premises for 395 Oser Avenue in Hauppauge moved out to be voted on.

But I would also ask the Legislature that they keep an eye on the work that's been promised to be done here, because this building has been -- the bathrooms and stuff are in terrible disarray, the clients have to be brought back into the area where the workers are to use bathrooms. The building is not set too conducive (sic). And I understand that extensive renovations are going -- have been promised to be done. I would just ask that you do follow up to make sure that that's done for the members. You have a couple of different departments in there.

CHAIRMAN D'AMARO:

Right. Thank you very much for your comments this morning, and we will consider them, of course, when that bill comes up on our agenda. Is there anyone else here today who would like to address the Legislature? If not, we're going to go to the presentation section. This is actually a continuation of what we had start two cycles ago in taking a specific look at the contracting policy and procedure here in Suffolk County with especially not-for-profit organizations.

So I'd like to ask -- I have an indication on my agenda here that there are five agencies present today that would like to come up and address committee and actually engage in a dialog with representatives who are here from the County of Suffolk that can answer some of your questions and maybe provide us a little insight into the problems you're experiencing with the County contracting policy.

And my notes indicate today with us is the Child Care Council of Suffolk County, Inc., The Hope for Youth, Suffolk Network of Adolescent Pregnancy, Incorporated, Suffolk County Coalition Against Domestic Violence and VIBS. So I guess -- would any of you like to go first or come up? You can come up to the table here and make whatever presentation you'd like to make. I'd ask you to keep it brief. And if you would, while you're making your presentation, if you can get into the specifics of what contract you're speaking to, what your specific problems were, we'll see if we can get you some answers this morning.

MS. SANDERS:

My name is JoAnne Sanders. I'm the Executive Director of the Suffolk County Coalition Against Domestic Violence. First, I really want to thank you all for paying so much attention to this issue. It is very important, it is something that we struggle with year after year. I think last year was the worst year we've ever had, and I've been doing this -- actually a bunch of us, altogether, 100 years doing contracts. We've got buttons. So many, many years. And last year was actually one of the worst.

This year, I have to say that I think -- I don't know exactly why it happened, did things get much, much better. The departments, I think, have always done their best. And this year, I think, it maybe just pass through other avenues quicker. So we did get our contracts in a much more timely manner.

CHAIRMAN D'AMARO:

Ms. Sanders, if I can interrupt you. I think one of the reasons you saw an improvement is because there has been a focus on this from the County as well as from organizations, the not-for-profits, the contractees, the vendees. And I think that there has been -- we've been hearing consistently from people testifying on the process that they have seen a vast improvement, which is good news. But nonetheless, I've received the impression that there are still some specific problems being experienced. And what we would like to do today is get into those specific if we can.

And I'm hoping what you bring to the table today as do the other presenters some of the those specifics; here's a contract, here's when it went out, here's the problem, we don't have answers, and maybe we can get you some today.

MS. SANDERS:

Yes. I totally agree, it was because of the pressure. I just don't know why they were able to speed it up, like, what they changed in the process. But whatever it is, it did work, but there is definitely a lot of room for improvement. I listed the contracts that we get with Suffolk County. And the amount of money --

CHAIRMAN D'AMARO:

Let me just ask you, what department do you deal with in Suffolk County? Where does your contract originate?

MS. SANDERS:

We have three -- we have four contracts with the Suffolk County Department of Social Services. We have one with the Suffolk County Probation and one with the Police Department. The Police Department is a relatively new contract for us. We had one last year, and it was expanded this year. This is a special grant that was given to the County from -- it's 100% Federal money.

CHAIRMAN D'AMARO:

Okay.

MS. SANDERS:

So the process -- I broke down -- like, the four contracts, for instance, with Suffolk County Department of Social Services, I submitted my information to them in mid December as far as the budget.

CHAIRMAN D'AMARO:

All right. Just so it's clear in my mind -- you know, you do this on a daily routine basis, but I don't, so just bear with me. And I appreciate that. You have four contracts that emanate or originate from the Department of Social Services. Now, you would like to first speak to those four contracts where you've experienced problems with all four of them or one, two or three of them?

MS. SANDERS:

No. We want to call it a problem, because we would like to get the money January 1. They were all pretty much around the same timeline except for our -- we have a per diem contract, which is for shelter.

CHAIRMAN D'AMARO:

What do you mean you'd like to get the money January 1? What money?

MS. SANDERS:

We'd like to be able to have our contract in place January 1.

CHAIRMAN D'AMARO:

Okay. But that's not the policy of the County right now. What we're trying to figure out is we hear very generally complaints that the contracting procedure takes a long time. All right. Now, it's not January 1. You know, we're not getting it done by January, and that's another debate that we're going to have at another time perhaps. But what we've been hearing is that contracts are not addressed in a timely fashion by the County and that these contracts are taking until April, May or June to get fully executed when services have already been performed. Now, has that been your experience?

MS. SANDERS:

Well, this year -- again, last year we didn't get them until like June or July -- it was quicker, but we started -- our money started coming in on -- in April. And one of them was actually not until May, because the money can't come in until the contracts are executed.

CHAIRMAN D'AMARO:

Right. But I don't want to have this discussion in the context of when you got paid. I want to have this discussion in the context of getting into contract, fully executed contract with the County of Suffolk. So if you could address that and tell us -- what we're trying to do in this committee is figure out where there is a problem and what we can do to fix it in the timeline of getting contracts fully executed.

Now, we know in November, the County, through this Legislature working with the County Executive, passes its Operating Budget. That's in mid to late November, maybe I think the third week of November. After that, the County is, I've been told from the Executive side, sends out letters to all of the contracting agencies that are in the budget, and that begins the process, so to speak.

All right. So I would assume your organization, the Suffolk County Coalition, received that letter in December, around December of last year, and yet, you did not get into contract, you feel, in a timely basis.

MS. SANDERS:

No, because as soon as we get that letter, our information goes out. You know, everything stops, because I don't want the contract held up. I send it to the -- these contracts to the Department of Social Services, and then it takes about three months for me to get the contract for me to sign. And that starts that process.

CHAIRMAN D'AMARO:

Okay. And that's the three month period I'd like to explore a little bit with you. If you could tell me where the delay was with the County.

MS. SANDERS:

Well, when I send it back to the Department of Social Services, I don't know where the delay is, because --

CHAIRMAN D'AMARO:

But can you give me specifics? In other words, how long -- how long did it take you to send in your information, let's say, to Social Services? You received a letter asking for specific information by, let's say, December 1, roughly, and then that letter requested certain information. That starts the process.

MS. SANDERS:

I would say a week.

CHAIRMAN D'AMARO:

Well, would you say a week or was it a week? I truly want to try and get specific here, because if we're going to fix this, we need to really pinpoint where the problem was.

MS. SANDERS:

I, unfortunately, don't have the exact date, but I would say it was approximately a week.

CHAIRMAN D'AMARO:

Okay. But you're not sure?

MS. SANDERS:

No.

CHAIRMAN D'AMARO:

Okay. Excuse me one moment. If Mr. Zwirn or the County Attorney -- who is here from Social Services that may have any familiarity in dealing with the contracts for the Suffolk County Coalition Against Domestic Violence? Come on up. State your name and position for the record please.

MS. CLARK:

Hi. My name is Patricia Clark, and I'm the Financial Director for the Department of Social Services.

CHAIRMAN D'AMARO:

Okay. Ms. Clark, welcome and good morning. I know you have been in the room while we've been talking with Ms. Sanders trying to get some insight into the specific contracting timeline for the four contracts that the Suffolk County Coalition Against Domestic Violence has with the Department of Social Services.

And, Ms. Sanders, I don't want to cut you off, I want to give you an opportunity just to lay out those three months how you think it played out in your mind. And then we have Social Services here to address that. Well, we can go right to them, whatever your preference is.

MS. SANDERS:

What I do is actually e-mail the budget to our contract manager. I don't -- I don't have, like, a letter sending out the budget amounts. I just e-mail it to her in the format. I don't know if you have the date of the e-mail.

MS. CLARK:

If I can just go along the process. When the budget is --

CHAIRMAN D'AMARO:

You know, before you start, what was the date that your contract was fully executed? Let's start with that and we'll work backwards.

MS. SANDERS:

Okay. Talking about the three contracts that have been executed by the Department of Social Services --

CHAIRMAN D'AMARO:

It was four, right?

MS. SANDERS:

Yeah. The fourth one is for a shelter, and we haven't even gotten a contract on that. But the money keeps flowing.

MS. CLARK:

It's really out of this category. It's not one of the contracts in this category.

MS. SANDERS:

They keep paying on it.

CHAIRMAN D'AMARO:

Do me a favor. Pull that microphone right up to you so everyone can hear you. Thank you. All right. So the three contracts -- what date did you get into contract by?

MS. SANDERS:

Our core contract was April 4th. We have a vocational advocacy project was April 30th. And then what's called DVL was March 20th.

CHAIRMAN D'AMARO:

Okay. And those three dates that you picked, do you find that by going into contract the latest April 30th somehow hindered you either performing your services or getting paid from the County.

MS. SANDERS:

Well, what it does to us is it's -- we would have just made it without having to take out loans. We were very fortunate, but we were on the brink of. I mean, we have to --

CHAIRMAN D'AMARO:

So you didn't have to take out a loan.

MS. SANDERS:

We didn't have to.

CHAIRMAN D'AMARO:

Okay.

MS. SANDERS:

But we also -- I mean, fundraising is a very -- we subsidize all our services through heavy fundraising, and we do rely on interest income also of our own money that we have, you know, saved over the years. We don't -- we lose that, because we're spending all that money upfront. We're spending, like, 300 and some odd thousand dollars before we get any money returned to us.

CHAIRMAN D'AMARO:

Right. So the contract that was fully executed on March 20th, is that an acceptable date for you?

MS. SANDERS:

It was a lot better than last year. It was acceptable. We'd rather it be on January 1.

CHAIRMAN D'AMARO:

But I assume April 30th was more of a problem for your organization.

MS. SANDERS:

Yes, because that was our -- yeah, April 30th. And also, the first contract I have listed, April 4th, it's difficult, because that's our core contract.

CHAIRMAN D'AMARO:

All right. Why don't we address the April 30th contract since it was the latest to be fully executed and see in your mind how that timeline went and where the problems lie in getting that done. How should we refer to that contract, the April 30th contract?

MS. SANDERS:

Okay. Well, again, I don't have the exact date of when I submitted the budget to the County. I

think it was in a timely manner, in some time in December, and then we got our contract for my signature on March 24th and then we got it back on April 30th executed. And payments started right away. We got our advance and we got -- our vouchers were paid on a very timely manner. So that's almost four months.

CHAIRMAN D'AMARO:

You submitted your budget to the County in December?

MS. CLARK:

According to my records, we received --

CHAIRMAN D'AMARO:

Just before you go. Just one minute, all right? Is it fair to say that all the information that the County requested from you was in by the end of the year?

MS. SANDERS:

I believe so. Again, I didn't look up those numbers, and I'm sorry I didn't. I didn't realize that would be important today.

CHAIRMAN D'AMARO:

Well, submissions, whatever is required to be submitted in order to move the contract process along. Were all your submissions in by the end of the year, do you know?

MS. SANDERS:

Yes.

CHAIRMAN D'AMARO:

Okay. All right. So here you are at the end of December, the County sent a letter to you, you responded, you sent in your submissions by December 31st, you get a contract back to you on March 24th, you sign it, you send it back in, and then it comes back to you fully executed on April 30th.

MS. SANDERS:

Correct.

CHAIRMAN D'AMARO:

Okay. Ms. Clark, go ahead if you want to address that.

MS. CLARK:

Well, I'd just like to present the timeline that we have according to our records and to explain that within the department there's a step-by-step process in approving everything. We have the program division who reviews their narrative and budget and proposal for the year's contract. And I have a centralized contracts unit who finalizes the process.

I don't have the information on when Ms. Sanders submitted her general information to the division, but after the division reviewed it, I received it in centrally on February 14th. And then there's the secondary review, and we were able to send it to her for signature on March 24th. And as she said, it was fully executed on April 30th.

CHAIRMAN D'AMARO:

So you don't -- your records -- or you can't tell us sitting here today whether or not the submission was complete by the end of the year?

MS. CLARK:

I have a gap in my records --

CHAIRMAN D'AMARO:

A gap in your records?

MS. CLARK:

-- from the initial time that -- we weren't tracking that information at that time.

CHAIRMAN D'AMARO:

Okay. But nonetheless, the initial review, the division review, was not completed until February 14th.

MS. CLARK:

Correct.

CHAIRMAN D'AMARO:

Why?

MS. CLARK:

Well, the particular contract that we're discussing is not in -- this is Ken Knappe from the Division of Client Benefits. This particular contract is not in his area, but perhaps he could explain the process that the division reviews.

CHAIRMAN D'AMARO:

Before you do that, was this a renewal or was this a new contract?

MS. SANDERS:

It's a renewal. We've had it since nineteen -- maybe 2000.

CHAIRMAN D'AMARO:

All right. So let's operate on a couple of assumptions; that by December 31, the coalition had submitted what they needed to submit, and by your review, internal review, initial division review, was not done until February 14th. Okay. So that's roughly six weeks later.

MS. CLARK:

Well, one of the things that should be taken into consideration --

CHAIRMAN D'AMARO:

Tell me what your review consisted of that took six weeks.

MS. CLARK:

Well, I'd just like to mention that there was a number of contracts all being reviewed simultaneously.

CHAIRMAN D'AMARO:

All right. So that's a function of workload.

