

Minutes
Budget Hearing
Public Safety Committee
Audit & Control Committee
Friday, October 8, 2020, 9:00 a.m., Legislative Chambers
Mayville, N.Y.

Members Present: (P.S.) Niebel, Bankoski, Hemmer, Pavlock, Whitford
(A.S.) Nazzaro, Gould, Odell, Harmon

Others: Tampo, Ames, DeAngelo, Lawton, Dennison, Chagnon, Swanson, Hansen, Taylor,
Hayes, Griffith, Swan, Quattrone, Ward, Barone, S. Beckerink, M. Contiguglia

Chairman Niebel called the budget hearing to order. (9:03 a.m.)

Chairman Niebel: Kathleen, do you want to give us a quick overview.

Mrs. Dennison: As I said, my apologies to Audit & Control that this is now I think the 4th time they've heard the overview. I think Mr. Bankoski is the only person who hasn't heard it before. A lot of the overview information was sent out to you in advance of today's meeting so you should have received from me the highlights of the budget which a lot of that information is also – it was presented by the County Executive in his presentation and the email overview also included an orientation to the information in your budget binder. There is one additional exhibit that we have prepared and that is, we call it the FTE variance report. Did Janelle give you a copy this morning? O.k. that report shows the changes in wages and fringe associated with the changes in the number of full time equivalent employees and also changes in the rates. We did that because this year in the 2021 budget there is quite a dramatic increase in (*inaudible*) pay from the 2020 budget because the 2020 budget did not included settled contracts for the CSEA 6300 union. So the 2021 budget, all contracts are settled, but if you look at 21' versus 20', you are going to see an increase associated with wages that were granted July 1st of 19', January 1, 2020 and then the projected or proposed increases for January 1, 2021. So we wanted to take a look at what the effect of those rate increases are separate from the departments that may add or decrease positions. So that's what's in that report.

Also just wanted to make a couple of comments on what the department heads, what's under their direct control and what is not. Obviously the rate increases and salaries are not in their control because those are in the contracts but the departments do have complete control over the number of positions. So that's how they can change their budget for wages and or fringe. The other thing that is somewhat out of the control of the department heads comes to computer equipment. That budget is supplied by the I.T. Department. That budget includes the scheduled replacement of I.T. equipment and the department heads generally take that information as their budget but they do have the option to modify that. They can deviate from the scheduled plan from I.T. if they chose to so I just want to point out that that is somewhat out of their control but somewhat within their control. Then the last item, just as an overview note is maybe for the District Attorney's benefit, we're suggesting for all the department heads that they lead us through the summary document which shows their budget at the classification level and

then we do have the line item detail which we can refer to if you have specific questions on individual accounts.

District Attorney

Chairman Niebel: Kathleen, thank you and with that, we'll turn the presentation over to Mr. Swanson. So Pat, if you want to run through the local share summary like Kathleen mentioned. If any of the committee members have any questions on a line item, they'll ask you.

Mr. Swanson: Thank you Mr. Chairman. Thank you all for having me. Obviously we face some significant challenges this year. We were asked to cut some of our budget for 2020, we made an effort to do that. I think if you take a look at where we are on the year, we've done as well as we hoped we could do considering the circumstances. In review of the budget for the upcoming year while you all know that year after year I come here seeking more personnel. I think that it was abundantly clear this year that it just wasn't a possibility. While I love new attorneys and increase in staff to handle the caseload that we have, I think I understand the realities of the circumstances that we face today. So, we've asked for no increase in personnel changes. I think we've almost filled out the entirety of our FTE's. We don't have any open positions and the reason I point that out is because on our personnel services line, we do have an increase of \$121,000 which includes the CSEA raise, the management raise, about \$28,000 of that due to a no turnover savings because we have all of our positions filled. Typically there is a buffer in there and Kathleen could probably explain that better than me but, \$28,000 of that \$121,000 is because we don't have any open positions. Then our other major increase is on the insurance benefits line which is \$63,000. So our total increase, we're looking at \$197,000 roughly, \$164,000 of that is cost outside of my control. She did mention I.T. costs. Our I.T. costs are up \$9,000 this year. We had no money for equipment last year. We have \$9,000 for equipment this year and I can't express the importance of that enough given where we are in my office today. As you all know, given the update I gave last year, we have gone to a complete digital case management system and having surface pros and/or laptops available to the Assistant District Attorneys as they go to their courts is absolutely imperative. So keeping that equipment up to date allows us to do our jobs. It eliminates the need to copy paper files. There should be some cost savings down the road because we don't have to do that anymore. But that's what that \$9,000 represents. Other than that our contractual increases are only \$3,407 so if you have any questions, I'd be happy to entertain just what exactly we're doing.

Just briefly looking at our victim services. We have an increase of \$4,000 in local share there. The State does a pretty good job of funding those three positions in our office. We get a good chunk of grant money there. So, as you all know, under our umbrella in the D.A.'s office, we have a Victim's Coordinator office that has three employees that are full time. Most of that is grant funded. I will point one thing out. There is an overtime and then there is a COVID grant. So there is some increase costs for planned overtime which typically isn't normal. But we did receive a grant from the – I don't know if it was Federal or State without my Executive Assistant here and forgive me for Rachel's absence. She's had a death in the family. But we do have grant funding coming in that covered some of this year's expenses and next year's expenses so those planned overtime cost are covered by the grant that we receive. So I did want to point that out to.

Chairman Niebel: That \$23,100?

Mr. Swanson: Yea, it's approximately \$23,000, that's right. Outside of that, that's pretty much the 10,000 foot summary of what we're doing. We've done our best to keep costs level. Outside of the CSEA increases and management increases. There is no D.A. raise this year by the State and for those of you that know, I think most of you do by this point, the D.A. salary is tied directly to what County Court judges make by statute. The State did not approve a raise for Judges this year and just by function of law, the D.A. across the State don't get a raise either. All of the personnel services increases are to CSEA employees and management. That wraps up the summary. There is not a lot that's changing other than benefits and personal services.

Legislator Gould: Can you talk a little bit about other contractors, 1165.4590, happens to be one.

Mr. Swanson: From time to time we have to utilize contractors for various things. Sometimes it's assistance with the electronic filing of an appeal for an example.

Legislator Gould: I'm just curious as to what it is.

Mr. Swanson: It's for those unanticipated needs to get outside contractors to come in and do something that our office isn't able to do. I think we have a \$1,000 on that line, is that right?

Legislator Gould: Yes. So it's just a guess. Maybe you'll need it.

Mr. Swanson: Yes, maybe we'll need it and it's a \$1,000 so that in the event that we have to seek the services of something that is out of the ordinary, we have the ability to do that without having to move money around.

Chairman Niebel: I will just mention, as far as the Crime Victim's Unit, basically 90% of the cost is paid for that so, our local share is very small, approximately 10%. So, I have to tell you, I don't have very many questions. In fact, none at all to ask about the Crime Victim's Unit. Committee, any questions of Mr. Swanson?

Legislator Nazzaro: The one question that I was going to have Patrick and you answered it, was about the overtime and you said that was funded by a grant.

Mr. Swanson: Typically we wouldn't have that budgeted Mr. Nazzaro, but because the grant that we applied for was to cover COVID related expenses and one of those things was overtime so we do have an overtime to be able to pay some of our secretarial staff to do more if we need it. That grant, we were very fortunate to get it. I think it was in total about \$73,000 over this year and next year.

Legislator Nazzaro: I do appreciate and I think that we all do, you recognize the difficulty that we're in, budget wise, especially because of the pandemic and you've always provided us with great information on your caseload so certainly appreciate you coming in flat when it comes to FTE's in light of conditions we're under financially so I appreciate that.

Mr. Swanson: You know my preference. I prefer more attorneys but I understand.

Legislator Nazzaro: And I review your reports that you provided us in the past which has gone into great detail so really, I don't have any other questions at this time.

Mrs. Dennison: If I could interject, Patrick mentioned about the turnover savings. I would like to provide a little more information on that just for both committees in general. The 2020 budget, we did include, Countywide, about \$660,000, we reduced the budget in wages and fringe because of the anticipation that there would be budgeted positions that were vacant. That adjustment did not affect all departments. There was only about 5 where we used it and it was based on taking a look back to see which departments had underutilized their wage budget in the prior year. So the District Attorney at the time when we did this, the prior year had had vacancies and so that's why there was in the wages a reduction in the budget for \$28,000 and also a reduction in the fringe. We do not have a turnover savings in the 2021 budget but as Patrick pointed out in his department, he currently doesn't have and has not had any vacancies so even if we were using that Countywide we would not have put in any in the District Attorney's budget. But it does create a fairly significant increase in his budget when you look at 2021 versus 2020.

Legislator Nazzaro: Wasn't that Countywide in 2020? Wasn't the vacancy credit around \$600,000?

Mrs. Dennison: It was \$660,000, yes.

Legislator Nazzaro: So again, I mean, just to frame it up, Countywide, we did not budget a vacancy credit in 2021.

Mrs. Dennison: That's correct.

Legislator Nazzaro: Where in 2020, we did which would reflect about \$600,000. The one question I have too, if I may Mr. Chairman. Is the District Attorney under the high deductible insurance or are they under the PPO?

Mrs. Dennison: The high deductible.

Mr. Swanson: All of my ADA's are considered management employees so they are high deductibles but my CSEA employees have the option if I'm not mistaken.

Mrs. Dennison: They don't have the option anymore.

Legislator Nazzaro: So I guess as a follow-up again for tomorrow because here we are on Thursday and this really isn't directed at you Patrick so I apologize but, for the Audit & Control group here, as we go through these budgets, like in here, you have 22 roughly FTE's so then when I look at employee benefits, we're up and the comment is about health insurance and I'm still trying to get my arms around – I'm just pointing this out again, some departments we see health insurance savings, other departments we have an increase and I know in the 2021 budget, we have a 7% premium increase for medical coverage. Pharmacy, we're self-funded and I'm not sure what that increase is but again, I would ask our Finance Director, Kitty, will get this for us

by Friday, I'm trying to get my arms around Patrick and everyone, when we did the contracts we had increases but then the expectation is we're going to see savings in the health insurance. But, it's complicated because you have rate increases so this department we're seeing an increase. Some departments, yesterday, so it could be what, maybe selection of changing from single to family and things like that?

Mrs. Dennison: Yes. It depends on the individual elections of the employees, like you say, if somebody was single and got married and now has kids, but in Patrick's department, in the case of his department, as he said, the vast majority of his department are managerial positions and so managers went to the high deductible, mandated to go to the high deductible plan in 2019. So, when we did his 2020 budget, his people were already on the high deductible plan. So going budget to budget, he had nobody that is migrating from the more expensive PPO plan to the high deductible plan when you compare the budget, budget to budget. So, his people are already on high deductible so you are not going to see a savings because there is no savings from the change in plan and there is a rate increase.

Legislator Nazzaro: Thank you. Patrick, this is just a general comment.

Legislator Pavlock: Under departmental income on the revenue side, it's budgeted for \$15,000 and some of the actuals are higher. What feeds that account? What's is other departmental income?

Mr. Swanson: We have a Traffic Safety program that we administer for people to reduce their tickets and part of that program is paying an administrative fee to our office. We utilize a company to manage all of that. Essentially we put them through an educational program on line and when they complete that program and provide the appropriate things to the local court, we make a reduction in their case and there has been more participation in that than we anticipated. But that's a good way for us to assist the local towns because if we don't handle the traffic tickets, the local towns would have to hire their own town prosecutor to do it and there are a handful of towns that do that in Chautauqua County. But the large majority, most of them do not so we handle their traffic violations and that's one way to make that efficient for us. While hopefully informing the public of just what their responsibilities are when they are out in the road.