MS. CLARK:

They review any changes with the agency in terms of their program, if there are any changes. There's usually a new budget amount each year, so there's --

CHAIRMAN D'AMARO:

But I want specifics on this contract. What took six weeks?

MS. CLARK:

I don't have the specifics on this contract. I'm just explaining the general process that we go through.

CHAIRMAN D'AMARO:

Okay.

MR. KNAPPE:

Ken Knappe from Client Benefits. There are oftentimes the division -- the contract that my division is responsible for is the March 20th contract. But just in general terms, the three items or attachments to the original contract that the divisions take a look at is the explanation of cost, the budget and the program narrative. The explanation of cost is a new attachment to the contracts, I believe in the last two years, possibly going back three years.

And the confusing part for, I think, the contract agencies as well as the departments is the need for all three pieces to be identical. There are times when the documentations will come in, and on the budget, we might have a secretary listed in the budget for the contract agency. And in the explanation of cost, they might be referenced as an administrative assistant or something, just using this as an example. That all must be identical verbiage or else the Budget Office might kick that back to the division, or there might be other complications with that.

There's a thorough review that has to go through to make sure that all three pieces have the same verbiage and are consistent in position titles, allocation rates, different items like that. That's all part of that division review.

And as we mentioned, for this contract agency, the March 20th, for example, they submitted the documentation on December 17th to my division to my attention. And we were able to pass it along to our contracts unit under Pat Clark, I believe, on February 14th, because we didn't get the final submission going back and forth from the contract agency until the end of January because of these inconsistencies. It's no fault of theirs, it's just a high level of scrutiny that has to go through to make sure that the contract process continues.

CHAIRMAN D'AMARO:

Right. Well, let me go back to -- we were talking about an April 30th contract. And we were agreeing that it was -- the County had everything it needed in December by the end of the year, and it took six weeks for that level of review to occur. And what I'm looking for here is the reason why it took six weeks. I'm not commenting whether that's a long time or a short time, I'm not saying that the work is not complex, and you have to scrutinize, I agree.

You know, these are public funds that we're expending, and we have an obligation to make sure it's done right and legally and properly. But what I do want to know is why it takes six weeks without -- I'm not pointing a finger here, but, you know, you have a contract agency that gets a letter, a budget gets passed in November, a letter goes out, by the end of the year they make their submission, and they don't hear back for six weeks. Is that a function of an overriding issue with the -- just people power to review the enormous number of contracts that are coming in, or is it a function of something more specific to this contract where maybe the submission was not complete, there was something that needed to be clarified?

I really want to get into why these problems are occurring. And we can use these as a test case to see if we can uncover some of the problems. We're also constrained a little bit this morning by time. We have other people that I want to get up here. But am I correct in saying that you can't really tell me why it took six weeks on this particular contract?

MS. CLARK:

Other than the process that Ken just described, I can't give you specifics on this contract, but I can say --

CHAIRMAN D'AMARO:

Well, the process he told me about at the division level, you request cost analysis, a budget, and a

narrative. Did you get those three items from the coalition on this contract by the end of the year?

MS. CLARK:

I would assume we did. Ms. Sanders said we did. I don't have those dates.

CHAIRMAN D'AMARO:

Okay. Was there a problem or an issue with any of the three items?

MS. CLARK:

Well, the issue that we had was that we gave a higher priority in this case to her precinct contract, which is over \$700,000 and gave a lower priority to the contract we just described, the April 30th contract, which was \$73,000. So the \$700,000 contract was executed on April 4th. And we just gave that a higher priority in the processing time.

CHAIRMAN D'AMARO:

So there was no defect in her submissions?

MS. CLARK:

I'm sure there was a review process. I can't speak to the details.

CHAIRMAN D'AMARO:

Who could?

MS. CLARK:

The contracts unit and the representative from the Family and Childrens Services Division. We didn't bring everybody here today. When we were invited to the meeting today, we weren't really given the specifics of the question.

CHAIRMAN D'AMARO:

I understand that.

MS. CLARK:

We were prepared to talk in generalities and in timelines for these agencies.

CHAIRMAN D'AMARO:

Yeah. I did request, and I thought I had made it very clear at the last meeting, that we were looking for all of this preliminary specific information so that you would be prepared. And I understand that you're doing the best you can. All right. But nonetheless, you know, the six weeks may be just a function of prioritization, it may be a function of a defect in one of the submitted documents, but we're not going to get to that answer sitting here today.

MS. CLARK:

I think we're in general agreement that there's a lot of steps in the process and a lot of contracts --

CHAIRMAN D'AMARO:

I'm done with general agreements. We've had general agreements for a year. You know, don't take that the wrong way, but, you know, I was really trying to be more specific, and we're not specific. Does the County Attorney's Office have any information on this contract other than what we have heard today? You have to come up.

MS. MALAFI:

I only have the information from the time the contract is given to my department. And we did try to -- based upon just the five names that we were given, we worked with all the departments to get generalities, but without specific contracts, we didn't get any of the specific timelines on these specific contracts. But they are prioritized in my office and in the department by the amount of the contract. Do the bigger contracts for the non-for-profits are put on the top of all the piles.

CHAIRMAN D'AMARO:

When the Suffolk County Coalition Against Domestic Violence received their contract for signature on March 24th, does that mean that the County Attorney's already reviewed it and approved it?

MS. MALAFI:

I don't have that date, so I don't know which contract -- what amount is that for? No we get it --

CHAIRMAN D'AMARO:

You get it after the company signs it or before?

MS. MALAFI:

We get contract after it's been signed by the agencies, but we've approved the generality of the contract before that. Very rarely after a provider signs a contract do we make any changes. Everything's approved before that.

CHAIRMAN D'AMARO:

Is your department's general review the last step before it goes to the contract agency for signature, or would it go back to the department after that?

MS. MALAFI:

The departments are the ones that send out the contracts for signature.

CHAIRMAN D'AMARO:

So the letters go out, the contract agency makes a submission, it prompts the -- who drafts the contract, your office?

MS. MALAFI:

We send out the model contract the end of -- in November of 2007, we finalized --

CHAIRMAN D'AMARO:

To the departments.

MS. MALAFI:

-- the model contracts that go to the departments, and then that is the contract that is sent by the department to just fill in the blanks with the names and the amounts and the program services.

CHAIRMAN D'AMARO:

Right. Do have any specific dates on this particular contract, when your office did the general review and then sent it back to Social Services for it then to be in turn sent back out to the contract agency for signature?

MS. MALAFI:

No, because I would have to look at the specific -- we do not review every contract before -- the specifics on every contract. It's only if the department has a question that we would review. We don't review every single one, because the departments know what is acceptable, what is not acceptable. It's only when there's a question in either the budget or the program services that needs to be received that we review. I don't not believe that we looked at this contract before it was sent out and the specifics of anything. But I wouldn't know without looking at the specific contract.

CHAIRMAN D'AMARO:

All right. But if you believe that you did not look at it, then that six week period really then was just within the Department of Social Services.

MS. MALAFI:

Correct. This is the \$73,000 one?

CHAIRMAN D'AMARO:

I don't know that we're going to take much more time on this, because we can't get more specific as to why it took six weeks. Let me just -- I want to turn to the Presiding Officer in one moment who had a question. Let's get past this. March 24th you get a contract, you sign it, you send it in right away, I assume?

MS. SANDERS:

Yep.

CHAIRMAN D'AMARO:

Okay. So it then takes another five weeks to get a fully executed contract. And, Ms. Clark, can you speak to that? You know, is that the second level of review that you were talking about?

MS. CLARK:

No. At that point, we schedule time with the County Attorney for their signature and submit it to the County Executive for signature. And that was done on April 9th, and we got the fully executed contract on April 30th.

CHAIRMAN D'AMARO:

Give me that again, I'm sorry.

MS. CLARK:

We got the provider's signature on April 24th.

CHAIRMAN D'AMARO:

Okay.

MS. CLARK:

We met with the County Attorney for signature on April 9th, and the same day it's sent up to the County Executive's Office for signature. And the contract was fully executed on April 30th.

CHAIRMAN D'AMARO:

And that's the five week process?

MS. CLARK:

(Shaking head).

CHAIRMAN D'AMARO:

And how long did it sit in the County Attorney's Office, do you know that?

MS. CLARK:

We meet with one of the County Attorney's, and it's signed the same day and brought up to the Executive's Office the same day. The only delay there would be scheduling a meeting.

CHAIRMAN D'AMARO:

So the in the Executive's Office it took about --

MS. MALAFI:

I'm sorry, Pat is making a slight -- it goes from -- they bring it to our office, we sign it, it goes up to the Budget Review, and then the Budget Examiner looks at it in the County Executive's Office before it goes to the County Executive's representative for signature.

CHAIRMAN D'AMARO:

Okay. So that's a three week process.

MS. MALAFI:

Two.

CHAIRMAN D'AMARO:

Well, April 9th to April 30th.

MS. MALAFI:

No. I have that it was given to -- Allen Kovesdy from the Budget Office will explain.

MR. KOVESDY:

Good morning.

CHAIRMAN D'AMARO:

Good morning, Allen.

MR. KOVESDY:

Three contracts -- the first contract that was signed on the end April, received in the County Exec's Office on the 15th of March, and that one was signed on the 30 of April, that was signed on the 30th. It came in on the 15th, it was signed the 30th. The other contract came in on 2/29, was signed on 3/20. The other contract came in on 2/20 and was signed on 3/13. It's about a two week process between the time the examiner on my staff looks at it and it's signed on the 12th floor. It's about a two week process.

CHAIRMAN D'AMARO:

Right. Let me just cut to my final question, and then I'll turn to Mr. Lindsay. I spoke -- in this particular contract, there was a six week lag and then a five week lag -- or time period, I don't want to characterize it as a lag. And recognizing that you are doing a volume of contracts and you are also doing other things besides contracting, very quickly, is there anything that you feel we can do to lessen that -- those two time periods other than hiring 100 more people?

MR. KOVESDY:

As with the County Attorney, if the department or the vendor contacts us and red flags a contract and says there's a financial need for something to be expedited, we will take it out of order and review it. Absent from a phone call from either the -- from Pat or an agency, it's done first-in/first-out.

CHAIRMAN D'AMARO:

Let me state it another way then. From your perspective, four months after a completed submission is an acceptable time to complete the contract process?

MR. KOVESDY:

No, I didn't say that. I said that if there is a concern of a vendor getting paid something, we will take steps to expedite the contract. We don't know, you know, what the timeframe is on the -- in the department's end on reviewing it.

If this lady had a problem in getting the money and she had to go borrow money or something like that, if she called, we would contact the department and find out what the problem is and ask them to expedite it. Absent of somebody complaining, we don't -- we don't involve ourselves. But two weeks, coming into our shop and getting done, is an -- is an appropriate time depending upon if it comes in the middle of the college budget or the Capital Budget or the Operating Budget.

CHAIRMAN D'AMARO:

Mr. Presiding Officer, did you have a question?

P.O. LINDSAY:

This just sounds like bureaucracy at its best. This is a contract with an agency that's had a relationship with the County for what, decades?

MS. SANDERS:

Thirty years.

P.O. LINDSAY:

Thirty years. And the contract is a renewal. It's basically the same contract for many years now. Why in God's name do we have to go through the review process of three or four stages I'm hearing? I mean, what would happen with a brand new contract with a new agency? Would they get it approved before the end of the year? You know, really, I mean, it's just -- it just seems to me that we're overanalyzing this whole process. Nobody wants to challenge that statement?

CHAIRMAN D'AMARO:

Let me just pick up on that. I agree. A renewal contract -- if a submission is done by the end of the year, six weeks to get a contract out for signature when it's a renewal and you have an ongoing relationship with a credible organization, you know, I guess the policy question is how do we improve on that? And that's something that, I guess, we as the Legislature can take a look at.

LEG. NOWICK:

The policy that you are talking about was set by whom? That policy.

P.O. LINDSAY:

Bureaucrats.

LEG. NOWICK:

Bureaucrats. What level of bureaucrats? Is it the Legislature? Is it the County Executive? Is it the department? Who sets that policy that says even though it's a renewal, we have to go through all of the histrionics yet again?

CHAIRMAN D'AMARO:

It may or may not be a policy, it may be just a function of volume, staffing. You know, it may not be -- I don't think -- I think that the folks that are responsible to review them and come to work every day and do their job.

LEG. NOWICK:

No, I'm not saying they don't. But they're following some type of -- I would assume they have to follow some policy on these contracts. Do they have a policy, or is it just something that's been done forever and maybe never looked into?

CHAIRMAN D'AMARO:

I don't think there's a stated policy if you're looking for a deadline.

P.O. LINDSAY:

Could I just jump in? There could be some kind of expediated (sic) process for renewal of a contract. I mean, if you're submitting the same contract year after year after year, and there's no changes except maybe the amount goes up because inflation affects your employees and your health benefits and all the other stuff, why does it have to be scrutinized in this depth?

Why couldn't there be a cover page saying, "Here's the renewable of my contract. The only changes in this contract are one, two, three"? And, you know, sign the contract, get the people the money. If we object to something, it could be corrected mid year or in the next contract. I mean, you aren't going away. Unless we start providing the services that you're supplying, we're still going to keep using you because we don't have the County employees to do the job.

CHAIRMAN D'AMARO:

Well, I was trying to give you an opportunity to tell us when the submissions came in, the cost, the budget and the narrative, if there was something defective in them, because if there wasn't, then what the Presiding Officer is saying, I agree with, is that, you know, why would that take six weeks to get back out? It just doesn't -- you know, no one really has an explanation for that. All right. I think we're going to -- go ahead.

MS. CLARK:

We're processing, in DSS, over 66 contracts. While the division is reviewing and trying to coordinate a new budget, a program narrative and the explanation of cost form, which as Ken described, is very detailed, we're also processing the living wage compliance and all the other required documentation from each and every agency, such as their insurance compliance, Workers Comp, there's a number of requirements that they have to meet. We're securing that information from the division. So there's an entire packet of information that has to be coordinated before the contract is ready to go to the provider's signature. It just takes time.

MS. SANDERS:

I don't know if it's off subject, but the living wage form, for instance, again, we've been dealing with the County decades, and we have many contracts. Each contract, we have to fill out the pile of paper to be exempt from the living wage, which seems a total waste of time and trees.

CHAIRMAN D'AMARO:

Well, it's not even filling it out, it's when it gets sent in, it had to be put through the mill again and verified or whatever your internal procedure is as opposed to saying in the contracting renewal process sign an affidavit saying that all our prior submissions are accurate and complete. You know, something like that -- just thinking off the top of my head -- so that you don't have to go back and do that compliance, or is that something required by law? Is this something bigger than us sitting here today, you know? Is it?

MS. CLARK:

We follow the requirement that we're presented with.

MS. MALAFI:

Excuse me. Can I just chime in here? There is no -- a lot of these not-for-profit are telling you that they're exempt from the Living Wage Law, for example. There is no exemption of the Living Wage Law simply because it's not-for-profit. A lot of them are exempt because of the top salary of their -- one of their employees is less than a percentage of their overall budget. But that has to be looked at by living wage -- the Living Wage Unit on an individual basis, because they are not just automatically exempt from that. So the form does have to be filled out for each contract under the laws as they stand right now.

CHAIRMAN D'AMARO:

Right. But can't that -- why does that need to hold up the contract process? Can't that be done after the fact?

MS. MALAFI:

That would be a policy decision. Under the law right now, I can't do that, because I cannot legally approve a contract that does not have all the Legislative requirements filled out.

CHAIRMAN D'AMARO:

So that's a Legislative requirement, you know, in the law?

MS. MALAFI:

Yes.

CHAIRMAN D'AMARO:

It's a legal requirement?

MS. MALAFI:

Yes.

CHAIRMAN D'AMARO:

County Law?

MS. MALAFI:

Yes.

CHAIRMAN D'AMARO:

So maybe we need to take a look at all the requirements in County Law.

MS. MALAFI:

Yes. Also -- yes, that is correct. And I can have -- I can have a presentation on all of the requirements for you for the next meeting. But there's also the problem just in general of -- and we have had it with other shelter providers -- when the -- getting money back from some of these non-for-profits, if that's what it comes down to, is very difficult, and usually it's just a write-off, we don't get it back.

Three Sisters is one of them that, you know, we overpaid them because of a -- you know, they did not -- their budgets were incorrect and they were using money improperly. That \$600,000 that the County paid to them that they filed for bankruptcy and we have a piece of paper now, a judgment, against them for that much money, but we don't have it back. And that's why we take such care and the departments also take such care looking at these budgets.

They're not really properly characterized as renewals of contracts because somebody does have to make sure that the program services and the budget are acceptable. And somebody has to sit down and make sure there's been no changes from last year to this year, for example. And we did speed up the process this year, and we'll speed up the process more next year. It's just -- we're all trying as hard as we can. And I have in -- January 2nd, we had a meeting and all the not-for-profits came, and I told every one of them, I gave them my phone number, and I told them, "If your budget is not being approved fast enough send it to me, and I will have my people work on it too so that everything gets done faster." I didn't get a single budget and I didn't get a single phone call. So everyone is really trying to make these go faster.

And I think that if we continue the process, I think next year all the not-for-profits will be very happy that it's going to go even faster next year. And I think that the departments and the Department of Law process and the County Executive Budget Office process by putting the larger contracts for the not-for-profits on top, in addition to putting all the not-for-profit contracts on top, is good prioritization of these contracts. And everyone -- you know, we're all working together to get this done.

And, again, I've said it dozens of times, I will -- any not-for-profit who feels their budget isn't being approved fast enough or there's a problem can call me direct. I told them all to cc me when they send their budgets in so that my department can start working on them earlier, and I didn't -- like I said, I did not even get one.

MS. SANDERS:

Can I just say something about that. We didn't have a problem with our budget. We sent it through our contract manager, there was no reason to contact you.

CHAIRMAN D'AMARO:

Just address the committee please. Speak your mind, but just address committee.

MS. SANDERS:

I'm sorry.

CHAIRMAN D'AMARO:

Go ahead.

MS. SANDERS:

There wasn't a problem with our budget. We sent in, we didn't hear anything that was any problem with it.

CHAIRMAN D'AMARO:

Well, I'm kind of on that same page with you that, again, the review within the Department of Social Services, department that's large, busy, working on many important things, but, again, it's a six week review. So, you know, that's something that we need to take a look at; can we streamline the process with the department? It's not a reflection that you're not doing your job. It may just be a reflection of volume and your hands are tied by what the law requires you to do. And maybe we need to -- maybe that's the policy change. Maybe on renewals we need to take a look at what are you required to do and how can we make that quicker, you know, without sacrificing the fact that, you know, we have to provide oversight to taxpayer money. Mr. Lindsay.

P.O. LINDSAY:

The only thing in reply to Ms. Malafi's comments is I think some of it might need some Legislative tweaking, all right? For example, if you have seven contracts, why in God's name do you have to fill out seven living wage forms? If all your people -- the living wage applies to all your people, why can't you fill out a master form? And I'm not saying not that -- I'm not accusing anybody. That's probably going to take Legislative initiative to do that. I mean, it's just stupid to fill out the same form seven times.

The other thing is I would like to explore legislation about an expediated (sic) contract process for renewals. You know, if the body of the contract remains the same, why do people have to spend probably hours and days reviewing the same contract year after year after year? Understand, budget changes, the purpose of -- I guess, the budget, the purpose of that money as it reflects to the contracts for the usages should be checked on, but the body of the contract shouldn't have to be reviewed over and over and over again.

MS. MALAFI:

I don't think the body of the contract is what's reviewed over and over again. And for an example, the living wage form, they only -- the not-for-profits only have to list the wages of the persons employed by them working on that contract. So the not-for-profit may not have all of their employees earning the living wage, it's only those employees working on the specific contract that they have to show are earning the living wage or show that they are exempt from. And that's fine. We can help. The Department of Law is ready and willing to assist in trying to streamline some of the forms, but legislatively, so that they don't have to be approved over and over. That's fine with us. We're just trying to comply with the law as it stands now.

CHAIRMAN D'AMARO:

And just to move this along, because we're -- we do have a whole agenda to get through, I think what we need to do, what I'm starting to see in my mind is that we need to take a look -- rather than set an artificial deadline and pick a date and say get it done by this day, I think we just want to become more efficient, and hopefully that will get us to a date where we can all -- that we can all live with it. So I think what we need to do is to take a look at the timeline, and once we all agree on the timeline, then maybe we should look at the specific legislative requirements and policies in place and see how we can change them and streamline them to make this process a little more efficient, as the Presiding Officer is also saying.

I want to move on. I don't know that we're going to get to all of the agencies that have been kind enough to come down here today, there are five of them. Ms. Sanders, is there anything else that

you'd like to add before we move to the next organization?

MS. SANDERS:

No.

CHAIRMAN D'AMARO:

All right. Well, then I thank you very much for taking the time to come here. You know, this is a cooperative group effort. We're trying to solve a problem. And hopefully we'll get to some legislation that will be effective in doing that. Who would like to come up next? Good morning.

MS. SPECTOR:

Good morning.

CHAIRMAN D'AMARO:

If you'd be kind enough to state your full name for the record and your position and your company.

MS. SPECTOR:

My name is Marsha Spector. I'm the Executive Director of the Suffolk County Network --

CHAIRMAN D'AMARO:

Go right up to the mike, Ms. Spector.

MS. SPECTOR:

My name is Marsha Spector. I'm the Executive Director of the Suffolk Network on Adolescent Pregnancy also known as SNAP, which was created by the Suffolk County Legislature in 1985 as the designated agency for adolescent pregnancy, prevention and services. Carole Edgar is our Associate Executive Director. I'd like to mention that I've been with the agency since it was created 23 years ago. Carole has been our fiscal person for almost 20 years. Our staff is very stable. We certainly are very familiar with the requirements of the County contracting process from our end.

We have a slightly more bleak picture to present to you from this past year. On November 27th, we received our 2008 program application and budget forms from the Suffolk County Youth Bureau, which is our funding source. On December 19th, we hand-delivered our completed contract proposal. Two months later, on February 19th, we got our contracts back for signature. And on February 21st, we hand-delivered them to the Youth Bureau.

We got our signed contract on April 28th, two months later. We ended up having to borrow \$1500 from the bank -- I'm sorry. We ended up paying interest of \$1500 to the bank on monies that we had to borrow because we had a negative cash flow. We held off on paying any bills that weren't salary and benefits and mandated costs.

CHAIRMAN D'AMARO:

Tried to work through it?

MS. SPECTOR:

Yeah. But we have very limited funding -- fundraising abilities. We work in poor communities with poor kids, and we don't have a cushion. Whatever precious fundraising dollars we have are slowly evaporating. Last year, we did a fundraiser just to pay the bank. This year we haven't done that so far, but the process is really, really hurting our ability to serve our population.

CHAIRMAN D'AMARO:

So in effect -- this is one particular contract you're speaking of?

MS. SPECTOR:

We have a contract for \$258,000, and other than a very small Legislative contract, that's the only one that we have.

CHAIRMAN D'AMARO:

Right. Through the Suffolk County Youth Bureau is your contracting agency.

MS. SPECTOR:

Yes. Correct.

CHAIRMAN D'AMARO:

So you had a two month time period, February 9th -- December 19th to February 19th, and then you had another two months roughly between when you handed it into the Youth Bureau signed by your side, but you did not get back a signed contract for two more months.

MS. SPECTOR:

Yes. And our contract was later this year than last year.

CHAIRMAN D'AMARO:

It was later this year? Okay. Now, do you know, when you made your -- just a couple of preliminary thoughts that I had. The application to the Youth Bureau, you submitted on November -- you said November 27th?

MS. SPECTOR:

November 27th.

CHAIRMAN D'AMARO:

Oh, that's when you received the application from the County.

MS. SPECTOR:

I'm sorry. December 19th.

CHAIRMAN D'AMARO:

December 19th was the date you made a submission?

MS. SPECTOR:

Yes.

CHAIRMAN D'AMARO:

Was that a full and complete and accurate submission?

MS. SPECTOR:

As far as we know.

CHAIRMAN D'AMARO:

Was there any question from the Youth Bureau throughout the process that, you know, you need to change something or was it all --

MS. SPECTOR:

Not that we're -- it's the same contract basically. It's a renewal.

CHAIRMAN D'AMARO:

Okay. But what I'm asking is you submit those items; the budget, the narrative and the cost analysis, I believe. Was there -- throughout that entire process, did the County ever come back to you and say, you need to change something.

MS. SPECTOR:

Not that we're aware of, no.

CHAIRMAN D'AMARO:

No? So it's fair to say then at least preliminarily that the timeline was driven by what was happening internally with the County, because you seem to have made your submissions and reacted pretty promptly.

MS. SPECTOR:

Yes. And we hand-delivered them.

CHAIRMAN D'AMARO:

In the process. Okay. Good. I'm going to stop you there. I'm going to ask if there's someone here from the County who can address this particular contract through the Youth Bureau. You are on the hot seat.

MS. SPECTOR:

I would like to add, if you don't mind, that we do have a wonderful working relationship with the Youth Bureau. They're very responsive.

CHAIRMAN D'AMARO:

You know, I appreciate that comment. I believe you. You know, it's just -- and I think we all feel same way. We're here trying to work cooperatively to try and solve a problem as opposed to finger pointing and setting deadlines and all of that. It just doesn't work for me. Good morning. Name and position, please.

MR. POLICASTRO:

My name is Pat Policastro. I'm the Youth Services Coordinator for the Youth Bureau.

CHAIRMAN D'AMARO:

Mr. Policastro, welcome. And thank you for coming down today. You heard the timeline laid out this morning. Can you address that for us?

MR. POLICASTRO:

I'll try. Where DSS said, they had mentioned unit, I am the unit. Okay? We have over 100 contracts, so --

CHAIRMAN D'AMARO:

Let me stop you. Is this a renewal, by the way. It was?

MS. SPECTOR:

Twenty three years.

CHAIRMAN D'AMARO:

Twenty-three, that's it? Go ahead, sir. I'm sorry.

MR. POLICASTRO:

This year, the County Attorney put together a model contract. So there was a little bit of delay of -- the model contract was completed, but they had to put specific language that applied to the Youth Bureau contracts. What happens after that, we get the contract back from the County Attorney, and then we have, again, one person who prepares the contracts in terms face pages, preparing -- making copies of budgets, making copies of contracts. We then at that point mail out the contracts. Now, when Marsha says that she returns the contracts, at that time --

CHAIRMAN D'AMARO:

Let me stop you there. The agency says they received their application in November, the end of the November, which is great. That's right after we passed our budget, which is terrific. But the -- and then hand-delivered all of the information needed on December 19th, which is pretty good. It's two

or three weeks later, it's the holiday season, that's fine. But then we go from the submission to your department on December 19th to them getting a contract for signature two months later. And I'd like to address that time period.

Tell me specifically what happened with this contract. Is it a general problem? Was it something specific to this contract, if you can?