Legislator Pavlock: Do you expect that income to (*inaudible*)? I mean, have you noticed a pattern through COVID or is it going to be similar?

Mr. Swanson: I know that we had a drop off because for quite some time, State Police were not issuing tickets at all so that will affect the number of people that go into that program next year or as we move into it because people are still just beginning to get arraigned on their traffic infractions. So there may be a dip but I think we budgeted an amount that's probably responsible with respect to that. We are over for 2020 but I think for 2021, I think what we put in there, I think is going to be close, we hope. That's going to ebb and flow probably swing \$5,000 each way every year depending on the year and depending on the number of tickets.

Legislator Gould: Under 1165.1900, payroll allocation. I don't really understand that line. Are you not paying somebody?

Mrs. Dennison: I think that is the turnover savings so I'd be happy to answer that.

Mr. Swanson: Thank you.

Mrs. Dennison: Jay, that's where the turnover savings that I was just describing, that's where it shows up. It's in the payroll allocation account. So that was a reduction in the 2020 budget that the County Executive placed in certain departments assuming that there would be vacancies or lapses between refilling positions. So we had to plug it into the budget somehow and that's where it is.

Legislator Gould: That's where it's at.

Mrs. Dennison: Right and there's also a negative budget in account 8900, that's the fringe component that goes with the anticipated savings and wages.

Legislator Gould: That's kind of a big guess then.

Mrs. Dennison: Well, it was based on analysis. As I said, we looked at the 2018 calendar year and looked at which departments had not used their budget for 2018 year. So it was based on the percentage of their budget utilization in 2018 and then that percentage applied to the total budget to figure out how much of the budget they might not use in 2020.

Legislator Gould: It just looked a little strange.

Mrs. Dennison: It does look strange, yes.

Chairman Niebel: O.k., any other questions from the committees? Patrick, I have a couple of questions. As far as over scheduled hours and those are the hours 35 to 40 hours. I understand with the overtime pay we have that COVID grant that covers the \$23,100 or most of it I guess, but does the grant cover any of the over scheduled hours?

Mr. Swanson: No, those over scheduled hours, a couple of years ago we had a little bit of money left in our budget and when I was negotiating with - when I spoke with, it would have been County Executive Horrigan at the time, we were trying to add an employee in our secretarial staff and when he was working on presenting his budget, what he wanted to do was change that number. So, rather than give me the full employee that would have been salary/benefits for an entire employee, his suggestion was at that time to move those employees that we do have from 35 to 40 hours which we have been doing since. So, that's kind of helped us bridge the gap a little bit with opening files that are coming in and helping the secretarial staff without adding another full time employee. So that's is what has been happening over the last 3 years now.

Mrs. Dennison: There is another component in over scheduled hours. Part of it, as Patrick said, is for people that work between 35 and 40 hours, scheduled for 35 they work a few hours

more but a large component of it in this department is due to the managerial salaries. Our budget system only calculates 260 days for management salaries and the actual number of working days in 2021 is 262. So, I calculate an adjustment to add in the extra couple of days.

Chairman Niebel: And you put that in the category over scheduled hours?

Mrs. Dennison: Yes. The actual pay will go into base pay because the managers are, they are paid correctly but for whatever reason our budget system just can't seem to understand that there is 262 days instead of 260.

Chairman Niebel: Patrick, as far as special prosecutions, we're up a little bit. Could you address that?

Mr. Swanson: Yes, special prosecutions result in a different number of scenarios. But one of the most common is, we're prosecuting someone for some alleged offense and one of the witnesses ends up getting arrested and then we would have to prosecute the witness as well. So whenever we have a situation where we can't prosecute a defendant and that's the most common scenario. The most common scenario is either a witness or a victim gets arrested while we're prosecuting some other defendant and we can't prosecute them both at the same time. So we then have to seek a special prosecutor.

Chairman Niebel: I can see where that can happen.

Mr. Swanson: The other situation is if it's a close personal – if it's somebody who's connected in some way to one of the ADA's or my staff and we just don't feel it would be proper to prosecute that person so we'd get a special prosecutor of something like that. That's not as common but it does happen from time to time.

Chairman Niebel: My last question and we spoke briefly on this earlier. Julio Montanez(?), grand jury indictment dismissal last week or week before, whenever. What effect if any does that have on the 2020 budget or perhaps the 2021 budget?

Mr. Swanson: It won't change the 2021 budget at all. That matter would have been pushed out in the 2021 anyways. If it does effect the 2020 budget, it's a time cost for whatever officers have to come in and test (*inaudible*) if we chose to represent to the grand jury and not appeal. If we appeal it, then it's just attorney time from the office.

Chairman Niebel: O.k., but Patrick, it's a time cost for you, it's a time cost for the Public Defender, are there associated costs with witnesses, with mileage, with anything like that?

Mr. Swanson: No, not with witnesses, no, not with mileage.

Chairman Niebel: Anyone else as far as questions for Mr. Swanson? Patrick, I think you're done. On behalf of Public Safety and Audit & Control would you give our condolences to Rachel?

Mr. Swanson: Will do. Thank you all.

Probation – (Gilbert Taylor)

Chairman Niebel: With us this morning we have Gilbert Taylor, the newly appointed Director of Probation. Gilbert, congratulations.

Mr. Taylor: Thank you very much.

Chairman Niebel: You've been in the department for a number of years though.

Mr. Taylor: I've been with Probation for 12 years and I've been with the County going on 21 years.

Chairman Niebel: Thank you for being here this morning and seeing how this is your first budget hearing, we'll go easy on you, this year. Next year is a different story. So Gilbert, if you want to, just go over the local share and if the committee members have any questions as far as line items for Probation, they'll ask you.

Mr. Taylor: Our local share for the 2021 budget is \$2,398,464. That is our local share and I sometimes can be long winded or I can short winded so because this is my first, you might have to tell me what your wanting me to specify.

Chairman Niebel: Less winded is better.

Mr. Taylor: That is normally how I try to be. That's our local share. We have several funding sources through the State that as you are aware of we're working on. If there is questions about that, we actually have lowered our portion a little bit in Probation. Mostly through lowering the amount of people we have as our full time employment.

Chairman Niebel: You reduced it by 2?

Mr. Taylor: Yes. Actually what's not in there is – that reduction by 2 is, we had a senior that was promoted to a supervisor. We didn't backfill that position. We had another position that we didn't fill that was budgeted in 2020 that we never filled and then in 2021, we have another position where the person left. So it's that 2 positions but there's also, in 2021, you'll see a slight decrease in the overall costs for the Directors position because my benefit package is lower than Tom's and such, so you'll see a little bit more savings there. Not on the FTE but on the overall. So going through the tentative budget sheet that I have in front of me, it talks about the dropping in longevity. We've cut back on – our biggest savings for us this year have been going into 2021 and 2020, we have reduced mileage, we've had reduce expenses for employees as they have not been able to leave the office as much as they normally would be. Drug testing is down, we've been referring people that need drug testing to other agencies which has saved us some money over the course of a year. Then as far as department income, we have had a reduction of DWI cases with the courts being shut down and limited amount coming in. We have not had as much revenue coming in from that. The one thing that is on here, the Raise the Age funding

implementation timing and the estimation. Kathleen just said that that was an issue that might be brought up. I started as the Director last Monday. The first thing I received in the mail from the State was something saying that those counties that have not submitted their grant for the Raise the Age, are definitely not getting any grant for Raise the Age. Those counties that submit it, they can't promise you anything at this point but they are asking us to submit them now. So I've gone back and submitted both the second quarter and the first, third quarter and I just dropped them off to Todd Button to sign and take up to the County Executive this afternoon. I don't know 100% how that is going to go but there has been a lot of conversation going around the State as far as Raise the Age. We do not currently have a contract. My belief as well as most of the people at the Directors level across the State believe that that is coming and it is the State that is in fact asking us to submit those grants. So, I'm reading between the lines, I have no promise or guarantee of what it is but they are asking for them now and they haven't asked for them in the past.

Chairman Niebel: And you've submitted a couple already.

Mr. Taylor: They are all downstairs to be taken up to the County Executive after Todd signs them and it's two significant amounts of money.

Legislator Nazzaro: Actually this is probably for Kathleen, so Kathleen, we've had discussions as you know on Raise the Age. Is this what we're talking about that if we override the tax cap can be at risk?

Mrs. Dennison: Yes. What Gilbert is talking about is to work performed in 2020 which reimbursement for that is – well, it's not at risk because of the tax cap situation because we didn't exceed the tax cap in 2020. I mean, perhaps reimbursement is at risk because of the State's situation in general. But there is funding and personnel in the 2021 budget for Probation associated with Raise the Age. So, there is the component in Social Services, there is a separate component in Probation. A couple of years ago – I mean, it's gone back and forth. I mean, at one time it was all together but it is now separate. So this is an additional funding source that is potentially at risk.

Legislator Nazzaro: And that is 100% State funded so if you have expenses in the budget, it is covered 100%.

Mrs. Dennison: In the budget it is, yes.

Legislator Nazzaro: So in the 2021 budget, how much is in here? I just saw it and then flipped the page and lost it.

Mr. Taylor: I believe overall for Raise the Age is \$374,000.

Mrs. Dennison: Yes, for 2021.

Legislator Nazzaro: So, just to frame it up, would that entire amount be at risk if we – and I know that NYSAC is trying to fight this and this is not written in stone yet but that’s what they are talking about currently.

Mrs. Dennison: In the worst case scenario, yes, it’s at risk.

Mr. Taylor: But that’s what (*cross talk*)..

Legislator Nazzaro: If you use it all.

Mrs. Dennison: Pardon me.

Legislator Nazzaro: It’s at risk if you use it all, correct?

Mrs. Dennison: Correct yes. I have a question on this. The work that is associated with that, you are obligated to preform that work, is that a true statement?

Mr. Taylor: Yes.

Mrs. Dennison: Whether or not we get the funding, you still have to do it.

Mr. Taylor: Yes. When the State changed the rules to the 16 and 17 year olds, it affected what we had to do. They promised the funding. There has been no indication that we won’t get any of that funding. They just haven’t signed any contracts for it across the State.

Mrs. Dennison: Gilbert, it’s been a long time since you, Tom, and I went over this but could you just update us on what expenses are included that go with the three seventy four. I know it’s a certain number of people.

Mr. Taylor: That positions funds 3 staff members and a supervisor. It funds our Mayville office that was put into effect – we actually opened in January over in the Academy Building and what that did was streamlined the amount of time and mileage we were spending for people to go from Jamestown up to the Courts. So those staff now are disbursed among the County in more regional areas to cut some expenses in other places. It pays for our rent and it pays for basically those employees. With that, we are responsible to do the court appearances. We have something called an interactive journaling that we have to do to reduce the risk of youth that may be placed in detention facilities. That’s kind of where it is. It’s all to deal with the at risk youth and those that have been charged as youth but could be charged as adult if we wouldn’t have changed the law.

Legislator Nazzaro: Thank you Gilbert. So what I am hearing then is that if, for whatever reason we don’t get the Raise the Age, we’re still going to be incurring the expenses in 2021 and then we’ll have to deal with it then as far as -

Mrs. Dennison: Yea, as I say, this situation in Probation and my experience is more serious than in Social Services.

Legislator Nazzaro: That's the feeling I'm getting here.

Mrs. Dennison: Because Gilbert and his team, they are doing the work and currently incurring expenses. Social Services, we're getting, honestly, kind of a mixed – I won't say mixed message, but, Social Services has not had the occasion to do as much work. So they are not incurring expenses currently at a level that would indicate that they would spend \$500,000 in 2021.

Legislator Nazzaro: That's why I brought it up here because it's a difference scenario. So here, we are going to have the expense regardless, this is required.

Mrs. Dennison: Gilbert, you were telling me before we started that the year expenses in the last two quarters of 2020 are on the order of close to \$100,000 per quarter.

Mr. Taylor: Right.

Mrs. Dennison: So the three seventy four is a pretty real number.

Legislator Pavlock: You kind of answered the question a little but, any indication on the timing of the State's choice on that? Obviously, we're trying to prepare our budget too and it puts it down to a choice that we have to make as to how to handle this. If we're going to lose the funding or aren't we and does the State put out any other bulletins that you are aware of or what is the push back from all the Directors. Has that amounted to anything? Do you think that will help push this time situation a little clearer for us?

Mr. Taylor: I would say, we have a GIVE grant that is gun violence basically, grant. We just received that and although it wasn't as high as the Raise the Age grant, it's still an indication that they are signing off on some grants and approving them. The DWI grant looks like they did an extension on that so that will continue on for us, which in my eyes, is a good sign. If they are going about signing off on those and forwarding on, it tells me that they are getting back on track with these. I don't think we've been a priority, I don't mean just Chautauqua County, I mean the State as a whole for Probation. But all the indications are coming back with the bail reform, with all the other things that are happening. To not give us that money when we know Probation is probably going to carry the significant burden of the bail reform when the courts open back up, just would be insane on the State's part. Now, can they do something that's insane? Absolutely. But I think the indications are we're going to get some sort of funding for Raise the Age.

Legislator Pavlock: I guess the other leg of it is, if we go over the tax cap, they are saying that they may not fund it completely. Is there a partial funding or don't we know any of those answers either?

Mr. Taylor: As far as the grant goes, we don't know any of those things for our department or any agency across the State at this point. They make promises. There was some good faith promises in Chautauqua County. When I talked to the State, he says you guys in Chautauqua County have always been advanced in doing things ahead of the curve. But, whether

or not they follow through with our good faith, I can't say. I believe it will happen but it's just a belief and that's what the other Directors believe too.

Legislator Bankoski: There are two positions there that you are not filling at this point and time. Are you planning on eliminating them or are you just keeping them off to the side until maybe things get busier and maybe next year look to hire?

Mr. Taylor: Well, at this point, I don't see us looking to refill those in 2021 or even looking at it until maybe the end of 2021 and see what happens. But, with bail reform, I've put out the message to all of my staff, we're going to do more with less. We lost those two people and at this point, we need to be financially responsible for those. We're going to look at technology and other ways to make up for those two positions. I don't see them coming back any time. I'm not planning on them coming back any time in the future.

Legislator Bankoski: I just don't want to see yourself be shorthanded and all of a sudden you have a lot of this work and things aren't getting done.

Mr. Taylor: It's kind of scary for a lot of the staff and I told Tom when he left, I said, you are kind of leaving at a perfect time for you but not a great time for me. So, I think my staff is up to it. We've talked a lot of about doing more with less and we're really going to try to use some technology that the State has handed out and see if that will work for us. We're going to have to just be creative on how we deal with some offenders. We've over supervised in some cases over the past few years and maybe it's time we reevaluate how we do things with the staff we have.

Chairman Niebel: Chuck, I think the difference here as far as the expenditures in Probation that are covered by Raise the Age funding, I think these expenditures are given. They have to do those but the \$560,000 in Social Services, those expenditures, I don't want to say are optional but, I think they have more leeway than they do here.

Legislator Nazzaro: Agree.

Mrs. Dennison: I have some additional information and this comes to Legislator Pavlock's question too about the RTA situation. I did not read this during the Social Services committee meeting but this is from the RTA website. Before, we talked about if we were declared financially distressed based on the stress factor measure, we would not lose the RTA funding and agreed that that is probably not going to happen. But there is some additional information. It says that if we don't adhere to the tax cap, the Division of Budget will determine whether fiscal hardship is demonstrated and there are some additional factors above and beyond the fiscal stress monitoring. It says financial hardship factors can include the incremental costs of our RTA, changes in State or Federal aid payments, extraordinary costs such as a disaster. So it's very, I don't want to say vague, but, unsure whether we would be disallowed for the funding. So I guess the good news is that there are some other factors beyond the fiscal stress monitoring rubric but we just don't know. It concludes by saying the Division of Budget will make the determinations as to whether a County has demonstrated financial hardship consistent with the established criteria.

Mr. Taylor: So going through the reasons for change and the change, the actual last bullet point was the Raise the Age funding implementation on here. After that, I'm not really sure what else the Committee has to ask or what I need to provide.

Chairman Niebel: Committee, any questions?

Legislator Gould: I've got a question on other supplies. Other is a bad word for me and that always get my interest. It went up 159% in account 4190. Maybe Kathleen would have a better idea than you would being that you've only had a week on the job.

Mrs. Dennison: I will look up the detail on that other supplies as we've talked about. It typically includes computer equipment that's less than \$1,000 per piece. So I'm not going to the IT schedule to see what is included there for Probation. Give me a minute and I'll have that for you.

Mr. Taylor: It did actually go down from our amended budget in 2021, but, what that other supplies generally is, when I talked about using some other means, we did add a few thousand dollars in there for a computer that would allow us to replace some of the duties that the other officers were performing so that we could do live video feeding. We're using something called CE Check-in which allows low risk offenders to report by computers due to COVID. That was put in there to offset some of the loss of those employees. The other thing that is in there is our fire arms budget. In that budget, you'll see what we use for qualifications as part of the State, we have to qualify.

Legislator Gould: What do those computers run?

Mr. Taylor: The Microsoft Surface Pro, I think with everything is under \$2,000.

Mr. DeAngelo: That's correct. It's about around \$1,200/\$1,300 for the Surface Pro's and then standard laptops which are used in some cases in your department, cost \$700.00. It looks like we budgeted for about 11 laptops for next year if I'm reading the document correctly.

Mrs. Dennison: I was going to echo what Jon's says. It does include replacement of 11 laptops. There are some additions to the I.T. budget in the Probation budget so I'm going to another source to see if I can look at all the transactions for that item. Based on I.T., that line is about \$7,700.

Legislator Gould: It just seemed a little high to me so I had to ask.

Mr. Taylor: Well, I'm thankful there was a voice that chimed in out of the sky. I was a little.

Legislator Gould: Oh, they are watching from all over. They see everything.

Legislator Nazzaro: It makes me wonder who else is listening.

Mrs. Dennison: I'm sorry, I can't add any other detail other than the fact that the I.T. schedule is \$7,700 so the additional money must be the added computers that Gil was describing.

Legislator Gould: O.k., thank you.

Legislator Bankoski: You got a figure Jay, there is no fringe benefits with those computers.

Legislator Gould: I know it, every three years.

Chairman Niebel: Members, are there any other questions for Mr. Taylor?

Legislator Odell: Just a quick one. Gib, congratulations to your recent appointment. On the Raise the Age grant you (*inaudible*) Todd Button and up for County Executive's signature today, any indication from the State when the review process and any announcements going forward?

Mr. Taylor: None at this point.

Legislator Odell: Not surprising.

Mr. Taylor: They are asking us for them, which they had it so that's the only indication we really have and thank you.

Legislator Odell: Thanks.

Chairman Niebel: If there is nothing else, thanks Gilbert for joining us this morning and thanks for your presentation.

Mr. Taylor: Thank you for being gentle.

Chairman Niebel: That's this year.

Mr. Taylor: Well next year, I'll spend a few more days on this thing.

Legislator Bankoski: There will be more people watching.

Emergency Services/Fire Coordinator (John Griffith- Val Hayes)

Chairman Niebel: What we've been doing folks, is we've just been going over the summary. If people have questions on the line items, they'll ask you. So with that, go ahead.

Mr. Griffith: Thank you Mr. Chairman, committee. This budget that drives the Office of Emergency Services for 2021 is a budget that is as close as we can get to meet the criteria set forth for the budget process. At the same time with what is in the budget and the adjustments that have been made to the budget, there is absolutely no extra monies in this budget especially in the

event of an emergency that would come up in 2021. The budget is pared down to take care of the bare necessities of the Office of Emergency Services but in the event of an emergency, it does not have any extra monies to go forward with that. The budget does have some changes and I'll leave it open for any questions on that. The local share is increased but so are some of the services that we have and I guess with that, are there any questions?

Legislator Nazzaro: I think it would be good to go over the FTE's. That's where we usually begin John. Sort of going over the FTE's and then doing a high level review and then we go into questions.

Mr. Griffith: If you notice the change in the FTE's from the 2020 to the 2021 budget has an increase of .74. We have a reduction of one full time position and a reduction from one full time to a part time position. We have an increase in full time Medics to do the 24/7 operation and reduction of one position, full time/part time. This budget does have an increase in the number of paramedics with the increase of adding a 4th ALS intercept unit 24 hours a day, 7 days a week.

Legislator Nazzaro: I will defer to Mr. Niebel since he's Chairing this committee.

Chairman Niebel: Before that, members, any questions of John or Val?

Legislator Nazzaro: Well, I guess on the FTE, because you are talking about an increase and a 4th fly car, correct?

Mr. Griffith: Yes sir.

Legislator Nazzaro: So that equates to the addition of how many paramedics.

Mr. Griffith: That would add 4 full time paramedics.

Legislator Pavlock: You are obviously not filling some positions but you are filling some new positions with those medics, what is the salary differences or wage differences? Do you know that?

Mr. Griffith: It would be an increase. Paramedics make more. We're reducing 1.5 people and adding 4 people so, I guess I don't have that off the top of my head.

Ms. Hayes: Different wage scale but it would still be an increase basically of 2.5 people.

Legislator Pavlock: Sure and do you have that anticipated wage increase, is that on a different line here?

Mr. Griffith: You would have to look at the increase in wages and the ILS intercept and look at the (*cross talk*) wages than the other department.

Legislator Bankoski: Obviously that number is that \$152,372, that's kind of –

Mr. Griffith: That \$152,372 reflects all wage increases between the two because every other thing in the budget was reduced as much as possible.

Mrs. Dennison: Mr. Pavlock, are you asking for the difference between, like the wage rate between a part time paramedic and a full time paramedic?

Legislator Pavlock: I guess I don't need to know those specifics, I suppose, it just what the extra increase will be by adding the new paramedics.

Legislator Nazzaro: Kathleen, if I look at this sheet that you have provided, if I'm interpreting it right and I'm looking at department 3989. That's the sheet that Kathleen handed out on the first page, so, it shows an increase in wages and fringes of \$182,315. That would be for additional – that's a net effect of the additions and subtractions in the FTE's, is that correct?

Mrs. Dennison: That's correct, yes.

Legislator Nazzaro: So you are adding an \$182,315. You have reduction, you have increases but that's a net and then reflected in there is another \$110,000 which is for existing positions which would have been wage adjustments.

Mrs. Dennison: Wage and fringe.

Legislator Nazzaro: Wage and fringe, so, \$182,000 would be for the actual positions.

Legislator Pavlock: That answers the question.

Mrs. Dennison: That is a net increase because there are the four new full time positions for the fly car. There were some part time positions that were eliminated, correct Valerie?