MR. POLICASTRO:

No, it's not specific to SNAP itself, it's the volume of contracts. We're preparing all the contracts at the same time. As budgets are coming in, we're preparing the face page, we are preparing the numbers of contracts that we have to make. Again, we are a department of seven people, and we have approximately \$9 million of contract agencies. So we're kind of the Little Engine That Could. So when we -- we then do a mass mailing of -- we try to do seven, eight, nine contracts a day mailed out to the agencies. And we try to do as on-a-need-basis, because we --

CHAIRMAN D'AMARO:

How many do you process roughly?

MR. POLICASTRO:

About nine or ten a day when we do our mailing.

CHAIRMAN D'AMARO:

No, I mean total.

MR. POLICASTRO:

Total? Oh, over 100.

CHAIRMAN D'AMARO:

Over 100. I'm sorry if I missed that. All right. So you do 100 contracts and you try and get ten out per day.

MR. POLICASTRO:

Right.

CHAIRMAN D'AMARO:

So that's ten days.

MR. POLICASTRO:

But again, that's not all I do in terms of a volume --

CHAIRMAN D'AMARO:

You get ten out a day, but you only do that once a week.

MR. POLICASTRO:

No. I do a little bit everyday. But there's also -- at that time, we're still doing vouchers for agencies trying to get paid in that year so they can get their money, the previous years.

CHAIRMAN D'AMARO:

So is it fair to say that two month period then really is just a function of volume and staffing?

MR. POLICASTRO:

Exactly.

CHAIRMAN D'AMARO:

There is nothing specific you can recall with the -- with this particular contract?

MR. POLICASTRO:

No, not at all.

CHAIRMAN D'AMARO:

All right. Do you feel -- let me ask you a more general question. In that two month period when you have the high volume, you're busy with your department doing other things, you have limited staffing, do you feel there's any way that we can improve the renewal process? What would make your job easier, more efficient and get these contracts out in less than two months?

MR. POLICASTRO:

There's one other one that is done is the IFMS System, there has to be -- once it's signed by the agency and there's --

CHAIRMAN D'AMARO:

No. I'm talking about before that. In order for you to get that contract to the agency for signature after you've gotten the application back, there's a two month period there. What can we do to streamline that and get them out quicker?

MR. POLICASTRO:

This year -- this year it will be different, because the model contract will be completed. So this year, the contracts will be out by -- within a week after we get the application back from the agency, because it --

CHAIRMAN D'AMARO:

All the contracts? All 100?

MR. POLICASTRO:

Ten a day in terms of how much I can do in one --

CHAIRMAN D'AMARO:

Well, but ten a day, if you only do that once every two weeks --

MR. POLICASTRO:

No. No. I would do more. If I knew -- the delay this year was waiting for the language specifically for the model contract for the Youth Bureau.

CHAIRMAN D'AMARO:

Okay. So that was -- you had a general one time specific delay here waiting --- you were changing the system and working with the County Attorney's Office, and that -- you're saying in addition to volume and staffing that that was a one-time delay.

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

And you expect next year for -- let's use this particular contract agency. If they get their application hand-delivered to your department by the end of the December. Or in this case, the 19th of December, they'll have a contract ready for signature in the first week of January, is that a fair statement?

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

You're confident of that.

MR. POLICASTRO:

Yes. I'm confident in that.

CHAIRMAN D'AMARO:

Yes. Go ahead, Legislator Nowick.

LEG. NOWICK:

I'm sorry to interrupt. Just a question. Was last year's contract -- did it take this long for last years? This year is a new model, and I understand that. And maybe next year you have a new model and you go pay -- but did this happen last year as well or was this a one or two week thing last year?

MS. SPECTOR:

2008's was about a week later than 2007. But, you know, over a long period of time retrospectively, we used to have our signed contract by the end of February. And while that's not a perfect system, it was a lot better then waiting until the end of April.

LEG. NOWICK:

All right. So just to be clear, this year --

MS. SPECTOR:

Was a week later than last year.

LEG. NOWICK:

This year, by the time you got the signed contract, it was a week later than last year?

MS. SPECTOR:

Yes.

LEG. NOWICK:

So that's not much of a difference, though. And this year was the new model. So that was not much of a difference with the old model.

MS. SPECTOR:

Right.

LEG. NOWICK:

So how is next year going to be improved much more than a week?

MR. POLICASTRO:

Because I don't have to wait for the County Attorney to come up with a new model for a contract as I did in '08.

LEG. NOWICK:

But in 2007, you had the old contract?

MR. POLICASTRO:

They were doing renewals, and that had to be -- in the old system, there are always updates by the County -- there were new laws passed, and the contract had to be changed, modified.

LEG. NOWICK:

Oh, okay. So in 2007, again, there were problems with updates. 2008, you get the new role model. 2009, hopefully, you're just going to follow renewals.

MR. POLICASTRO:

The model contract that was created for '08.

LEG. NOWICK:

I'm sorry. Is it all right to ask another question? Out of your -- how many contracts do you do a year?

MR. POLICASTRO:

Approximately 100.

LEG. NOWICK:

A hundred. Out of your 100, are most of them renewals?

MR. POLICASTRO:

Yes.

LEG. NOWICK:

Okay. All right. So then we can anticipate 2009 really moving up that timeline.

MR. POLICASTRO:

Yes.

LEG. NOWICK:

Okay. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Nowick. All right. So that's the two month lag or time period there. A contract gets handed back to your department on February 21st, it takes nine weeks to get a fully executed contract back to the agency. They went out and borrowed money. How come?

MR. POLICASTRO:

Okay. When an agency returns their contracts -- when SNAP returns it, we also -- at that time, we had about -- I went up to the County Attorney with approximately, I'd say, 25, 30 contracts. They were signed by -- I sit with the County Attorney, we went through all the contracts, they are signed.

CHAIRMAN D'AMARO:

Well, this contract you got in on February 21st, so when did you take that to the County Attorney's Office?

MR. POLICASTRO:

In two weeks. Within two weeks. I go to the County Attorney every two weeks.

CHAIRMAN D'AMARO:

Okay.

MR. POLICASTRO:

Once it's signed by the County Attorney -- and, again, it's just not -- SNAP is not the only contract we're dealing with at that particular time.

CHAIRMAN D'AMARO:

Right. But they're borrowing money to cover their costs that are covered by this contract.

MR. POLICASTRO:

And they never called us to inform us of that.

CHAIRMAN D'AMARO:

I don't think they need to call you.

MR. POLICASTRO:

Okay.

CHAIRMAN D'AMARO:

I think we need to get it done so that -- well, you know, you can shrug your shoulders, but the fact of the matter is they borrowed money -- would you want to go out and borrow money to cover expenses when you know the money is coming if someone would just push it along. I think we need to do better. I think it's our obligation.

MR. POLICASTRO:

I agree.

CHAIRMAN D'AMARO:

All right. So here we are at the beginning of March going to the County Attorney's Office. What happens in the next seven weeks?

MR. POLICASTRO:

Once it's signed by the County Attorney, it then has to go -- out into the IFMS System, it has to be logged into -- into the system of making sure the money is available. There's a whole process that's done. We have an Administrator I who inputs all the contracts. Once they're inputted into the system, then it's prepared to go up to the Budget Office.

It goes -- at that point, it goes up to the Budget Office and then it's reviewed by the Budget Office, and then it goes on to the County -- then it goes on to the County Exec's Office. So from the time it takes -- from the time it's signed by the County Attorney and goes back to your office, the one person who is doing it is trying to do -- she may do three, four, five a day, and then it goes back to my desk, and then I will -- there is a form that I have to put on that -- a budget form that has to be put on the contracts, and then it's forwarded on to the Budget Office.

CHAIRMAN D'AMARO:

Do you happen to know on this particular contract when your received it back ready to be fully executed, sent out to the not-for-profit?

MR. POLICASTRO:

Okay. It was approved by the County Exec on 4/8 and then we --

CHAIRMAN D'AMARO:

Approved meaning signed?

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

Fully executed on 4/8.

MR. POLICASTRO:

Right. It doesn't come back to -- we didn't receive it in our office, because, again, it goes in -- it's interoffice mailed to us. We didn't receive it in our office until 4/16.

CHAIRMAN D'AMARO:

And then it took another 12 days for it to be received by the company.

MR. POLICASTRO:

Yes. I believe we -- when the contract was signed, we called SNAP to tell them it was signed, and they were able to submit claims at that point.

CHAIRMAN D'AMARO:

I appreciate that. All right. So when it left your bureau on roughly -- after February 21 and it came back to you on April 8th --

MR. POLICASTRO:

No. It came back to me -- it came back to the Youth Bureau on the 16th, yes.

CHAIRMAN D'AMARO:

So February, March, that's about seven weeks that it spent in the Executive's Office.

MR. POLICASTRO:

I mailed it up to the County Exec's Office -- to the Budget Office on March 19th.

CHAIRMAN D'AMARO:

Oh, on March 19th.

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

I got it. Okay. And before that is when you inputted into the system.

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

Right. Okay. So it stayed in the Youth Bureau then for a month roughly.

MR. POLICASTRO:

Yes.

CHAIRMAN D'AMARO:

The contract signed by the not-for-profit was received by you and stayed in your office for one month.

MR. POLICASTRO:

Yes, sir.

CHAIRMAN D'AMARO:

All right. And during that time is when you did your review, you checked -- you inputted into a system, and, of course, you're doing other things during the day. Mr. Kovesdy, yes.

MR. KOVESDY:

I just wanted to clarify. There's two contracts that we sign. The first contract for \$258,000 was received on 3/26, and it was signed on 4/8 and mailed back to the department on 4/10. The second contract which was only for \$5000 was received on 4/16, signed on 4/23 and mailed to the department on 4/24. So those are the actual dates that it came into the County Exec's Office, was reviewed and --

CHAIRMAN D'AMARO:

Now, two weeks out of the nine week we're talking about here was just the function of the mail. What are we using, Pony Express? I thought interoffice mail was immediate.

CHAIRMAN D'AMARO:

You're in the same building.

MR. KOVESDY:

We hand deliver -- if requested, we hand-deliver them.

CHAIRMAN D'AMARO:

You're saying that you delivered a contract on four -- on 4/10, you sent it back out to the Youth Bureau at the end of the process fully signed, and the Youth Bureau is saying they didn't get it until 4/16. Was there a holiday in there? Am I missing something? You know -- and then before that, you sent -- on 3/19, it went to the County Executive's Office from the Youth Bureau, and you say you received it on 3/26. So that's seven days. How many floors apart is it? I mean, wow.

MR. KOVESDY:

I have no answer to that question.

CHAIRMAN D'AMARO:

Well, you know, it is two weeks out of a -- you know, when we're talking about paying interest, you know, maybe we need to look at the hand-delivery system.

LEG. NOWICK:

Was it hand-delivered or was it put in the mail? Because I get things in my office that are mailed that could -- that's what I'm asking. Maybe by mistake it was mailed, because six days to go up the stairs.

CHAIRMAN D'AMARO:

All right. Well, once again, this timeline is highlighting where the longer periods are being experienced. And what I want to ask you, Mr. Policastro, is just in general in the time period that these contracts are spending in your office, again, we have a case where the contract agency reacted very quickly, and yet, they're not responsible for the bureaucratic procedure that takes place on the County side. And they're kind of looking at us and saying, "Hey, I don't want to borrow money to cover my cost." So what can we do in your bureau to improve -- or are your hands tied by what's legally required?

MR. POLICASTRO:

Like I said previously, I think this -- this current cycle with the model contract being completed, I think, dramatically will be -- there will be a change in terms of the speed of getting everything done.

CHAIRMAN D'AMARO:

All right. Well, the model contract doesn't affect the nine week period after they signed it and sent it back to your office. That has nothing to do with the model contract. That was still over two months. Is there anything we can do -- once you get back a fully signed contract, is there anything we can do to speed that process along?

MR. POLICASTRO:

No. We just have to -- the bureau itself will have to try to change and expediate (sic) in terms of directing other staff to process contracts quicker.

CHAIRMAN D'AMARO:

Right. When you got back the fully signed contract in this case, it came into your bureau for one month before it was sent to the County Executive's Office. So anything during that month, because I don't want to put the rest of it on, that's when it went into the County Executive's side, but for that one month period, this company sent you a contract, they need to pay expenses. What can we do in your department since you are the responsible person here? Or do you want to think about it and get back to me? But I'm looking for what's tying your hands? What's holding up -- how can we get one month down to maybe four or five days?

MR. POLICASTRO:

I'd have to think about it in terms of -- I don't want to say anything right now and just -- I'd have to talk to the director.

CHAIRMAN D'AMARO:

Fair enough. Okay.

LEG. ALDEN:

If you're going to take time to get back to us, you know, which you should, also think what happens between the time we approve our budget and the time that this whole process seems to start. Maybe that's the time to push this process to, early November. And if your workload would allow a shift so that people can be dedicated to work on contracts in that period of time, between November and December and before the 1st of the Year. And I don't expect an answer today.

CHAIRMAN D'AMARO:

Just do me a favor. If you would think that through, think about when the contract is in your office, what, if anything, we can do, what Legislative changes, policy changes, administrative changes might occur to make that -- those contracts be processed quicker. If you could send us a response to that. Just don't send it by interoffice mail. But if you could get something to me, I would pressure that.

MR. POLICASTRO:

Yes, sir.

CHAIRMAN D'AMARO:

Okay. Is there anything you want to add before we move on?

MS. SPECTOR:

We have similar problems on the state level. I mean, this is not a problem that's unique to Suffolk County. But one of the advantages of the work that we do with the State is that we function very much by e-mail. And so a contract can be e-mailed to us. And either we do it on line or we download the pages, but we have it the same day. So I'd like to suggest for the Legislature's consideration that that be explored.

The other thing is on the State level in renewals, they give us what they call a written directive, which allows the contract process to begin without the formalized contract and allows us to begin to receive money. So perhaps there's an opportunity there to look at what the State does.

CHAIRMAN D'AMARO:

Yeah. We'll look at that, getting paid before the process is complete, but I believe the State may have some more authority than the County does in doing that. I'm not sure that we do. We might even need State Legislation to do something like that. Those are policy considerations. I know we talked about it here in the Legislature, even 10% at the beginning of the year. We had all kinds of ideas. But I think it also requires a change in State law. Okay.

MS. SPECTOR:

Thank you very much for your time.

CHAIRMAN D'AMARO:

Thank you for your time. I do appreciate it. We're going to continue with this and try and come up with some change.

MR. MEDINA:

Mr. Chairman, may I speak? My name is Louis Medina, I'm the Director of Suffolk County Youth Bureau. And I just want to share with you that our staff is very, very diligent. And we do have over 100 contracts that we're involved in processing in our office. And I think the sheer volume in terms of, you know, turning over contracts, you know, it's not much when we get them, how we get them,

but I think the sheer volume really adds to some of the delay that may happen. In this case, maybe a holiday or something like that. It doesn't necessarily excuse us of processing it in a timely fashion. But I think overall, the sheer amount of contracting and the processing and, you know, the short staff contributes to some of the delays and some of the contract process. So I want to share that with you.

CHAIRMAN D'AMARO:

Yeah. I appreciate that, you know, we're living through a period of limited resources. And I know in your bureaus, respective bureaus, you're doing the best you possibly can with what you have to work with. So I do appreciate that it is a function of volume, but, you know, I think even that said, if we can kind of explore, maybe you could also offer any suggestions for the time period that these contracts are within your bureau. You know, what can we -- how can we get from four or five weeks down to four or five days?

I don't -- you know, think it's rocket science. I think it can be done. I mean, want to go into this optimistically and believe that we can do something to streamline that process. I don't want these not-for-profits companies paying interest. And I think what we need to do is focus on the renewal contracts especially. I know the County Attorney's Office is looking at that. There has to be a way to do this quicker. And if it means Legislative changes, then we will consider that. All right. Thank you.

All right. I think what we're going to do is call up one more company today. And I apologize if you don't get an opportunity to speak. You all kind of know each other back there, who wants to come up and tell us your tale?

MR. HEGARTY:

Ready and waiting.

CHAIRMAN D'AMARO:

Good morning. State your name, company and position, please.

MR. HEGARTY:

Dr. David Hegarty. I'm the Executive Director of Hope for Youth. We have a number of contracts with the County, including contracts with the Department of Social Services, Health Department and the Probation Department. To try and clarify it for me, actually, our staff prepared a spreadsheet looking at the history of some of the those contracts.

I think it's revealing because it tells us that in some ways the process can function well and quickly. I'd like to highlight the Probation non-secured detention contract which we have. It was slightly off-cycle because of a renewal process, but that is a multi-year contract. That went into effect July 1st, 2006, and runs continuously through December 31st, 2008. And although in the past there have been some delays, that particular contract processed very quickly.

We had the contract signed by us on August 4th of 2006 signed by the County on August 20th, 2006 and remains in effect for a multi-year period. So we avoid a lot of this annual redoing of the contract. So I would hope that as you begin to explore alternatives --

CHAIRMAN D'AMARO:

When was that renewal? I'm sorry.

MR. HEGARTY:

That was July 1st, 2006. So we ran continuously -- or will run continuously through the end of December, 2008.

CHAIRMAN D'AMARO:

So you had it signed in one month by you, and then within -- within --

MR. HEGARTY:

Days by the County.

CHAIRMAN D'AMARO:

-- two weeks.

MR. HEGARTY:

I mean, it was really -- for us, it was the quickest it ever went. And I think --

CHAIRMAN D'AMARO:

Well, that's kind of interesting, because that renewal was taking place at a time when there wasn't this other volume of the normal cycle going on.

MR. HEGARTY:

Yes, sir. It certainly was off cycle for everybody.

CHAIRMAN D'AMARO:

So it can be done.

MR. HEGARTY:

And it can be done. And the multi-year component of that certainly helps everybody. It's cheaper for you, you're not processing lots and lots and lots of paper. I understand that there may be some areas of Federal Law which preclude multi-year contracts, but I think it obviously is in everybody's best interest to try and explore that wherever possible. And that contract document includes budgets projected ahead. We have a chance to make changes in that for, you know, interim events which change costs and expenses. But that process works relatively well.

When we get to the contracts that have to move annually, it's a little bit slower. To illustrate the intensive case management contract that we have, which is a preventive service contract with the Department of Social Services, which works with children and families involved with Protective Services, when children are at the brink of removal by Child Protective Services. And those are all master-level social workers pushed in in an attempt to stabilize the child and family and prevent removal to Foster Care.

So in 2008, we received requests for narrative and budget on December 24th, we responded on January 11th, we received the contract for signature on April 14th, I signed it on the same day and sent it back. And we received a signed contract back on May 2nd and received the cash advance on May 8th. In the interim that cost us -- well, we carried \$104,876 in expenses from January 1st through that time point in May when we received the contract advance. 2007 was similarly delayed, in fact, longer.

CHAIRMAN D'AMARO:

Oh, that was two thousand --

MR. HEGARTY:

I'm sorry. 2006 was similar to --

CHAIRMAN D'AMARO:

That was '05 to '06?

MR. HEGARTY:

Let me give you the exact dates. The contract that moved and was just signed was the 2008 contract, the one that I just talked about.

CHAIRMAN D'AMARO:

So you received the application in December '07, responded by January of '08.

MR. HEGARTY:

December '07, yep. January 11 we sent it back.

CHAIRMAN D'AMARO:

Was there -- your response on January 11th, was there anything defective? Were you made aware of anything defective in your response or submissions at any time?

MR. HEGARTY:

No. No.

CHAIRMAN D'AMARO:

So no defects with your budget narrative?

MR. HEGARTY:

No.

CHAIRMAN D'AMARO:

And that was a renewal also?

MR. HEGARTY:

That was a renewal, yeah. And that has been a continuing contract that's in its fifth year.

CHAIRMAN D'AMARO:

So that contract -- you didn't get a contract back to sign for three months.

MR. HEGARTY:

Right.

CHAIRMAN D'AMARO:

All right. So you submit timely within the -- a week and a half of January 1st, and then three months later is when you got a contract to sign. And you were never contacted in between telling you that there's any problem with your submission?

MR. HEGARTY:

Not that I'm aware.

CHAIRMAN D'AMARO:

Well, I mean, how can we become aware?

MR. HEGARTY:

Well, there may have been, you know, questions about a line, but nothing that required a change. It may have been, "Gee, what is this?"

But there were no changes to the documents that were resubmitted. That's our ultimate tracking mechanism.

CHAIRMAN D'AMARO:

Right. And then once you sent back the contract signed, it took another -- well, that was about three weeks to get it fully executed. Okay. So you went from three months to three weeks. And that contract was processed after you submitted the application and your submissions by the Department of Social Services.

MR. HEGARTY:

Yes.

CHAIRMAN D'AMARO:

All right. Is there anything else you want to add before I ask them quickly about that particular contract?

MR. HEGARTY:

No, sir.

CHAIRMAN D'AMARO:

Is there someone here from Social Services that could address that contract?

MS. CLARK:

What was your question?

CHAIRMAN D'AMARO:

Well, my question was the submission to the County on this contract renewal came in -- was sent in January 11th, and it was sent out -- the contract then was sent out for signature three months later. And I just was wondering if you had any specific information as to why it took three months to get those contracts out.

MS. CLARK:

Those dates are consistent with the timeline that I have. All I can say is the division was working on it, and I don't have the specifics, I'm not prepared. But I would certainly be glad to follow up if necessary.

CHAIRMAN D'AMARO:

All right. So who would have that information?

MS. CLARK:

Somebody from the Family and Children's Services Division who is assigned to contracting processing.

CHAIRMAN D'AMARO:

And are they here today?

MS. CLARK:

No.

CHAIRMAN D'AMARO:

All right. Is that -- is that -- so you don't have any specific knowledge whether there was a problem with the submission or why there was a three month period that lapsed to get a contract out, a renewal contract, out for signature took three months to do? Is that standard practice in the Department of Social Services? Is that acceptable?

MS. CLARK:

Clearly, we would prefer to have our contracts executed before May. Unfortunately, I would have to speak to someone in that department to get the specifics of this particular contract's process.

CHAIRMAN D'AMARO:

Legislator Alden had a question. Can you make a phone call and get that information for me now?

MS. SPECTOR:

Sure.

CHAIRMAN D'AMARO:

I'd appreciate it.

MS. CLARK:

Okay.

CHAIRMAN D'AMARO:

Thank you. Legislator Alden, go ahead.

LEG. ALDEN:

You start services, though, January 1st, right?

MR. HEGARTY:

Yes, we do.

LEG. ALDEN:

When do you do a wind-up at the end of the year; for instance, turn in your final paperwork for final payment and reconciliation?

MR. HEGARTY:

We'll get a letter indicating that closeout claims are due at a certain point in usually February and we're working to closeout the prior contract.

LEG. ALDEN:

So you're closing out two months into the new contract roughly?

MR. HEGARTY:

Usually it's the cleanup. It takes -- for us, it usually takes until the end of January to close out December. This particular contract, because of its nature, because of the kind of families we work with, there tends to be a lot of expenses around the holidays. These are families that become a little bit more chaotic around the holidays. So we may be a lot busier. And these may be families that need extra assistance with food, fuel, housing, you know, as they go into crisis.

CHAIRMAN D'AMARO:

Thank you. How do we refer to this contract?

MR. HEGARTY:

This is called intensive case management. And by the way, we do a cost savings analysis on this contract. The presumption made by the department is that from the day they refer a child -- if they don't come to this program, they're going into Foster Care. So the cost of contract was \$451,000 for the year. The veer value of savings to the County was \$940,000 in prevented Foster Care days.

CHAIRMAN D'AMARO:

We appreciate that.

MR. HEGARTY:

So, you know, it's a significant dollar value on the plus side and the cost of carrying the contract is significant.

CHAIRMAN D'AMARO:

Ms. Malafi, while we're waiting for that answer, the County Attorney's Office, I assume, did a preliminary review of this during the three month period. And then also, after the contract was signed by the agency and sent back in was a three week process, which is rather quick through the County Attorney's Office and the Executive's Office. Do you want to add anything to the timeline on this one?

MS. MALAFI:

The only thing I can tell you is that it was opened in my department. I do not know whether we looked at it beforehand because we weren't given the specifics so I couldn't look it up. It was in my office and out of my office the same day, legally approved the same day it came in.

CHAIRMAN D'AMARO:

You mean after the agency signed it, but before it went to the Budget Office?

MS. MALAFI:

Yes.

CHAIRMAN D'AMARO:

And your office sent it -- the same day you received it, you sent it back out, then you send it to the Budget Office, or do you sent it back to the agency -- DSS?

MS. MALAFI:

I think we send it right to budget, but I don't know. But it was on April 23rd, it was legally approved.

CHAIRMAN D'AMARO:

You don't know when the contract came to your office, but you do know you got in and out the same day.

MS. MALAFI:

Yes. I know it came into my office April 23rd and it went out April 23rd.

CHAIRMAN D'AMARO:

Well, that's after the agency signed it.

MS. MALAFI:

Yes. The agency always signs it before I legally approve it.

CHAIRMAN D'AMARO:

And you don't know if you reviewed it prior to an agency's signature.

MS. MALAFI:

I do not know if we needed to review the budget or the program narrative or any specifics on this contract, because I wasn't given the specific contract to look up.

CHAIRMAN D'AMARO:

Do you know offhand?

MR. HEGARTY:

I'm sorry. What was the question?

CHAIRMAN D'AMARO:

When your contract went into the County system, do you know what departments it went through and when by any chance?

MR. HEGARTY:

I believe we sign it first. I believe when we get the contract it is a blank document, and we send it back to the department. And from there, it's a mystery to me, sir.

CHAIRMAN D'AMARO:

What is the total value of this contract?

MR. HEGARTY:

This is a \$451,000 contract.

CHAIRMAN D'AMARO:

And this was a renewal.

MR. HEGARTY:

And this was a renewal. And actually, getting it moving involved a call to Commissioner DeMarzo to ask her if could find out where it was and what was holding up that document coming back to us. The prior year, that contract was not --

CHAIRMAN D'AMARO:

Were you told anything in the response what the problem was?

MR. HEGARTY:

She said she would find out for me and do what she could. The prior year, in 2007, that contract --

CHAIRMAN D'AMARO:

Well, before you move on, did she get back to you and tell you what the problem was?

MR. HEGARTY:

She got back to me and said the contract -- we would be getting it in the mail. She didn't illustrate the problem.

CHAIRMAN D'AMARO:

Okay.

MR. HEGARTY:

In 2007, we didn't get that contract until August. So we've significantly improved.

CHAIRMAN D'AMARO:

Well, we don't know why you didn't get it until August. Before we draw a conclusion -- you know, we don't know why that took so long. There may have been an explanation, so. Looking just at the timeline, yes, we did better, we, as a collective group. Okay. Does anyone know if Social Services is coming back any time soon with a response?

MS. MALAFI:

You've got to give her a couple of minutes. She'll make the phone call and find out what's happening.