Mrs. Hayes: Well, I think they were reduced.

Mrs. Dennison: Yea, we do still have some part time paramedics for emergency coverage but there were additional full time paramedics but as John and Valerie mentioned they reduced one and a half positions elsewhere in the organization but, the 3989 would primarily paramedics.

Chairman Niebel: John, under A.3989, departmental income, we have increase in calls due to addition of the 4th car. Increase in billable calls due to new contract with City of Jamestown, addition of ambulance. But, at this time, we don't currently have a contract with the City of Jamestown, would you care to expand on that?

Mr. Griffith: Well, we have met with the City of Jamestown or continue to meet with the City of Jamestown. There is a meeting scheduled for next Friday to meet with the City. As all negotiations go, I'm not sure – I guess, I have to ask if this is the right venue to talk about the negotiations. I don't get into –

Legislator Nazzaro: I wouldn't get into specifics.

Legislator Whitford: You don't want to jeopardize the integrity of that.

Mr. Griffith: That's why I'm asking.

Legislator Nazzaro: You can continue and then I'll give my *(cross talk)*..

Chairman Niebel: John, you can speak in general but not in specifics.

Mr. Griffith: We have a commitment, I think it's fair to say this. We have a commitment that the City of Jamestown wants to work with us. Now it's in negotiations as to where that will end up. Is that a fair statement Mr. Nazzaro?

Legislator Nazzaro: Yes Mr. Griffith. We have had meetings up here. I've had many discussions myself with Mayor Sundquist and his team encouraging them to have an executed agreement. Our goal was to and John's been very helpful, but like any agreement there is a process. So we have a redline agreement from them, from the City of Jamestown. We're not satisfied with that yet, we have some issues and that is the purpose of the meeting next Friday. The goal originally was to have an agreement in place by October 1st, that's come and past obviously, with the intent for the City to be able to bill on their end beginning January 1, 2021. So, that's where we are. My personal opinion is, I still am hopeful that we're going to have an agreement in place but obviously there is no guarantee here but we're doing everything we can and I think the City has gotten the message that we're willing to help them. Part of the situation is, we need to enter into an agreement so that we can bill for our services because we have the ambulance and we can bill. What they are struggling with is some of the – they will be able to bill too which they have not done as you know Mr. Whitford in the past. I'm hopeful but time is getting short. So my question is, in this budget, I was trying to think of the number – how much is reflected in this line, department income that Mr. Niebel brought up, was it \$160,000 for the billings?

Mr. Griffith: For the City for Jamestown?

Legislator Nazzaro: Yes.

Mr. Griffith: For what we thought we would recover in the City of Jamestown?

Legislator Nazzaro: Yes. I'm going by memory and I can't remember what –

Mrs. Dennison: Yes.

Mr. Griffith: I think that was the number.

Mrs. Dennison: Yes, \$161,000. You're very close.

Legislator Nazzaro: O.k., so you have \$161,000 in this budget provided that we execute an agreement, is that correct?

Mr. Griffith: Correct and that is an estimate. I mean, we don't have a track history of billing in the City but that's an estimate. I believe working with Kathleen, with Valerie, that we've tried to factor in with our paramedics the types of calls, the types of billing and everything we possibly could. Looking at the historical billed ratio of what we have elsewhere in the County. In the end, it's a pretty good estimate, I believe but it's still an estimate. We don't know what the ratio of billing will be. Medicare/Medicaid, private insurance, private pay, whatever it is.

Legislator Nazzaro: We do an average of what, 2 ALS calls a day?

Mr. Griffith: In the City?

Legislator Nazzaro: Yes.

Mr. Griffith: I believe it's at least that.

Mrs. Dennison: The revenue estimate is based on two per day.

Legislator Nazzaro: So in my opinion, if we get an agreement and if we get the terms that we have asked for, this could be a low number of revenue if we have an agreement because it's based on two calls per day.

Mr. Griffith: I believe it's a conservative number, yes. It's certainly not a pie in the sky number by any means. We've tried to do all of our numbers this year as conservatively as we possibly can to make them as realistic as we can.

Legislator Nazzaro: So if we get an agreement, hopefully in the terms that we've asked for, then again, this is a conservative estimate. The risk is, if we don't get an agreement, then we won't be generating this revenue.

Chairman Niebel: If we don't Chuck, this \$67,236, which we've budgeted as far as an increment –

Legislator Nazzaro: A \$161,000 is for Jamestown. There is other things in here, not just for Jamestown.

Chairman Niebel: But this increase in departmental income is in jeopardy if we don't have this agreement in place.

Legislator Nazzaro: Yes.

Mr. Griffith: The budget is factoring that we will have an agreement and the revenue numbers for the budget reflect that agreement.

Chairman Niebel: O.k., John and Chuck thank you.

Legislator Pavlock: I have a question kind of in line with this topic. Obviously we still are projecting a descent shortfall this year, how new is that number and what do we expect to finish the 2020 budget with on that line item? Right now, we're showing a minus \$590,000 in revenue and I asked the question last year if we were being conservative last year and we're not where we thought we would be from last year. That's why I question this number again this year because next year I hope we're in the positive. So you can kind of see where my question is going.

Mr. Griffith: I think the question comes in is, is when you look at the entire ALS intercept system, do you think it will ever, ever break even or make money and I'll be as honest as I can, I don't know that it ever will. I think we'll always continue to (*inaudible*) forward, we're trying to do everything we can to bill every call possible. We're becoming much more challenged by collections. We've contracted with a collection agency which was started the first part of July bringing in more monies for us. When we're running the calls, the call numbers are right exactly where we thought they would be. It comes down to the billing and the collection that is coming back through. Medical billing is very frustrating for someone coming in from the private field because medical billing is traditionally 6 to 8 months, is not uncommon to collect medical billing coming back out. So, I don't know where it will be to be honest with you. I think with the pandemic we've been under, the economic stress that the entire community has been under, the increase number of calls that we have not been able to bill a lot of those into the City of Jamestown, has raised our expenses significantly. When you run a call that you can't bill, your expenses – you've got your expenses over here and your revenue over here, this should offset and give you money here, so it's like a double loss. You went backwards with your expense and didn't collect any revenue going forward, so it really becomes a challenge as to how you do that. The question goes, I don't believe that we discontinue service to the largest community that we have, so, how do we balance all that and make it work? We thought that we would try and have an agreement with the City of Jamestown. I believe Mr. Nazzaro, we talked about this last fall, started working with the new administration to work toward an agreement and we've not gotten there. When you put all those factors together, we come up through exact amount of shortfall. There will be a shortfall, I know there will be. I wouldn't want to guess exactly how it would be because there is so many different variables to put that into process. I looked at the actual number of billings that we have done so far this year, we have billed through the end of September, over \$766,000 worth of calls. At that rates we would be in the \$1.2 million, we would hit it, but there is a big difference between billing and collecting. In the economic times we're in, it's become even more challenging especially in the second half of this year as we go forward. I apologize, I don't believe that I'm answering your question the way you want it. I guess I'm giving you reasons why I can't answer your question.

Legislator Pavlock: Sure and just in that line, even if we used the numbers from last year and we used the excuse that we can't bill in Jamestown but you take \$160,000 estimated, we're still coming up \$430,000 short from last year. I guess my question to Kathleen is, how do we offset that revenue or what would be our intention? Where does that money come from? My only point is, I understand the dilemma of, you have to put a number in here and if we miss it, we miss it but I just want to be correct, I suppose and have a realistic number in there so we actually know. Based on my information last year, I knew that we were going to be short this year. So

that was kind of incorrect accounting in my opinion. If we could put more accurate number in there to show the actual reflections.

Mrs. Dennison: I'm glad that you asked the question Mr. Pavlock because I worked with the department on preparing these projections and every projection on the revenue that we prepared has been wrong. I'm not happy with that. I understand why you are not happy with it. But, all I can say is, we come up with a set of assumptions and we project the revenues based on those assumptions. I think the assumptions are valid. We continue to decrease the number of revenue generating calls but the problem is, there are too many factors that are completely out of our control. We don't know how many people will get sick, we don't know what kind of insurance they have, we don't know what their ability to pay is and we don't know where they live. So, we've been spot on with our expense projections because those are relatively easy but the problem with the fly car is that it's not like another business where if you're not making your revenues you can cut your costs. We have to have the people on staff—if we're committed to the service, we're going to have the people on staff 24 hours a day without knowing if we're going to have any business and if those people will pay. So, the revenue numbers, I acknowledge that they look kind of high but there are some factors that are different in 2021 than now. The main factor is the City of Jamestown, so, \$161,000 for those calls. The other factor would be the collection agency has come on relatively recently so we assumed that we'd have a collection agency at the beginning of 2020 and when did they start?

Ms. Hayes: July.

Mrs. Dennison: So we're six months behind in getting a collection agency so that's another factor that is now in place. So that is a positive for the revenue projections. It's basically those two factors could contribute at least \$200,000. The other thing that is dragging the numbers down this year, John eluded to it, is that there were fewer calls during the COVID period.

Ms. Hayes: And no events at all. We expected to do events with the ambulance and there weren't any events.

Mrs. Dennison: Yea, no stand by events.

Legislator Pavlock: My other question is, where do we suppose we're going to make the revenue difference?

Mrs. Dennison: If we don't get it here?

Legislator Pavlock: Yes.

Mrs. Dennison: That is a good question as to which there is not a clear answer. If we don't get it here, we're looking at fund balance or savings from another area.

Legislator Nazzaro: From the latest numbers we had, currently, the number before us, I want to be very transparent here, it's not all the City of Jamestown. The City of Jamestown is

part of this, definitely. The message I want to deliver to the City as well that one; the goal of the County and it comes right from the County Executive, is not to be in the ambulance business. We have an ambulance but our goal is not to be in the ambulance business and that came right from the County Executive. I feel that way and I know other Legislators feel that way. But we have the ambulance so part of this issue is the City of Jamestown but it's not the entire portion. I think a big part, you eluded to it, is the billing. Being in health care for 34 years, it's very hard to project net revenue, what you collect. We're considered - we have a lot of indigent population here, a high Medicaid population and one thing when we did get the ambulance, we did the CON and we are able now to bill Medicaid for the fly car because now we have an ambulance. But prior to that we could not bill Medicaid but granted Medicaid reimbursement is not a lot. It's something but not a lot. But we're we looking as the last projections Kathleen, about a half a million dollar adjustment that we're going to have to make for Emergency Services, in the 2020 budget?

Mrs. Dennison: In 2020, yes.

Legislator Nazzaro: Isn't it around \$500,000, I just want everyone to be aware of that.

Legislator Pavlock: And that's my question even this year. Where are we going to get those adjustments from?

Legislator Nazzaro: So we will be having an adjustment at some point. We'll have to do that through a budget amendment.

Mrs. Dennison: Yes because the 2020 budget assumed that there would be a local share of zero and that is not going to happen. But that is one thing that I want to draw your attention to also is that the 2021 budget, the local share for the fly car program is not zero, even with these revenues that are higher, the local share is \$228,000. When the three of us worked on these projections and also with the County Executive, we had these discussions with him because when we came back with these numbers, he said those revenues are awfully high. I said, "yea, they appear robust". But as kind of a just an overall check, we're looking at this year and last year, a local share for the fly car program of around \$450,000. So the budget for next year is \$228,000 local share and as we've talked about, we're looking at a \$161,000 from Jamestown. So if we didn't have Jamestown in here, our local share would be pretty close to \$450,000. That gives me confidence that we have a realistic scenario here. The only caveat that I would add to that is that this budget assumes a 4th a fly car and there are expenses associated with that. So you could argue that if we're running \$450,000 local share with 3 fly cars, why isn't it going to be \$600,000 local share with 4 fly cars. There is a risk. There is no doubt about that.