MR. HEGARTY:

Sir, if I could, I'd just like to make a brief commercial for methods that are used in other jurisdictions. We have contracts with the City of New York, a small contract with New York City for Foster Care. New York City uses a process called MOCs, a bad name for a good office, the Mayor's Office of Contracts. So what they've essentially created is on central office where all of this compliance paperwork goes; insurance, lives wage forms, certification that you're not doing business with Northern Ireland or South Africa or any other banned country. There's a long list of things that the city requires. They all go to one office, insurance document, they process, they certify you, and then you can do business with any department in the City of New York. I'd like to suggest that it's a model that's worked for a very, very large institution, which contracts for billions of dollars. So maybe it's something worth looking at in Suffolk County; one office, one set of certification.

CHAIRMAN D'AMARO:

Let me ask you a question on that. I agree. I mean, that may be more efficient. But if you have -- you have to a substantive review of the program that, let's say, DSS has the expertise and knowledge and experience to do, is that also part of that certification?

MR. HEGARTY:

No, sir. And Administration for Children Services reviews and approves the programs components, the Mayor's Office of Contracts reviews the boilerplate legal things which apply equally to everybody. In your case, that would be the certifications that there's been no collusion and bidding, Fair Wage Law, insurance paperwork, because the insurance is the insurance; it applies across all programs. So it's one-stop shopping. I'm sending you the same paperwork that says the same things for nine or ten contracts a year. Last year, the State passed a \$5000 COLA intensive case management contract. You needed to draw up a separate contract to send me that \$5000, and I needed to send you a bucket load of paperwork to support that, including living wage forms and insurance and everything else.

CHAIRMAN D'AMARO:

So we could have, let's say -- not a substantive certification, because that has to take place at a department level, but we could have a certification process of the companies doing business with the County that doesn't even have to take place during that same timeline, that could be done earlier before we even pass our budget. And once you get the, you know, seal of approval, that then -- and part that certification process would be an obligation under oath that if anything changes, it's your duty and responsibility to notify the County. And then you can go into your substantive review, but we might eliminate seven out of ten steps by doing that.

MR. HEGARTY:

And you might -- for agencies that do business with multiple County departments, it's going to unbundle their workload. So the gentleman from the Youth Board who need to go check all of his paperwork, instead needs to go to one data base that says this agency has been certified, everything is there, and he can focus his energies on program review that he's an expert at.

CHAIRMAN D'AMARO:

The question becomes what kind of staffing would you need to do that County-wide? And, you know, then on our side, you know how does that impact costs and things like that? But it may -- if you have people coming to work everyday doing that task and responsible for that task, it may prove to be more efficient. You may even do it with less people rather than the numbers that you have throughout the departments. That's something we can take a look at. The City of New York does it that way?

MR. HEGARTY:

Yes, the City of New York does it that way.

CHAIRMAN D'AMARO:

Okay. Well, I appreciate that very much. See, even Social Services can't get through to Social Services. Allen, do you know how much longer we need to wait.

MR. KOVESDY:

A minute or two. They're pulling the files.

CHAIRMAN D'AMARO:

Is there anyone here that has a contract that came back fully executed after May 2nd? Any other agency? That's the worst case scenario that we have here today, Ms. Chase. You have to come on the record please and state your name and who you represent. And then we'll wrap this up as soon as Social Services gets back to us on that question.

MS. CHASE:

As you know, I represent the Smart Government for Strong Families Coalition.

CHAIRMAN D'AMARO:

Your name please.

MS. CHASE:

Erica Chase.

CHAIRMAN D'AMARO:

Okay. And who do you represent?

MS. CHASE:

The members are the coalition are not-for-profits all doing contracting for Suffolk County. The worst case scenario here was May 2nd. I did hear from one of my member agencies last week -- he is not here today -- but he has a contract for \$85,000, and he just got his signed contract.

CHAIRMAN D'AMARO:

When.

MS. CHASE:

Last week.

CHAIRMAN D'AMARO:

Okay. So we're not going to really talk about that today.

MS. CHASE:

Right.

CHAIRMAN D'AMARO:

He might have held it for four months.

MS. CHASE:

I don't think that was the case.

CHAIRMAN D'AMARO:

I don't think so either, but making a point.

MS. CHASE:

I can certainly have him present a memo to you.

CHAIRMAN D'AMARO:

I don't want to talk generalities anymore. I really don't.

MS. CHASE:

I understand.

CHAIRMAN D'AMARO:

Okay.

MS. CHASE:

I also wanted to let you know, you all received this at the full Legislative Meeting last week. And what David was talking about with certifying the agency is one of the recommendations that we put into this report.

CHAIRMAN D'AMARO:

Yes, I did read it, and I appreciate that you submitted that.

MS. CHASE:

Thank you.

CHAIRMAN D'AMARO:

Okay. You are welcome. Does anyone else come up briefly as long as you're here and tell us your tale of woe about your contract?

MR. LAHIFF:

Good morning. My name is Brian Lahiff. I'm the Assistant Director at the Child Care Council of Suffolk. Just briefly, the Council was incorporated on 1972. We've been doing business with the County since 1985. That's the length of our longest running contract, 23 years. The other two contracts are nine and 15 years. This year, due to the date that we received the contract and the advanced payment, we had incurred costs of \$238,000. After the advanced payment, we were still fronting \$58,000. So the advance didn't cover all the costs that we had incurred during that time. Just as -- you know, to highlight the affect of the delay.

CHAIRMAN D'AMARO:

What was the date that you received the fully executed contract?

MR. HEGARTY:

The earliest one was March 7th.

CHAIRMAN D'AMARO:

No. What was the latest?

MR. HEGARTY:

The latest was April 22nd.

CHAIRMAN D'AMARO:

Which contract was that? Just identify that.

MR. HEGARTY:

CDC Loan Program. It is our smallest contract. We typically do receive that last.

CHAIRMAN D'AMARO:

When did you make a full submission to the County for that contract, do you know?

MR. HEGARTY:

That was January 9th.

CHAIRMAN D'AMARO:

And do you know when you received the contract for your signature -- that contract for your signature?

MR. HEGARTY:

I don't have the date that we signed it.

CHAIRMAN D'AMARO:

All right. I'm going to ask you to take a seat. I appreciate that, what you added to the record. I'm going to go back to Ms. Clark. Were you able to find out anything on that?

MS. CLARK:

Unfortunately, the person that I tried to contact is not in. And I spoke to her supervisor who didn't have -- wasn't able to supply the full details. He's looking through the files, and I didn't want to waste your time. I would prefer to -- if I could get back to you with the details to give you a complete and thorough answer rather than rush through the files and not be sure.

CHAIRMAN D'AMARO:

So that person is not in today?

MS. CLARK:

And I could also follow up on the Suffolk County Domestic -- Coalition Against Violence timeline as well.

CHAIRMAN D'AMARO:

All right. I appreciate that. Okay. Is there anything else you would like -- you folks would like to add? Thank you to DSS and all the contract agencies, of course, for coming down. We're starting to, I think you know, look at these timelines and see what overriding policy changes or administrative changes we can make in the system. And we'll stay focused on it. I'll look for your answer hopefully within the next few days. Thank you, everyone. Thank you for cooperating, I appreciate it very, very much as does the committee.

Okay. We're going to continue with the agenda. Section V is Tabled Resolutions, and I'll call the first.

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

The public hearing is still open. I'll offer a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

Just note for the record that our Presiding Officer is sitting in today, but not voting with the committee.

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 to table, I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

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

This is a piece of legislation that requires some advertising and posting on the internet, it requires a fair-market value analysis even on renewals. And it requires the Steering Committee to do a bit more of an investigation when leases come up or when a renewal comes up. I'm going to offer a motion to approve.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Alden.

LEG. ALDEN:

With the hopes that Bay Shore Health Center might move along.

CHAIRMAN D'AMARO:

Okay. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

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)

I'll offer a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

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

Public hearing is still open. I'll offer motion to table.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

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

I've been advised that the resolution has been withdrawn, so we will strike it from our calendar.

1451, Authorizing the reduction of the purchase price for property sold at auction that subsequently was damaged by fire Purchaser: George Kuey (SCTM No. 0200-976.90-03.00-049.000). (Co. Exec.)

This bill was discussed at length in the prior meeting of this committee. We had a discussion about the keeping the owner-occupancy requirement if we were to approve the reduced price.

LEG. ALDEN:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes. Legislator Alden.

LEG. ALDEN:

Did you receive a report on what the Arson Squad had determined?

CHAIRMAN D'AMARO:

Right. I think there was an open investigation. I didn't get any information back, did you? No. I'll offer a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

Next section of the agenda is Introductory Resolutions.

1483, Sale of County-owned real estate pursuant to Local Law 13-1976 James A. Smith, Sr., (SCTM No. 0500-292.00-02.00-127.000). (Co. Exec.)

This is a Local Law 13, which is an auction to an adjoining property owners. The property is in the Town of Islip. It's a 50 by 100 lot. There was one successful bidder for 8500. Mr. Kent, welcome. Is there anything you would like to add on this particular proposal?

MR. KENT:

No, other than this is a vacant residential lot on the corner of Montana and Madison Avenues being sold to an adjoining owner.

CHAIRMAN D'AMARO:

It's going to be subject to a covenant that it cannot be subdivided or developed.

MR. KENT:

It cannot be independently developed. It has to be merged with their existing lot.

CHAIRMAN D'AMARO:

Was this a lot with the Workforce Housing Department?

MR. KENT:

They all are, yes. We send them to Affordable Housing at the time that we forward out the solicitations to the adjoining owners.

CHAIRMAN D'AMARO:

Right. And what was the response from the town on that?

MR. KENT:

We don't send it to the town, we forward it -- we forward it to the Director of Affordable Housing.

CHAIRMAN D'AMARO:

Okay. And just the reason I'm asking on this particular lot is that it seems to be surrounded by many 50 by 100s that are developed in a residential neighborhood. It seems like it would be in character with the neighborhood if this lot were developed with a residential dwelling. And I'm curious why it was not approved for any program.

MR. KENT:

I don't really get that information other than the Director of Affordable Housing who advises me that there's no interest in it.

CHAIRMAN D'AMARO:

Maybe we can get more information on that.

LEG. ALDEN:

If we could table this for just one cycle, I'd appreciate it.

CHAIRMAN D'AMARO:

All right. I'm going to offer a motion to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and**

Viloria-Fisher).

Mr. Kent, would be kind enough to pass on that the committee would like just a brief explanation as to why this particular lot is not selected for any affordable housing program or consideration?

MR. KENT:

Yes, I'll do that.

CHAIRMAN D'AMARO:

I appreciate it.

LEG. ALDEN:

I'll get in touch with you, because I'm going to call the Town of Islip CDA and just see.

CHAIRMAN D'AMARO:

Thank you, Legislator Alden.

1484, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Victor Flores (SCTM No. 0200-467.00-02.00-026.000). (Co. Exec.)

This is a redemption as a matter of right. I'll offer a motion to approve and place on the Consent Calendar.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloria-Fisher).**

1487, Sale of County-owned real estate pursuant to Local Law 13-1976 Assembly of God Church of Bay Shore (SCTM No. 0500-313.00-01.00-109.000). (Co. Exec.)

This is property, again, located in the Town of Islip. It's irregular or I think a triangular-shaped adjoining church property priced to the adjoining owner, which is the church. It's 3500. Mr. Kent, anything you would like to add?

MR. KENT:

No. This is surrounded by church property. And I believe it's -- and it fronts on Bay Shore Road. It appears that that's the best owner for the property, they have offered the appraised value.

CHAIRMAN D'AMARO:

I'll offer a motion to approve, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloria-Fisher).**

1488, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Charles Woodyly, Jr. And Marva Woodyly, his wife (SCTM No. 0200-453.00-03.00-023.000). (Co. Exec.)

Again, redemption as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Alden. All those in favor? Opposed? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender**

and Viloría-Fisher).

1489, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Chun Luen Kwok and Li Hsiu Chin Kwok, his wife (SCTM No. 0400-143.00-02.00-112.000). (Co. Exec.)

I'll offer motion to approve and place on the Consent Calendar, second by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloría-Fisher)**

1495, Authorizing certain technical corrections to the 2008 Adopted Operating Budget for the Babylon Citizens Council on the Arts. (Horsley)

This is a name correction. I'll offer motion to approve.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? And that's also to place on the Consent Calendar. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloría-Fisher)**

1501, Authorizing certain technical correction to Adopted Resolution No. 271-2008. (Co. Exec.)

This correction is technical in nature. It refers to changing a section number in the underlying bill. I'll offer a motion to approve and place on Consent, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloría-Fisher)**

1512, Sale of County-owned real estate pursuant to Local Law 13-1976 Madalon A. Mathys (SCTM No. 0902-001.00-01.00-009.016.). (Co. Exec.)

This is a property located in Southampton, sold to an adjoining owner for \$3000, small rectangular parcel in a residential area. Mr. Kent, anything?

MR. KENT:

No. I'm not sure if it's a residential area. I believe it's a commercial area. This is a small 20 feet of road frontage on Quoque Plaza Trail that doubles the road frontage of Madalon Mathys. And if you look at the attachments, it looks like a small piece that should be part of her property.

CHAIRMAN D'AMARO:

Right. Legislator Alden.

LEG. ALDEN:

Does it meet the appraised value?

MR. KENT:

Yes. She's offered the appraised value.

CHAIRMAN D'AMARO:

I'll offer a motion to approve, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1513, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven)(SCTM No. 0200-227.00-07.00-022.000). (Co. Exec.)

This is a small parcel being conveyed to the Town of Brookhaven for \$1445.83 plus some tax adjustments, limited in use to public meeting or museum purposes. And I'll offer motion to approve, seconded by Legislator Alden. Mr. Kent, anything you would like to add on this?

MR. KENT:

No. This is an historic property that the town has been interested in for a couple of years. And we're happy that we can finally get it over to them.