Chairman Niebel: Another factor that is different though, one thing that has dragged down our current revenues is, as Mr. Nazzaro mentioned, the ambulance service, John and Valerie correct me if I'm wrong but the ambulance service did not come on line as quickly as we had projected so in 2021 for example, we're assuming one BLS transport per day and one ALS transport per day, for weekdays and that's a revenue of \$135,000. That also is a relatively new revenue stream that has not been in place for all of 2020.

Legislator Pavlock: I guess just to be clear and thank you for that information and answering my question. I really agree and appreciate the program that has been developed over the last few years and I really support that and its growth. I just want to make sure that we have our numbers correct and that it is reflected in the budget. I don't want to next year be scrambling to see where we can come up with four or five hundred thousand again to pay for it. And going into next year's budget, our fund balance isn't going to be what it was this year either.

Legislator Nazzaro: Legislator Pavlock, you need to come in and join the Audit & Control committee. You are speaking our language.

Legislator Bankoski: I'm just thinking outside the box here, say that the deal with Jamestown falls through and we get through the middle of 2021, is it possible to park the 4th car temporarily until something comes about with them?

Mr. Griffith: Anything is possible. I mean what we have and I just had these number ran this morning and so far to date, we've run 4,492 calls with CCMS, ALS intercept. That is a long ways up from when I came here the first year when it was like 1,800. The system works but the problem we have is the car that is in the southern end of the County, has run 2,147 of those calls. So really half of those calls are being ran by one car. What we're doing is, we're overtaxing not only the car but the people who are on that car. We need to spread that out. We would have more calls if we had another vehicle in the lower end of the lake area. I mean, we have 4 ALS intercept units now because we had that since the start and so really it's just a matter of staffing and stocking that car. I would really ask that we keep the 4th car in progress because the need is there especially in the southern basin of the lake. Everything from Fluvanna around the bottom of the lake to the Towns of Kiantone, Busti, Ellicott, West Ellicott, Lakewood, Ashville, in those areas. That is where the bulk of our calls are and of course the City of Jamestown. The one thing the Legislature and the County Executive should be very proud of is that this car has made a huge difference in people's lives. There are people who are alive today because of the fly car and the ALS intercept service that we're, in all practical purposes clinically maybe coded and gone that the fly car has made come back. It is a cost, I will never deny that. It is a cost. But it's a cost that would be offset people's lives.

Legislator Bankoski: I'm in total agreement with you.

Legislator Whitford: I have a question and then I have a statement. When you were working on your revenue stream, how did you base the collection, how much of that would come out of the new agreement with the collection agency and do they have a history of a percentage of collections and how did you come up with that revenue stream through that in this budget? I'm sure that is an integral part of this budget.

Mr. Griffith: We have always taken the number of calls we have and then we try and break that down by historically by what type of payer would be for that call, whether it would be private insurance, whether it would be Medicaid or Medicare. Medicare and Medicaid, if those calls come in, they are paid 100%, there is no collection for them. They are a little delayed but you do get the money for those when they come through. On the private insurance, we broke that down factored in I think, 30%, correct me if I'm wrong please, I think we put in –

Mrs. Dennison: Yes, 30%.

Mr. Griffith: Thirty percent that you are not going to collect, just uncollectable and then working with the collection agency, we really thought that we would get a lot more of that that we had written off in the past that we would not have to write off a this time. But already before we got to that factoring, 30% of all of the bills that would be basically deducted, kind of a business type of non-collectable bill that I think a lot of businesses do.

Legislator Whitford: Right, it's a charge off. But when you did this assessment on your revenue stream, those bills that you have already charged off, they weren't part of the equation, correct? Once you charge them off, it doesn't mean that you can't go back to collect the, correct?

Mr. Griffith: We could go back to and forgive me, I can't remember how far back we can go but it wasn't back to the beginning of the service.

Legislator Whitford: No, there is a moratorium on that.

Mr. Griffith: Yes, there is a moratorium on when they get cut off. Once they quite sending statements then to go back and begin to send statements again, you get in some collection laws with the State of New York. I'm very pleased with the collection agency that we have. It's an agency that is tied right to our billing company they work with a lot. I researched it, does a lot of ambulance type of billing collections through this. I got references from the companies that they worked with today and they came back that they were aggressive but fair which is kind of a way you have to be on this whole thing at the same time. I believe working with everything that we put together between Kathleen, myself, and Valerie, that we tried to make the revenues as realistic as possible. That being said, we tried to do that last year too.

Legislator Nazzaro: Paul, before you go to your next question, on the collection agreements, do we have agreements with the payers? Obviously you have Medicare, their fee schedule, Medicaid is a fee schedule, private pay, you should have a collection policy. So then you come to all the, I'm talking about the major payers in the area, Health Now doing business as Blue Cross of Western New York, Univera, and Independent Health. Those are the three bigger plans here. The national PPO's, good luck, like United and Medicare Advantage plans, they have to follow the Medicare payment guidelines, but do we have contracts with the major payers because if we don't, I mean, I did this for 34 years, part of my job was negotiating contracts, and if you don't have a contract, they are going to pay you – they are going to find every reason to deny payment. It's just want they do. So do we have agreements with the local plans, Blue Cross, Univera, and Independent Health, those three?

Mr. Griffith: We do not have independent agreements. Our billing company does do the billing for us and they bill. We don't not necessarily accept what the insurance company pays as full payment. We go after that balance or whatever is left on the other side. The frustrating thing on some of the insurance companies is they pay direct to the client and not to us and then -

Legislator Nazzaro: And you hit a very important point right there John. Real important point that by having a contract and it's a good thing that you brought that up, if you have a contract, the payment comes to the provider. If you don't have a contract, they will pay what is usual and customary and that will go to the individual. Yes, they are supposed (*cross talk*), but believe me, it doesn't always go that way. So, I think it's really important and I don't know what the volumes are with those payers but, I think it's very important to have a contract with those local insurance companies because then the payment will come directly to you and then the cost sharing for the patient is clearly defined. That's just my (*cross talk*)....

Mr. Griffith: I never thought of it before. I'll have to look into it.

Legislator Nazzaro: That could help your, and back to Legislator Pavlock and Paul, I'm sorry to interrupt here, but, I just wanted to be on that topic that I think the agreements would be important if the volumes are there.

Legislator Whitford: Very important.

Chairman Niebel: Chuck, this is something that we could check with legal.

Ms. Hayes: With our billing service.

Mr. Griffith: I probably would check with our billing service.

Chairman Niebel: Please do.

Legislator Nazzaro: Paul, I'm sorry.

Legislator Whitford: No, that's fine. The other thing was, as individuals are elected by our constituency and all of us work for the residents of the County, we're talking about a budget and it gets kind of tenuous because of taxes and everything but with this department here, we cannot lose site of the lives that have been saved and you can't put a price on that. So, I want to make sure everybody understands how important this is. We don't want to be in the ambulance service but we certainly cannot ignore the needs of our seniors and our individual (*inaudible*) stress, so I really congratulate the fly car and the success that they've had on saving lives and I think that is the most important thing here today is the service that is provided to your citizens.

Mr. Griffith: Thanks.

Chairman Niebel: Members, anything else?

Legislator Nazzaro: I agree Paul with what everything he said, it's like my prior life, we had Star Flight, we did not make money on that helicopter but if it saved a life, it was valuable. My question here though, I know we had this discussion last year, we're adding a 4th fly car, I have to ask why and it says in addition of an ambulance unless that is incorrect, I have to ask why? Because I don't feel that we should be in the ambulance business. We have the ambulance so we could bill Medicaid for the fly car. And John you did say and you provided a lot of good

information, you do an incredible job so I don't want to have you take this the wrong way but, you said one fly car is like 2,000 calls, it's based in the south –

Chairman Niebel: The third fly car.

Legislator Nazzaro: The one that we have in the southern part –

Mr. Griffith: It's based out of Falconer.

Legislator Nazzaro: And a lot of those calls are Jamestown, correct?

Mr. Griffith: There is a lot of calls all over the southern basin. It's the highest population there.

Legislator Nazzaro: So now we add a 4th fly car, aren't we sort of enabling the problem here? I mean, it's like by adding the 4th fly car, now we're going to be more available but then our losses will get bigger. I mean, last year, we pulled the 4th fly car out of here. Is there an additional ambulance budgeted in here?

Mr. Griffith: No. That isn't accurate.

Legislator Nazzaro: O.k., I'll cross that off. I mean, is this the time to add the 4th fly car when we're having losses? The estimate could be another \$150,000 loss.

Mr. Griffith: Are you asking me the question sir?

Legislator Nazzaro: Yes, I'll ask you.

Mr. Griffith: To add the 4th fly car is what we're talking about is, you have to understand the total EMS delivery system in Chautauqua County. It's a system that is failing. I mean we do not have the volunteers to handle the calls that we have had in the past. The ALS intercept service, a lot of our calls that we're running, is an ALS service and their doing BLS work because there is no one else. I'll give you an example, a call that came in this morning and we hit department "A", we hit department "A", we hit department "A", we hit department "B", we hit department "B", we hit department "B", we hit department "C", we hit department "C", our paramedic was on location ask if any ambulance was in route to come, the Career Service did free up an ambulance and got there, this was not an extremely rural call and it was 30 minutes until the ambulance got on location for ALS, advance life support, call. When you look at that, what you have is a system that has to be supplemented with something. We had two calls this morning in the lower basin of Chautauqua Lake, department "A" called, department "A" called, department "B" called, department "B" called, department "C" called could man an ambulance but did not have any EMT. Again, our ALS intercept service took that call. That was three departments and now we're in the lower basin of Chautauqua Lake. Same time we have a call in the City of Jamestown that we're calling in because the Career Service was tied up which, I don't want to say anything bad against our Career Service. They are doing everything they can to make this work. They are really working hard and the working relationship I think between CCEMS

and our Career Service Allstar is probably the best that it has been in a long time. We have good communication and we're working on some things to even make that communication, actually between our units even better. Though when we look at that, what we have is a situation where we're getting to the point in Chautauqua County where if you pick up the phone and dial 911, there is no guarantee that someone is coming. That someone coming may be coming from a long ways away. If you look at where the ALS services are and left in the County, we lost an ALS ambulance service just last month who gave up their ALS certification and went strictly to BLS. That is a lakeside department. So when you look at that, that has to be something if you want the ALS care, which ALS care is what saves lives, that's why we work codes and (*inaudible*) now as opposed to putting them in the back of an ambulance. The (*inaudible*) to code in a house is so much better than (*inaudible*) work a code in an ambulance going to the hospital. The study (*inaudible*) I can show you that. So when you look at that, the question comes that comes in is, yes, there is a cost for CCEMS, there is no doubt about it. There is a cost to plow roads, there is a cost to run the airports, there's a cost for health department, there is a cost to maintain this building, but you have to have it. When you look at if you want to save lives, if you want to make a difference, if want people who want to come to Chautauqua County to come here because they know that there is a robust EMS system that can help them out even though we're a rural County, that you are doing everything you can with CCEMS to supplement and extend the life of a volunteer system which is failing greatly out in the rural areas due to the lack of volunteers (*inaudible*) we do in the country. When you look at that and you realize, o.k., we're going to have to spend this money to do this but we're going to do that because we're going to spend the money to save the lives of the residents of the County of Chautauqua. Yes, you can go with 3 fly cars, there is no doubt about it. We've done three fly cars. Do we do as good as we could? No. Will we continue to have more calls? Yes. Will we continue to need the 4th fly car? Yes. Will we continue to give the opportunity for people that either sick or injured the best chance for survival? No. If you take away the 4th fly car, you are not giving the best chance of survival. I'm sorry, I got off on that.

Legislator Nazzaro: No, I totally – and I can't disagree with you John. I mean, you made a very powerful statement and I don't disagree with anything you have said. The last question was, you are going to have to add four EMT's, I believe.

Mr. Griffith: Four paramedics.

Legislator Nazzaro: I'm sorry, paramedics. There is still a shortage, correct? Has that gotten any better?

Mr. Griffith: In the shortage of paramedics –

Legislator Nazzaro: Or is it the EMT's that there is a shortage?

Mr. Griffith: If you said there was a shortage of truck drivers, would you say that we're not going to plow the roads anymore because we can't hire enough truck drivers because we'd have to hire truck drivers away from another truck driving company?

Legislator Nazzaro: We'd still plow the roads.

Mr. Griffith: You'd figure out a way to plow the roads, wouldn't you? You'd hire the truck drivers and you'd plow the roads. We've had people come to work for us that had worked for other agencies, there is no doubt about it, but those people had the choice if they wouldn't have come here, there is a chance they would have gone to another agency if that opportunity would have presented itself. So, there are more paramedics. We did graduate a paramedic class just this spring that came through. We're just in the process of actually trying to put together a ride along program so EMT's can ride along with our paramedics to see if they like it, to see if they see something they like and trying to encourage them to become paramedics. I mean, we're doing what we can to increase the number of EMT's, to increase the number of paramedics. An unfortunate number is, the EMT class is this fall, there is one class being taught this fall that has 15 EMT's in it. We used to bring in two classes of 30 EMT's every spring and every fall. There would be way more than 15 EMT's with cards that will expire this year that will go out the top, as we say, with only 15 coming in at the bottom and 15 going into class doesn't mean that you get 15 EMT's. Probably get 12. The unfortunate thing is, as we see the volunteer system which is everything except for the City of Jamestown, the City of Dunkirk and West Town/East Town Sheridan, and the Village of Fredonia, everything is volunteer. Without the ALS intercept service, without that supplemental return, to back that and try and extend that service, we're going to be lost and we're going to have issues that have come back. The issues are very unfortunate.

Legislator Pavlock: We're trying to cover and provide a service. The County is taking the approach that we're adding some fly cars, we're adding ambulance possibly, to help cover and we're pursuing the extra costs, which is great. What is being done to help promote volunteerism to help attack it that way too, to regain the fire hall participation and ability to cover those calls? Obviously too, we have an expense in each of those townships and municipalities to provide the service that isn't being covered. So, each municipality has a fire tax that helps support an ambulance system and that ambulance system isn't – this morning "A" and "B" didn't cover it. They collected money by their taxes to cover it and they didn't do it. So what is being done to help promote some volunteerism?

Mr. Griffith: I think that every department, normally this time of year, fire prevention week, we have open houses for fire halls, we (*inaudible*) grants, we do a lot of promotion, we do a lot of recruitment and retention and things like that. That is pretty limited with COVID this year as to how much we can do. I think that every department, I can speak for all of the departments in the County, would be as aggressive as possible at this time to bring members in. Last year we had a lot of open houses, we did a lot of recruitment, all of the departments encourage people to come to the fire hall to join up and to get involved. I mean, it's a daunting task, I mean the regulations from the State of New York to be a fire fighter, to be an EMT are very, very robust, very extensive and it's disappointing at times how it is. The unfortunate thing is, we're in the State of New York, and we're not going to change what they do. As far as the funding coming from local municipalities back to offset costs, I think that's out of my end of it here as to what can be done. I don't know where that will end up. I will say that, it's my professional opinion and my personal opinion that what we have for volunteer fire and EMS system, what you see today, will not be the fire and EMS system you'll see in 10 years. I do not know what that will be, whether it will be a blended, a hybrid, combined system or what it will be but with the aging of the members of the volunteer fire service in Chautauqua County, the

lack of new people coming in, and just the fact that father time catches up with everyone, you'll see a very changed system within 10 years. This is a young man's sport. There is a reason why career firefighters work 20 years and out. Twenty, 25 years and they take full retirement because it is a young man's sport. It's more on the fire service than on the EMS side especially. I was to a fire last year and I think the average age of the fire fighter at that fire was probably close to 60. It's unfortunate. I don't mean to sound like someone who's whistling in the wind here trying to scream an alarm but, it is a real problem. Volunteerism is a problem throughout our society, throughout a lot of organizations that we have and there will have to be adjustments made going forward to offset that lack of volunteerism and it will have to be a total readjustment in how the whole system works. Right now keep in mind in Chautauqua County, we have 99 fire engines in Chautauqua County. Do we need 99 fire engines, probably not? (*Inaudible*) reallocate those funds into different activities. We could have a real long discussion for a whole long week seminar Mr. Pavlock, and I'd love to sit down and go through the numbers but I think I've talked enough today.

Chairman Niebel: John, do the volunteer fireman get a partial exemption on their property tax?

Mr. Griffith: Not on their property taxes. There is an income tax credit to volunteer fireman and I believe it's either a hundred or two hundred dollars.

Legislator Nazzaro: It's not enough.

Chairman Niebel: Do you think that should be raised?

Mr. Griffith: I think anything that could be done by local municipalities, (*inaudible*), anything to encourage and somehow compensate and offset the expense of being a volunteer doing what we're doing, is great. A lot of people tell me, well, I've paid for that in my fire taxes. No, what people pay for in their fire tax is equipment. They pay for trucks, coats, shovels, air packs, hose, they have not paid for labor. We have plenty of equipment. We have to figure out how we're going to do the (*inaudible*).

Chairman Niebel: I guess my last question is a takeoff on Chuck's comments earlier. If we go to a 4th fly car, where there be any kind of impact on say, private service like AllStar? Or you don't think so because they are not answering some of the calls now?

Mr. Griffith: It's two different types of calls. We're talking ALS intercept calls, whereas the AllStar is ambulance. They do run an ALS intercept service when they do not have an ambulance but we are not infringing on their calls. I mean, we're working, we certainly do not want to compete with our only Career Service, we want to work with them. This is two types of calls, mostly ours are ALS intercept.

Chairman Niebel: So marginal or minimum impact on AllStar?

Mr. Griffith: I would think so, yes sir.

Chairman Niebel: Any other questions for John or Val? Folks, that's it then. I do want to thank you John and Val. This pandemic has put a lot of stress on a lot of the County departments, none more so than Emergency Services, with possible exception of the Health Department. Thank you guys for everything you've done and please convey our appreciation and thanks to your staff.

(Committee recessed at 10:53 a.m. and reconvened at 11:10 a.m.)

Sheriff (Quattrone, Swan)

Ms. Swan: We will begin with the Unified Court officers. That one is pretty basic. You see your typical contractual increases in pay. You see a slight decrease in the .4's due to a decrease in equipment leases and apparel. Then there is an estimated increase in revenue to offset the estimated increase in personal services as well. Any questions?

Dispatch: We kind of have a lot happening in dispatch. The contractual wage increases are offset by a couple of things. There is one trainee position that was eliminated for 2021 and you'll notice throughout the summary that there are a number of expenses in revenues. We're moving all of our grant related expenses and revenues to the GRNT account. We have not, prior to this, we've had most of them in the GRNT account but not all and starting with next year, we figured it would be most sensible to allocate all of them. So you will see that note in a number of our sub-departments. The first of which will be dispatch. So you will see that expense and you will notice below the corresponding revenue has also been moved to the GRNT. There is a slight decrease in .4's.

Chairman Niebel: The .8's are a given.

Ms. Swan: Yes, the .8's are a given. Everybody in this particular sub-department has already moved to the high deductible plan so what you are seeing is kind of a mix of, I think there is a slightly higher increase for the family 3 plans associated with this versus single and family 2. So, it's a combination of those two things that created the drastic increase.

E911: Pretty straight forward. The revenues offset the expenses so that it's zero at the bottom and you will notice an increase in .4's and this is because we have a couple of multiyear software maintenance agreements that are up for renewal in 2021. You'll see that increase in 2021 and then you'll see a decrease again for the couple of years following because they are multiyear agreements.

Public Safety Communication Network: This is where you see again, a lot of this note, grant expenses and grant revenue moved to GRNT. This particular account seems confusing I think at year end every year between comparing the budget versus actual because there are a number of items that are grant related that go into the .4's, .2's and also the .1's. So we've moved all of that to the grant account.

Chairman Niebel: And this is a new account for 2021?

Ms. Swan: It's not a new account but a new way that we're accounting for the grant expenses because up through this year, these grant expenses and revenue have all been in this particular department. So starting in 2021, we're moving all of that to the grant account to make

it easier to delineate between the actual operation expense and then the grant expense and revenue.

Legislator Nazzaro: Just going back to that point, on the dispatch, you moved the grant income, did you move grant expenses too because I just didn't see it in there.

Ms. Swan: Yes. All of the grant expense is actually .1's and it is noted in the .1's.

Legislator Nazzaro: I see it now.

Ms. Swan: There is a lot happening there. From that we'll move to Technical Services. This one is fairly simple. Contractual increases in .1's and .8's, not unexpected. Then the .4's, you see a slight decrease again to equipment leases. Any questions there?

E911 Wireless: Again, you see an increase in the .4's there. Also for the multiyear service agreements that we have coming due. They are typically split to some degree between "E" and the W911 accounts. Again, zeroed out at the bottom because we have revenue coming in to offset those expenses. Any questions?

3110: A number of notes here. Your .1's are inclusive of course, contractual raises. We are down actually 5 SRO's per these numbers. That four was changed to a five, I'm sorry, I did not make that change in the description.

Chairman Niebel: It should be a five?

Ms. Swan: Correct. It's notated on the FTE sheet in the beginning of our budget report but I did not reflect that change here. Actually that's going to become a six. Will be making that change after because of the Forestville contract that was pulled a couple of weeks ago. Then there is a small amount in wages allocated again to the grant account. The equipment decrease you see as noted, originally that was put there to purchase body cameras which is now in the capital project realm. A number of decreases in the .4's. I can let you read through those. Again, employee benefits are inclusive of contractual raises and we are actually down five. Down below in the revenues, under shared services, that will be going down a little further because we've actually lost a 6th SRO. As I mentioned a couple of moments ago, a couple of weeks ago we had Forestville change their mind and they did not renew their SRO contract so we will be pulling that as well. Again, there is another chunk of revenue that is moved to the grant account.

Legislator Bankoski: What's the – it says adjusted to better match JCC revenue. Is that from the academy?

Ms. Swan: Yes. Previously all of our revenue for both corrections and patrol academies were being deposited there. We're really not sure why so we split it. We actually have a portion of that now allocated to Jail revenue where it should be because it's for corrections academy and the rest is still here in the patrol. So it's still there but its split.

Legislator Odell: We have seen a lot of losses on SRO's, especially this last year. How many schools will we still be servicing?

Sheriff Quattrone: We have Silver Creek and BOCES which has 2 SRO's, one in Cassadaga and one that is split between the two, Ashville and Fredonia. I want to note that the SRO's, the schools that have stepped out of those contracts mainly because of the 20% cut that they are expecting.