CHAIRMAN D'AMARO:

I'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1514, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Matthew Pradeep Francis, an unmarried man (SCTM No. 0200-825.00-01.00-026.003). (Co. Exec.)

This is a 16, as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Alden. All those in favor? Opposed? Abstentions? Motion carries.

APPROVED and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloría-Fisher)**

1515, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Estate of Vivain Rohrbach a/k/a Vivian Rohrbach a/k/a Vivian A. Rohrbach a/k/a Vivian Agnes Rohrbach, by Robert Rohrbach, as Administrator (SCTM No. 0200-981.00-04.00-011.000). (Co. Exec.)

Matter of right under Local Law 16. I'll offer a motion to approve and place on the Consent Calendar, second by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries.

APPROVED and placed on the **CONSENT CALENDAR (VOTE:3-0-0-2; Not Present - Legis. Beedenbender and Viloría-Fisher).**

1518, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Smithtown (SCTM No. 0800-040.00-01.00-011.000) pursuant to Section 40-D of the Suffolk County Tax Act. (Co. Exec.)

This is a case, based on the backup to the bill, it's a property in Smithtown where the tax payment was misapplied and the County incorrectly took the property. Mr. Kent, is that accurate.

MR. KENT:

Well, it's more to it. This is a piece of property that really is located in both the Town of Smithtown and the Town the Brookhaven. The taxes had been paid to the Town of Brookhaven. The improvements on the property -- the house is located on the property that's in the Town of Smithtown. So what had transpired is the County took interest in the title to the property located in Smithtown that had the house on it, and the bank foreclosed on the property that was in the Town of Brookhaven that had the front yard and the driveway.

So, in essence, what the County had was a landlocked piece with a house located on it. There was litigation commenced by the mortgagee. It's now been resolved, and they're going to pay us the \$47,000 that they owe us. And we're going to convey title back to the prior owner, and they will complete the foreclosure proceeding.

CHAIRMAN D'AMARO:

Okay. You'll still have two tax lots, but the County will be made whole.

MR. KENT:

Correct.

CHAIRMAN D'AMARO:

Okay. I'm going to offer a motion to approve the resolution, 1518-2008, second by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1539, Filling vacancy in the 15th Legislative District. (Co. Exec.)

This is setting a date for the Special Election. The date is July 29 of 2008. I will offer a motion to approve.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1547, Authorizing the extension of the lease of premises located at 395 Oser Avenue, Hauppauge, NY for use by the Departments of Labor, Probation and Social Services. (Co. Exec.)

We did hear from AME on this resolution during the public portion. Is there anyone here who can address the lease on behalf of the County? This is a renewal of a 15 year term, our 3% annual increase is for 49,500 square feet. The building houses various County departments, including Labor, Probation and Social Services. Good morning. Just state your name for the record.

MS. BRADDISH:

Basia Braddish, County Attorney's Office.

CHAIRMAN D'AMARO:

Ms. Braddish, welcome and thank you. Is there anything you'd like to tell us about the lease? We did hear some testimony this morning about no objection to renewal, but perhaps some renovation. Is that something built into the lease? Have we addressed that?

MS. BRADDISH:

Yes. There's a work letter and DPW is working with the landlord who's anxious to commence the reconstruction and improvement. He's just waiting for the lease to be signed. They're working out a plan, because there is not a lot of swing space, if any. So there are not a lot of alternatives of how the improvements are going to be conducted. So they're working on that plan now. But this is an extensive list. Each of the departments was represented at the Space Management Steering Committee where they listed what they would like to have done in the premises. And then DPW did multiple walk-thrus with the landlord and decided on what improvements were going to be done.

CHAIRMAN D'AMARO:

Are the improvements that we're looking for a binding obligation on the landlord?

MS. BRADDISH:

Yes.

CHAIRMAN D'AMARO:

They are? They're included in the lease or a separate letter agreement? How is it included?

MS. BRADDISH:

They're included as part of the lease.

CHAIRMAN D'AMARO:

They are?

MS. BRADDISH:

Yes.

CHAIRMAN D'AMARO:

I know I did get a copy of the lease. I looked at some of the beginning terms.

MS. BRADDISH:

There's a general work letter that will be expanded on by the DPW.

CHAIRMAN D'AMARO:

Are those improvements being paid for by the County or by the landlord?

MS. BRADDISH:

Ultimately, the County always pays, but it was a very low rental amount at the end of the lease. It continues to be at the very low end of the range. And the improvements costs are built into that rental amount. So, yes, we're paying for it, but it is a very low rent.

CHAIRMAN D'AMARO:

All right. It's built into the rent and the increases. The annual rent is the first year is \$742,500. And I think it's 49,500 square feet. What does that come to per square foot?

MS. BRADDISH:

I don't have that amount with me. We've used that rental analysis purposes. But we've moved away from including that figure in the actual lease, because there's been -- as the result of an audit report that was conducted there was -- it's very hard. Everybody measures differently, and we've been working off of different plans, old plans.

So we've implemented a new system where the County goes in with somebody from the Division of Real Estate and the Department of Public Works and a representative of the landlord, and they go in and measure it, the three parties together, and agree on what they believe the square footage is for the purpose of the rental analysis. But for purposes of the lease, we have plans, we know what we're leasing, and that's the approved amount. So I don't have that figure with me, and I could probably get you -- get it for you. It is in the record for Space Management.

CHAIRMAN D'AMARO:

Let me ask you another way. The 742,500 annual rent in the first year, is that an increase over the last year of the old lease?

MS. BRADDISH:

Yes, it is, but I think it's only a small percentage.

CHAIRMAN D'AMARO:

It's like a 3% increase?

MS. BRADDISH:

It's a little more than that, because it does include renovation costs.

CHAIRMAN D'AMARO:

Renovation, right. But after you are limited to 3% a year.

MS. BRADDISH:

Correct.

CHAIRMAN D'AMARO:

There's another bill I think we passed today -- it had been today -- Legislator Beedenbender had put through, which is going to the full Legislature on Tuesday that would require Space Management Steering Committee to -- in every instance, even a renewal now, look at alternate selections and come up with at least two. Was there any consideration given to another site? I know, the County has been here quite some time, but.

MS. BRADDISH:

I honestly don't recall. We tend to always go out -- we always get a market rent analysis. This rental is so low as far as the market rental analysis that was prepared. It is very low. It sort of historically has been -- we go by the departments, if they like where they are. These are on bus routes, there's a lot of planning that goes in.

CHAIRMAN D'AMARO:

I don't think -- I'm not saying we need to change the location, but the new legislation would have required that you find other sites.

MS. BRADDISH:

We do look at other sites.

CHAIRMAN D'AMARO:

And just as a function of preparing to vote for that on Tuesday, you know, yes or no, how would that fit in with something of this magnitude?

MS. BRADDISH:

We do it in 90% of the case anyway. We recommend it to everybody to take a look and see what is there. This one we didn't for -- I believe we didn't for a variety of reasons; one being the extremely --

CHAIRMAN D'AMARO:

But this one you do the market analysis on the renewal. And based on on that analysis, the rent that we're paying is within the parameters of or on the low end --

MS. BRADDISH:

Very low end.

CHAIRMAN D'AMARO:

-- of what we feel the fair market value rent for this space should be and could be.

MS. BRADDISH:

Correct.

CHAIRMAN D'AMARO:

And that was vetted through our -- you know, the Space Management Committee.

MS. BRADDISH:

We don't do any space search without market rent analysis.

CHAIRMAN D'AMARO:

How long until the improvements are completed, do you have any idea?

MS. BRADDISH:

That DPW would have to speak to you. I do know that the timing of it is going to require a lot of planning because it's a tight facility and there is no swing space. So I know that that was a concern on how the improvements were going to be performed.

CHAIRMAN D'AMARO:

So it's DPW doing the improvements.

MS. BRADDISH:

No. DPW is -- basically works as, like, a manager over the landlord's project.

CHAIRMAN D'AMARO:

Okay. Legislator Alden had a question.

LEG. ALDEN:

I was just going to fill some space until Legislator Nowick sat down. How are we doing on the Bay Shore Health Center? Never mind, I withdraw the question.

CHAIRMAN D'AMARO:

Good thing you're back. All right. I appreciate -- I do sit on the Space Management Committee also, and this was vetted through that committee as well. And I'm comfortable with the fact that we did the fair market analysis, and the renewal amount is on the low end of what we feel it should be. The rent increase is at 3% a year. I think that's within the parameters of what the market is demanding anyhow. And we do have a legal obligation on behalf of the landlord to do the improvements and the renovations.

MS. BRADDISH:

Yes.

CHAIRMAN D'AMARO:

Okay. I'm going to offer a motion. Is there anyone else? I'm going to offer a motion to approve the lease, second by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).

Thank you. **1562, Amending the Rules of the Legislature of the County of Suffolk - Rule 6(C). (Pres. Off.)**

This rule change I'll defer to Counsel. Mr. Nolan, if you'd like to give us a brief description, I think that would be helpful.

MR. NOLAN:

This is amending Rule 6, which deals particularly the discharge of legislation that has not come of committee by vote of the members of the committee. An issue has arisen recently in a couple of meetings whether a resolution that has been tabled subject to call or defeated in committee is eligible to be discharged by a written petition to discharge.

It's my opinion that under our current rule, it is eligible to be discharged, a resolution that's tabled subject to call or defeated, but it does not state that explicitly in the rule. And since there's been some dispute and disagreement about what the rule means, this spells it out; that legislation which has been defeated or tabled subject to call in an assigned committee is eligible to be discharged from the committee by a written petition to discharge. That's what this particular resolution would do.

CHAIRMAN D'AMARO:

Thank you. I'll offer motion to approve.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1563, Amending the Rules of the Legislature of the County of Suffolk - Rule 6(B). (Pres. Off.)

Mr. Nolan, again, if you'd give us a brief explanation for the committee, I'd appreciate it.

MR. NOLAN:

Again, this has to do with the discharge of legislation from committee. As everybody on the committee is aware, there's been a dispute and a lawsuit as to the meaning of Rule 6(B) and specifically the effect of the presence and the voting of the Presiding Officer as an Ex-Officio member has in terms of what the membership of the committee is.

Up to this point, I've interpreted the rule for the last couple of years as the Presiding Officer has, is that, like, in a situation we have today where we are missing members and the Presiding Officer comes in to vote. If the normal five member committee is here, it takes three votes to discharge a resolution. And it's my opinion that if the Presiding Officer came in now to vote, it would also take three votes to discharge a bill from this committee, but a member of the committee -- of the Legislature has said, "No. When the Presiding Officer comes in, that expands the membership of the committee to six, and therefore, you need four votes to discharge a bill.

And this has gone to court, and it's going to be going up on appeal as to what the rule means. So what we've tried to do is clarify the rule to state that when the Presiding Officer comes in to vote as an Ex-Officio member, the membership of the committee remains at five, and therefore, three votes is what is required, the minimum number of votes required to discharge a bill from committee.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Nolan. I see the bill as a two-part test when it comes to voting on an IR in committee. The first part of the test is the bill requires a majority of the members present and voting in order to be approved. And the second test requires that the number of those present and voting to discharge equal in number at least the majority of the entire membership of the Legislative committee. And then the bill makes very clear that when you are thinking about, well, how many is that; how many is the entire membership, you're not including the Presiding Officer in that number.

So in my mind, the way this would work is that if you have a five person committee and one person is not present, you would need -- and the Presiding Officer comes in, you would need still three members, because that would be three out of five present and voting. And also, you would need three under the second test where the number of those present and voting to discharge equals in number at least the majority of the entire membership. And the entire membership is defined only as the members appointed by the Presiding Officer and not including the Presiding Officer. So the issue I had with this particular bill was what I just said, it was not exactly worded that way, and it was a little ambiguous to me. At this point, you know, can we move this to the floor and then amend it, or should we table it?

MR. NOLAN:

No. If we're going to amend it, it won't be eligible to be voted on Tuesday in any case. I discussed this bill with the Chairman last night. And if there's -- if any member is confused about what it means, I think we should table it to get the language as precise as possibly so that we avoid any disagreements in the future about what the rule means, all right?

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

Through the Chair, our normal process is at our Organizational Meeting meeting to adopt rules. And that's with every Legislator having their input. My suggestion would be, and I would feel comfortable doing this, take these rules and discharge them without recommendation, the whole body can put on record whether they think it's ambiguous, whether they'd like to see changes, and we can discuss it in the whole body rather than the committee do the work on this one, because -- just because of tradition. Normally our rules are discussed by everybody, all 18 Legislators, in this case, for the next month or so, it's only going to be 17 Legislators. But in my mind, it would be the same process as we do at our Organizational Meeting. So I'd feel comfortable with that.

CHAIRMAN D'AMARO:

I don't necessarily disagree with moving this bill to the full Legislature. The only problem I had was I think even before we do that it was ambiguous, at least when I read it, and requires some language change.

LEG. ALDEN:

My point would be that you might change that language, move it to the full Legislative body, and then have other, you know, suggestions or changes that they'd like to see and might come up in that discussion amongst all Legislators, similar to what we have on Opening Day, where we put out the rules and then we try to make changes or there are proposed changes.

CHAIRMAN D'AMARO:

Yeah. I mean, certainly this committee is not going to be -- have the final say, because whatever bill we pass out is going to be subject to the same debate.

LEG. ALDEN:

Yeah. Might as well push it right before the full Legislative body.

MR. NOLAN:

I would just suggest to the committee that this rule has been the subject of litigation. And the purpose of this proposed rule change is to try to make it crystal clear so that everybody has a very clear understanding of what the rule means going forward.