Legislator Pavlock: What type of expense is associated with those SRO's not obtaining those positions? So layoff amounts, what happens to those employees? Do we now incur some unemployment costs for a duration and are those employees looking for new jobs?

Sheriff Quattrone: Thankfully two of the three that we initially had to layoff were picked up by Jamestown Police Department. The third one, there are some logistical issues that he has a possibility of going to Jamestown. The others, we're hoping that some of the other departments that are hiring because of retirement and we also have potential retirements in the next few months. But we can't count on them right yet.

Mrs. Dennison: Just a point of clarification. Did you say, there are four SRO's that are out of the tentative budget, did you say that you want to remove some additional SRO's?

Ms. Swan: Yes. We're up to six now and actually on the FTE sheet, you see a decrease of five full timers, or FTE, and that is correct so we do need to add one more to that because of the Forestville contract that was just pulled, the renewal that was pulled a couple of weeks ago.

Mrs. Dennison: So you want to make a change to the tentative budget to remove an additional position and the revenue associated with it?

Ms. Swan: Correct.

Legislator Nazzaro: One or two?

Ms. Swan: One.

Mrs. Dennison: Do you have those numbers available?

Ms. Swan: I do. Do you want me to give them after the meeting or would you like me to rattle them off now?

Mrs. Dennison: I'm just bringing it up for clarification. It's up to the committee whether they want to propose that as an amendment to the tentative budget.

Chairman Niebel: We should do it now. Can I have a motion to make those adjustments?

Legislator Bankoski: So moved.

Legislator Whitford: Second.

Chairman Niebel: Those in favor?

Unanimously Carried

Chairman Niebel: Then Jen, you can give those to Kathleen. Do you want those now?

Mrs. Dennison: If you have them right here.

Ms. Swan: (*Inaudible*).. I don't have the (*cross talk*)

Mrs. Dennison: You can provide position number to Janelle?

Ms. Swan: I don't have the position number but I do have the dollar amounts.

Mrs. Dennison: Just for the benefit of the committee, I'll formalize all of this for Audit & Control but we would be reducing revenue by \$79,109, reducing personal services by \$50,388 and reducing employee benefits by \$28,721 and those are all in department A.3110. So it would be a total reduction of 6 SRO's.

Legislator Nazzaro: So the budget amendment is neutral then?

Legislator Odell: No net effect.

Mrs. Dennison: Yes.

Legislator Pavlock: It doesn't affect their unemployment rate at all?

Ms. Swan: We're hoping not.

Mrs. Dennison: It could. These numbers would assume that it does not but the released employees would not get unemployment that is a risk, yes.

Ms. Swan: If there are no more questions in the Sheriff's patrol, we can move onto Pistol Permit. This is another one that is pretty straightforward. You see the contractual increases to the .1's and .8's and you see a decrease in the .4's due to a decrease in equipment leases.

Legislator Odell: Just a quick question. More or less an observation. I know we increased from one to two in there years ago, probably just to catch up with the Safe Act and a huge backlog. Are we seeing that taper or are we still rightsized?

Sheriff Quattrone: The numbers have gone up for various reasons. Right now with COVID, scheduling is quite a ways out for people to get in there to get their permits.

Chairman Niebel: There's a backlog.

Sheriff Quattrone: Correct. There is a backlog and we're trying to do as much as we can through the mail also as far as some of these gun registrations but the numbers are staying consistent.

Ms. Swan: If there are no other questions, we can move onto 3110GRNT. This is the Sheriff's grant account. Drastically different from years prior I think since we're rolling everything grant related into this account now. Personal services, we've added for the Southern Tier Regional Drug Task Force grant. In the equipment and contractual lines, there are various expenses for a number of our grants. New York State aid also includes the Southern Tier Regional Drug Task Force, Governor's Traffic Safety, and the GIVE program as well as the allocation that you saw come out of dispatch. Federal aid includes SICG which is the State Interoperability that use to go to the Public Safety Communications line and the SOETPP which used to go to the 3020 Public Safety Communication Network. A lot of acronyms. If there are no questions we can move onto the Jail. Personal services, you see contractual increases in base pay. With our .4's, you see again a number of decreases and then again the employee benefits line you see an increase. On the revenue side, you see a decrease to the departmental income. We anticipate our Jail call volume to decrease since we've had fewer inmates and they are also changing the rate that we are allowed to charge for those calls. The cap is being lowered. So, there is a mix between the two we're anticipating a loss of revenue on that account. Federal inmate income below shared services is being increased.

Chairman Niebel: That's because currently you have about 30 and we budgeted about 22?

Sheriff Quattrone: What was the number we budgeted for the Federal inmates?

Ms. Swan: This year?

Sheriff Quattrone: Yes.

Ms. Swan: For 2020, I don't remember how many we did. For 2021, we budgeted for 3 immigration and 32 Marshal. What is our total count?

Chairman Niebel: Total of 35?

Ms. Swan: Correct.

Chairman Niebel: I think this year you guys had budgeted for 22 or there about?

Sheriff Quattrone: We are in the 30's also.

Chairman Niebel: Oh, you were.

Sheriff Quattrone: We were 30, we're currently, this morning, and we're at 54. So we've been fortunate – we truly were anticipating the Feds to go down because all the Jails around the State are lower population. Thankfully the Feds are continuing to bring them to the Jail. We've been fortunate to stay COVID free, knock on some wood there, and that's kudos to our correction staff for maintaining a clean facility and keeping that up and a good working relationship with the Federal Marshalls.

Chairman Niebel: You run a better Jail than some of these other places.

Sheriff Quattrone: They do a great job keeping the place clean. Again, I credit them for a lot of the work they have been doing in there. I know their bonus is, with COVID, less time off, less sick time, less overtime so it's kind of been a win/win/win if we can find any positive in the COVID.

Legislator Nazzaro: I think it's the food you serve.

Sheriff Quattrone: You are welcome to come in. Our cooks do a wonderful job also but I'm not sure I've had an inmate tell me that the food is great.

Legislator Nazzaro: So in the budget, what is the average, 25? In your 2021 budget, how many are you budgeting for?

Sheriff Quattrone: Thirty five.

Chairman Niebel: And we're higher than that currently.

Ms. Swan: Yes.

Legislator Nazzaro: We talked about this when we met. You cannot compare obviously 2021, what's happened in 2020. But do you just want to comment a little bit about the overtime in the Jail and how you came up with that because obviously it's a big number. It's not big when you compare it to prior years but, there is so many moving parts now. Bail Reform, the COVID, everything so, the overtime pay, could you just comment on how you came up with it for 2021 in the Jail?

Sheriff Quattrone: Part of our reasoning is, this year, 2020, has been much lower than previous years and part of that is, because of the low Jail population, as I mentioned with COVID, people taking less time off, less call in time. Last year we increased the number of full time staff and reduced the number of part time staff so that has been a big help not only on overall overtime but the forced overtime. We've kept the number that we did for 2021 in anticipation that our population is going to increase, people are going to start taking that time off again as hopefully some of the COVID restrictions are let up. So we do anticipate that. What we've had recently is a result of again, perhaps COVID, maybe other issues, is many more constant watches which taxes us on our overtime and that's a better result of most of our recent overtime we're anticipating and continue to anticipate, more constant watches.

Ms. Swan: If I may add to that as well, if you look at the numbers, the 2018 and 2019 actuals, the 2018 actual in overtime was \$597,908 and in 2019, it was \$623,286. We had the same \$510,000 amount budgeted those years so we're really hoping and thinking that that is a much safer number to go with for 2021. Hopefully even lower but, we hope to be able to actually maintain that if not better going forward.

Legislator Nazzaro: I agree with the number, I mean, you're not going back to the 2018 or 2019 level, but again, there is just so many unknowns for 2021, we don't want to under shoot it by a lot.

Chairman Niebel: When this new bail legislation was passed, I guess I assumed there would be cost reductions in the Jail. I think a lot of other people did too. But we're not seeing that, could you maybe expand and address that a little bit?

Sheriff Quattrone: We did see cost reductions in some of those issues. Where we haven't seen the cost reductions other than the overtime is base pay and salaries. I know we've been asked if we could cut staffing, if we could close down different sections of the Jail, different wings. We have done that to an extent in the fact that we'll close different areas down and reduce some of the staffing and that's usually the part timers. We have a minimum staffing that is set by the State Commissioner of Corrections. To close down a wing or a floor on a permanent basis would be a great idea but the fear is, we're starting to see the numbers increase again and since April and May, we've seen about a 50% increase as of this morning of inmates. But if we were to close down a section of the Jail which ideally would be one of the linear sections, the fear is, the State Commissioner of Corrections would come in and not grandfather us in (*inaudible*) reopen that and that could cause us to have to add more beds which would be a much higher cost. So the big reason is, I don't think we've seen a reduction. Been able to reduce the staff is because of minimum staffing and then classifications. We just can't put all the inmates together. Sometimes that would be a great idea but we are limited on how we can house the inmates. So some of our areas, our PODS, our dorms, there may not have as many people in there but we still have to have the same number of officers.

Chairman Niebel: If the State would consider changing the requirements so it would be easier for us to shut down a wing, that could help reduce costs?

Sheriff Quattrone: That ain't going to happen. The State Commission of Corrections, I'm learning, and I'm looking at Mr. Bankoski, I know you are more familiar, I'm learning more and more and it's difficult to do that. My concern is if we were to close down one of those sections, they are not going to allow us to open that one back up.

Chairman Niebel: And that would present a problem.

Sheriff Quattrone: It would end up costing the County more funding.

Legislator Bankoski: You would have to make it all that ADA assessable and all kinds of crazy stuff.

Sheriff Quattrone: I think some of you have toured that old section and it's old.

Legislator Pavlock: Just to comment on that. I suppose with the population low, also a way could that area be closed temporarily for repairs and updates. Just on a regular routine basis which would allow, and I don't know what time frame windows that would be allowable on that

but I know there are some maintenance work that could be done in that old section and I don't know if any of that had been done. Also, if you didn't want to spend the money to do it now –

Sheriff Quattrone: What we have been doing is, in different sections, closing different sections down in different times and certain multipurpose is, we can move inmates to a different section of the jail, gives us a chance to do some work in there without having to close it down. Also give us an opportunity to do an inspection of the cells and shake downs to make sure there are no contraband in the cell. We are doing that, whether it's painting. We haven't seen a lot of maintenance or many repairs right now in that old section because of the cost involved and the uncertainty in our budget spending because of COVID.

Mrs. Swan: If there is are no other questions, we'll move onto navigation. The decrease that you see in the personal services and employee benefits is not an actual savings because there is actually an increase in the other department. For those of you who are aware, we have 2 full time staffers that are split between these two departments. The cut off is an exact 6 months every year in the way that that payrolls fall. It just created a shift in how those pays are allocated for 2021 so you'll see a decrease here but you'll see an increase in the next account which is the snowmobile accounts for the .1's and .8's. The .4's, you see decreases in a couple of small .4 accounts. We did decrease vehicle maintenance in-house and we also decreased apparel a little bit.

Legislator Nazzaro: Just a quick question. I don't have a snowmobile. The way the winters have been lately, I mean, I know in the past we're like maybe two or three in the State for the number of trails. The way the winters have been and the rain, is there less usage of these trails?

Sheriff Quattrone: I think there is less usage because of the lack of snow. But unfortunately when the snow does come we're swamped with people. What the officers are doing when there is no snow, they are out either – several different things they are doing. Sometimes they are educating, they are going around to different clubs and working with them. Other times we are using them to do vehicle maintenance and do in-house stuff around the office. They are generally keeping busy during that time and if need be, we can also have them on patrol.

Mrs. Swan: That obviously takes us right into the snowmobile account where again, you see the increase in personal services and employee benefits and a slight decrease in the contractual between fuel and vehicle maintenance. It's pretty straight forward.

Next account, short and sweet is the Medivac which is no longer in existence so we can bypass that and that brings us to our last, STOP-DWI account. You notice of course the contractual increase in personal services and employee benefits. With the contractual, we do have an anticipated decrease in local police department activity that gets paid out of this account for DWI related tasks. There are crackdown enforcements that we run in conjunction with local PD's. We do anticipate a slight decrease involvement in that. Funds and forfeitures, down in the revenue. We decreased again to reflect the ongoing trend of the revenues in that particular sub-department going down with fines collected. New York State aid we decreased because we were unsure of what would happen with the funding with the STOP-DWI grants since they've been

kind of dwindling yearly as it is so we pulled that revenue out. However, we did get a \$17,000 STOP-DWI award for next year. We actually just got the paperwork a couple of days ago so we will be increasing that revenue line to reflect that award.

Mrs. Dennison: The increase effects 2021 or just 2020?

Mrs. Swan: 2021. It starts October 1st but – (*cross talk*)..

Mrs. Dennison: Is that some additional revenue that we should add to the 2021 budget?

Mrs. Swan: Yes. I don't have that change with me but I can get that to you.

Legislator Nazzaro: And that is for the STOP-DWI, you said?

Mrs. Swan: Yes.

Mrs. Dennison: If you would like to amend the budget to recognize that grant, yes, we would need a motion to do that.

Legislator Whitford: I will make that motion.

Legislator Bankoski: Second.

Chairman Niebel: Again Jen, would you give those figures to Kathleen?

Mrs. Swan: Absolutely.

Mrs. Dennison: Is there any increase in expenditures associated with that?

Mrs. Swan: No.

Mrs. Dennison: So it would just be an addition to revenue?

Mrs. Swan: Yes.

Chairman Niebel: O.k., we'll vote on that motion. All in favor?

Unanimously Carried – amendment

Chairman Niebel: Any questions of Jim or Jennifer?

Legislator Bankoski: Well done presentation, thank you.

Chairman Niebel: Thank you both.

Mrs. Dennison: Mr. Chairman, on the schedule is the Unified Courts is at 12:45 and I present that so I could do that now.

Chairman Niebel: Kathleen, let's go ahead and do Unified Courts. We're talking what, 5 minutes maybe or less.

Mrs. Dennison: Yes.

Chairman Niebel: There isn't much to Unified Courts.

Mrs. Dennison: No there is not. I can send Mr. Barone an email too and say we're ready for him as soon as possible.

Chairman Niebel: Let's do Unified Courts. We're going to take that out of order.

Mr. DeAngelo: Mr. Chairman, can I interrupt you just for a second. We are trying out some software from zoom that will automatically transcribe the audio. It would really, really help out the Legislature staff, so if you could make sure that you are speaking into your microphones and it helps the transcription software recognize you a little better and try and limit the over talking as much as possible. I know that's difficult sometimes but if you could just make sure you are talking into your microphones then the software will pick up your voice and do a better job. Thanks everybody.

Unified Courts – Kathleen Dennison

Mrs. Dennison: Unified Courts is section two and this is kind of an odd compilation of departments. There is not really a department head that supervises Unified Courts so that's why I have the pleasure of preparing the budget and presenting it. So, you'll see on the summary page it does say, negative 8% change in local share but that's kind of a mathematical anomaly, it's actually bad news. This department has a negative local share because this is where we get the revenue from New York State – New York State provides us with revenue for operating the court facilities. So, the contribution to local share is actually decreasing \$6,200 so it's a bad news thing of \$6,200 even though it shows a negative 8% change.

Moving onto the next page. The Unified Courts – that's the summary page so I'll skip over that and talk about the individual sheets behind it. First one is department 1162.1125, Indigent Services Child Custody. We have a contract with Legal Assistance of Western New York and this is for a Family Court representation. We are obligated to provide this. This contract is administered by our Law Department and so Steve Abdella negotiates the contract every year and advised me that there would be a 3% increase in that contract for 2021. I actually have a question that I would like to ask the Public Defender when he's here, hopefully he can provide us information on what is the difference between this contract and the services that are provided by his department. I'm curious about that and I do not know the answer. But as I said, it is a contract administered by the County Law Department. Any questions on that?

The next sheet is for all of the courts combined, Supreme, Family, Surrogate, and the Court Library. This is kind of an odd department because we, as I said, we get revenue from New York State so in the revenue section you'll see that our revenue is \$245,000. That is pretty

consistent with the historical amount that we get. The only expense that shows up in these departments is our property and liability insurance that is administered by the Finance Department. So, there is a small increase in the expenses of \$2,000 due to the insurance. A lot of the other expenses, the actual costs of maintaining the facility is in our Buildings and Ground department. So at the end of the day here, we do have a slight increase, if you will, a slight additional cost of \$2,000.

The last page is Justices and Constables. This is a charge assessed to the County by New York State and it is a charge for felony fees that we are obligated to - the towns and villages pay a fee, the County is obligated to reimburse the cities for felony fees. Again, it's a mandatory charge assessed to us by the State of New York and it stays pretty constant at \$3,500.

Legislator Odell: Nice job Kathleen.

Mrs. Dennison: I'm glad that you are not asking a lot of questions because I don't have a lot of answers.

Chairman Niebel: That's o.k. Kathleen, just to sum up, so our revenue from this particular account is \$245,000 per year, our expenditures are \$176,000 projected for 2021 so our local share is actually a negative.

Mrs. Dennison: In this particular department, yes. But we do have expenses for operating the courts that show up in Buildings and Grounds.

Chairman Niebel: Understood and other accounts.

Mrs. Dennison: Yea. We reclassified those expenses starting in 2019 so that the Buildings and Grounds department, they are the ones that are responsible and actually do the work so we thought it was better to have the expenses in their department so they can manage them. They do a nice job of budgeting for them and it's always tightly managed and stays - their expenses come in where they say they are going to come in. The Buildings and Grounds department is also the one that actually prepares the claim for reimbursement. They send the claim to New York State to request that \$245,000.

Chairman Niebel: Any questions of Kathleen? If not, thank you Kathleen. That was short and sweet.

Public Defender – Ned Barone

Mr. Barone: I also have Seneca and Maddie from the office. They both work in the budget and ILS grants and things so I brought them along.

Mr. Barone: (*Recorder malfunction*).. again everyone is familiar with the Hurrell Settlement and that's the funding we received through ILS, Indigent Legal Services, in New York State. Their funding remains, at this point, the same as it has in past years. We're not really sure, quite frankly, where that may lead us next year because of the COVID situation but as of right now it's remaining the same. Part of the requirement ILS has or what's tied up in their grant

is the fact that our local shares have to remain the same in order for us to receive those funds and to avoid any type of litigation for failing to maintain the local share. As you all probably already know, the grant monies that we receive are to enhance our services for affective indigent representation. So, as the summary points out and indicates is that it's maintaining the same as it has in the past year with no additional expenses or cost. It's been a difficult year and a somewhat difficult year because of what's transpired and sometimes difficult to understand what we may be facing next year. But that being said, we've been able to maintain it the same. Now the full time employees however, -

Chairman Niebel: Increases by six.

Mr. Barone: Increases by 5 actually. The full time employees are all positions, two paralegals, 2 legal secretaries, and one Clerk. Those are positions that actually have been worked into the budget based on our discussions with ILS and what they would expect us to possibly improve on to enhance our services. They are the ones that actually have suggested the paralegals. Other departments in the County actually use paralegals. The Public Defender's office has never once employed a paralegal but their reasoning or their basis behind that is that we can enhance our services for less of a cost than we could if hiring a full time Assistant Public Defender at a fraction of the cost. So, they recommended the hiring of two paralegals and again 2 legal secretaries and a clerk. Those positions are 100% funded by ILS. Not only the salaries but the full time benefits as well so those are at no cost to the County.

Chairman Niebel: Again because of Hurrell.

Mr. Barone: That's right. All because of Hurrell and that's where the funding comes through. That's the only additional or new positions that we made a request for. Now there's also two – in addition, there was a change in the way we categorize one of the grants. It's an Aid to Defense through New York State for \$14,000. We've gotten that for years now and actually at the advice of the Budget Director Kathleen, we moved that over into a different sub-department.

Mrs. Dennison: Yes, so that's why you see in department 1170, it looks like it's going up by 6, one of those positions is from – I apologize, there is a slight typo on the department number, the department number on the FTE schedule, the second line, it should be A.1170.1172, the Aid to Defense is a sub-department of the main Public Defender. There used to be an attorney that was in that sub-department. It was, as Mr. Barone indicated, it was partially funded by a grant, \$14,000, was not completely funded by the grant and there really wasn't any benefit to having that segregation because the person did other work, main work, in the Public Defender's office. So, I suggested that we combine the two departments into one. So there was a transfer of one position out of the sub-department 1172, into the main department 1170.

Mr. Barone: I think that that pretty much covers our budget for the year. As I've indicated, there is no increase or decrease. It's remained where it's at from last year. I'm hoping that again, once we pick up a little bit and the courts are starting now to open things up a little bit more and I'm just not sure or it's difficult to anticipate when we'll probably get back to actually having trials. We've started some hearings and other things but we should be back up and running at some point next year. I'd be happy to answer any questions that I can.

Chairman Niebel: Any questions or Ned or Seneca or Madeline?

Legislator Pavlock: You said the local share obviously has to remain constant for the Hurrell grant opportunity. Does that take into consideration if we look at the budget and find efficiencies, are we allowed to that and lower the local share if there are efficiencies found? Kind of your normal standard year to year efficiency checks?

Mr. Barone: That's a good question but the short answer is no. Again, ILS has become much more involved with day to day operations. Maddie can tell you that from personal experience. Maddie was actually hired as part of the requirement by ILS services to employ a database officer in each indigent provider office. They, like Maddie, deals just strictly with ILS monies, grant money and Hurrell enhancement monies. So the monies that we received from Hurrell and it's actually based on a five year period, the Hurrell settlements, but we've been receiving increments and I know that Pierre is aware of this. They've got it broken down pretty good but they've become very detailed in what those monies can be used for and what we're supposed to use the monies for. It's laid right out. They just don't give us a bulk amount. Now, those monies that we have been provided and they've been individualized for what we have to use the monies for is based on our numbers pretty much, our caseloads, our number of attorneys, our number of support of staff, the number of offices we have, all those different things. ILS says, look it Chautauqua County, here is what you've been doing case number wise, trial wise, whatever it may be, and based on what we've been able to evaluate, this is what we're going to give you to enhance the services. The enhancement of services is really to provide effective representation. It goes beyond just representation as required by (*inaudible*), this is about effective representation. It's about effectively representing a client. It's not good enough anymore to just represent someone. You better do your damn best at doing what you're doing. So we're going to give you these monies but it's based already on what your County provides for the basics and that's how they've cut it down. I will say though Dan, one of the things that they been able to do and they give us and Maddie can tell you this is that, ILS lets us go back after the year is up, let's say, so let's say we're in 2022, if we don't use, let's say if we have \$10,000 set aside of ILS monies for technology, let's say we only use \$7,500, they'll allow us to amend that to take the extra \$2,500 and put it towards something, perhaps another area in our department that we use more than we anticipated. So, it's a constant adjustment quite frankly from year to year and that's because we have a department, we