So what I'm saying to you is if people have some questions about what the rule means, we probably shouldn't move it out to the floor at this point. I think we should try to amendment it to make it as clear as possible, because the last thing we want to do is enact a rule that going to end us back in court in the future.

LEG. ALDEN:

But in response -- is that okay, Mr. Chairman?

CHAIRMAN D'AMARO:

Sure.

LEG. ALDEN:

Again, Lou might be sharper than me on -- when he has one change made then it's crystal clear to him, but I might want something else made crystal clear, and then there's other Legislators that aren't on this committee, they might want something else made crystal clear. So, you know, similar to the way we do it on First Day, you know, it just seems logical that we just allow all Legislators, get the input, we make the changes or not make the changes and then either vote it up or down.

MR. NOLAN:

At an Organizational Meeting we can do that stuff on the floor by motion, and in the middle of the year, we never do it that way. At the Organizational Meeting, people just make motions, it's not

even in writing. I just think we need to be careful with this rule.

CHAIRMAN D'AMARO:

Yeah. And I think -- yes. Go ahead, Legislator Nowick.

LEG. NOWICK:

I understand what Legislator Alden is trying to do, but since we have one change that you do want to make to make it more clear and we do not have any meetings after Tuesday, would it then be all right with you, Legislator Alden, if we did table it until the end of July when we have our first committee meeting? In other words, what I'm saying is we're not going to use this rule for the next month. So if we can just --

LEG. ALDEN:

It won't bother me if I don't have to use it for the rest of my life.

LEG. NOWICK:

I feel the same way. We're not going to use it anyway.

CHAIRMAN D'AMARO:

Right. Even if we make changes now, it still has to go through that process. But I would be more comfortable, because I did take the time to review it, and I would be more comfortable tabling it just for one cycle --

LEG. ALDEN:

I second the motion.

CHAIRMAN D'AMARO:

Making the changes. And then as a committee -- you know, what I would recommend, however -- and I'll

LEG. NOWICK:

Tabling all of them.

CHAIRMAN D'AMARO:

What I would recommend, and I'll reach out to the absent members today, that this committee, we should look at these rules and get any suggested clarifications over to Counsel before we meet again. Just so we can get it from the committee.

LEG. NOWICK:

Also, there will be an opportunity --

CHAIRMAN D'AMARO:

You don't have to agree with what we're trying to do, what the bill is trying to do, but just for clarification purposes and just so we don't have to go through this debate next time. We can just -- I would discharge it without recommendation even and just send it out for the debate, that's fine. But I'd rather make these clarifying changes first here.

LEG. NOWICK:

And I think we will have time then for all of the Legislators to look all of the bills over a little more closely.

CHAIRMAN D'AMARO:

I agree. You know, perhaps maybe that should or should not -- that should be done where once we make these little clarifying changes, maybe we should send it by e-mail to all 18 Legislators; just a heads-up, here's some rule changes coming, they are going to go through the committee and take a look at them. You know, I think that's a good idea.

CHAIRMAN D'AMARO:

So I'll offer a motion to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1566, Amending the Rules of the Legislature of the County of Suffolk - Rule 3. (Montano)

Also a rule change. There's a motion to table by Legislator Alden, I'll second. All in favor? Opposed? Abstentions. Motion carries **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1567, Amending the Rules of the Legislature of the County of Suffolk - Rule 6. (Montano)

Motion by Legislator Nowick to table, I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1570, Adopting Local Law No. 2008, A Local Law to require companies doing business with the County to certify utilization of the Social Security Number Verification Service (SSNVS) to verify employees' Social Security Numbers. (Co. Exec.)

This requires a public hearing. I'll offer a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Alden. Mr. Zwirn, you were coming up. Is there anything you wanted to say at this point.

MR. ZWIRN:

No, not on this bill.

CHAIRMAN D'AMARO:

Okay. That's fine. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

1584, Establishing legislative oversight of County funds expended for advertising and marketing. (Kennedy)

CHAIRMAN D'AMARO:

At the request of the sponsor I'll offer a motion to table, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Viloría-Fisher).**

And the final resolution on the agenda today is **1587, Repealing in part Resolution No. 1010-1972 and lifting the ban imposed thereby on all assignments of real property tax liens by the County of Suffolk to third parties. (Co. Exec.)**

This is legislation that would undo the long-standing policy of the County not have the option to sell tax liens or convey tax liens, but instead in every case, taking a tax deed to the property. Mr. Zwirn, would you like to put anything on the record in support of this bill? Ms. Bizzarro.

MR. ZWIRN:

Lynne Bizzarro will speak to it from the County Attorney's Office. But this is the final step, which would have to be done in order for us to have securitization of tax lien sales. And what we were

doing is since we have tobacco securitization and tax lien sales as part of our options as part of IR 1307 that was adopted in good faith, the County Executive has expressed his opinion that he prefers tobacco securitization. He thinks it's a better way to go. But in fairness, we would have to do this in order to move forward with tax securitization, so that's why we have.

CHAIRMAN D'AMARO:

Couldn't the bill that -- if we decided to implement the sale of tax liens, couldn't we include the lifting of the 35 year policy in that bill as opposed to doing it here today?

MS. BIZZARRO:

That could be a possibility, you just don't want any delay. And I think that was a concern here; let's get it out there that we'll lift the ban now so that the option is out there and we don't have to worry about anything later on. I don't know how quickly these decisions are going to be made by the body. It could be this year. So, you know, we're coming into the summertime, you're not going to be meeting. So I think the thought was let's get this out there and we can do it. You know, if you want to do it.

CHAIRMAN D'AMARO:

Well, the concern I had about it, and I'm not necessarily adverse to just getting it before the full Legislature and we'll act on it if and when we need it, but the concern that I have is that we're lifting a blanket policy for one specific policy decision; the sale of tax liens, in this time of budget crisis that we don't even know if we're going to do yet. So, you know, to change a 35 or 36 year policy and not knowing if we're ever going to need it, I'm not sure -- it just seems premature in my mind. I think that it may not be the best time to do this. Yes, Legislator Nowick.

LEG. NOWICK:

I just wondered, if we did table this, when we decided to look at it again, if it wouldn't be prudent to have the County Treasurer here also to talk to.

CHAIRMAN D'AMARO:

Well, that's exactly my point. This is more than just, you know, the sale of tax liens, are we going to, not going to, the RFPs.

LEG. NOWICK:

This is a change of policy.

CHAIRMAN D'AMARO:

This is a policy that even if we don't decided as a Legislature to sell the tax liens, we still lifted this overriding 35 year policy. And I think that's a major policy shift for the County, and I'm not sure that we should just couple it with what we're doing in this budget process.

MR. ZWIRN:

That's a policy -- we wouldn't object. Look, if you had to get it out, if that was the decision of the Legislature to go, you can still discharge it. I mean, there are ways to get it to the floor for a vote without having to do it today.

CHAIRMAN D'AMARO:

Yeah. If we need it --

MR. ZWIRN:

Yes.

CHAIRMAN D'AMARO:

If the Legislature decides that we're going to the now sell the tax liens maybe even in lieu of securitization of the tobacco settlement and we need this legislation, then at least we know there's a policy to be implemented and a rationale for lifting this long-standing policy. Sitting here today, we

don't really know that.

MR. ZWIRN:

We don't disagree with you at all. We just want to make sure that -- we're trying to be very upfront and fair about the process going forward, and we want to make sure that -- we don't want anybody to come back and say well, you know, you kept this in your back pocket.

CHAIRMAN D'AMARO:

Well, we're going to do that anyway. Let me ask you this. If it turns out we need to do the tax -- the sale of tax liens, by not passing this out today, could that somehow wind up hindering that process and impacting our budget, or --

LEG. NOWICK:

No, because, if we did decided -- maybe -- I am sorry if I'm speaking out. But if we did decide on the tax liens, didn't it have to come back to us anyway for a decision?

CHAIRMAN D'AMARO:

Well, that was my point. We can do it --

LEG. NOWICK:

We're not doing anything this month.

CHAIRMAN D'AMARO:

-- at the same time -- when we pass the bill to set the policy on tax liens, we could also pass this bill at the same time, separately or as one bill.

MS. BIZZARRO:

Just be aware that you have to do this before you move forward.

CHAIRMAN D'AMARO:

Well, I just want to know if there's any other legal requirement when you lift a policy this; I don't know, public hearings, anything that we need to do?

MS. BIZZARRO:

No. No. This is just repealing that resolution. It was all done by resolution. So it doesn't have to go through, say, like a Local Law process or any public hearing, no.

LEG. ALDEN:

Mr. Chair.

CHAIRMAN D'AMARO:

Legislator Alden.

LEG. ALDEN:

Just to pick up on a comment that you made, Ben. We are not anticipating action to the tobacco securitization or the sale of tax liens at next Tuesday's meeting, are we?

MR. ZWIRN:

No.

LEG. ALDEN:

Okay. Then I agree with the Chairman, we could take a little bit more time with this.

CHAIRMAN D'AMARO:

Although, I do think that we need to get both responses to the RFPS out as quick as possible and the comparisons made so we can act sooner rather than later if we're going to have an impact on this

year's budget situation.

MR. ZWIRN:

I mentioned yesterday at Budget and Finance, we have had conversations with the Presiding Officer, in the event that we need a Special Meeting in July to take a look at these -- maybe the end of July, you know, like the week we come back for committees, if we had to move on a specific timeframe. So he is aware of it. The Legislature, I'm sure, will cooperate. As I said, we're trying to pick a time. If we had to come back, it would be right near the end of the July.

CHAIRMAN D'AMARO:

You didn't anticipate a Special Meeting -- I know we're getting a little off topic. But the Special Meeting wouldn't be, like, the first week of July? Because yesterday at the Budget Committee, we were being told that the two responses to the RFP -- you know, the tobacco and the tax lien responses would be in relatively soon, and we may have the comparisons in on Monday.

MR. ZWIRN:

It is possible. This is -- if the -- it depends on a couple of things. And one of them -- we thought there might be a Special Meeting in the early part of July anyway, depending upon how the Legislature votes on the -- on the college -- on the Capital Budget; whether they pass -- on the Community College, in particular, there were -- those resolutions were tabled. And if they passed, it's likely the County Executive would veto those. And then you would have to come back for a Special Meeting within a certain amount of time, the early part of July, to deal with those vetoes.

If that were the case, then perhaps we would -- if we had the analysis done in advance, we could present it at that Special Meeting. But right now, there's no way of knowing if that's going to be the case. The County Executive today is going to review the Capital Budget amendments that were made by the Legislature, there weren't a lot. There wasn't a lot done to the Capital Budget, so I'm not sure what the County Executive is going to do. He may not veto anything in this Capital Budget, in which case, there would be no need to come back if the Community College resolutions are tabled. That's why I said we might look toward the end of July. But if there was a Special Meeting called anyway, then perhaps we would try to get all the information back to the Legislators before that time.

LEG. ALDEN:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes, Legislator Alden.

LEG. ALDEN:

I wasn't at Budget, but our problem still exists for '09, not really '08. So we could take some preventive or precautionary measures in '08, but the problem for the budget really is the '09 Budget, unless there's a -- you know, the bottom fell out our sales tax receipts, which I haven't gotten any --

MR. ZWIRN:

I think the last report was that the sales tax is flat. But I think if they can -- if they can defeat some bonds in '08 toward the end of the year, that would be -- would make it a little bit easier going into '09. '09 is the problem, but if we can sort of soften the blow before the end of '08, that would help us going forward.

LEG. ALDEN:

But, again, we have a whole bunch of meetings in December, a whole bunch of meetings basically in October/November, so.

MR. ZWIRN:

Not only that, I don't know if you've been given the notice. I think the Presiding Officer -- about a

Special Meeting on Friday. And that's all part of it. We have certain -- I know Legislator Barraga asked yesterday about, you know, what's going on about trying to close some of the other things. And there's some revenue enhancements that we have tried to get the Legislature to pass, give us an opportunity coming down the road, we want to raise some of our own fees, we need Home Rule Messages at least to give us the opportunity to do that if we decide to go that way going forward. So he's called a Special Meeting -- we need a Home Rule Message to be sent up to Albany before the weekend, because they're leaving on Monday. And some of the bills that we were hoping to get addressed are now in the Rules Committee up in the Legislature and have a chance of being discharged over the weekend and giving us some relief.

LEG. ALDEN:

How much stuff is on for the Special Meeting, because I think it's just one thing, right?

MR. ZWIRN:

I think it's two Home Rule Messages.

LEG. ALDEN:

Just the two, right?

MR. ZWIRN:

On the verification fee and a filing fee.

LEG. ALDEN:

Okay.

MR. ZWIRN:

So we'll go into the details of that. But, I mean, this is all -- I'm just trying to answer Legislator Alden. We're trying to go a lot of different ways, trying to do as much as we can to try '08 and '09, you know, work for the taxpayers.

LEG. ALDEN:

Okay.

CHAIRMAN D'AMARO:

I just don't want to underemphasize what you said earlier. I want to emphasize the fact that I think that although the problem is in '09, anything we do, the earlier we do it in '08, impacts '09. And the whole driving force of having the cooperative effort with the County Executive's Office and the special committee that was set up in going through this process was to get it done sooner rather than later. So I would not be adverse to a Special Meeting, but that's a debate we'll have at another time.

All right. I'm going to offer a motion then -- I'm going to offer a motion to table 1587 of 2008, which is the last resolution on our agenda. Is there a second? Seconded by Legislator Alden. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:3-0-0-2; Not present - Legis. Beedenbender and Vilorio-Fisher).**

That concludes the agenda for today. Thank you, everyone, for your cooperation. We will entertain a motion to adjourn. Thank you.

(*THE MEETING WAS ADJOURNED AT 12:30 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY

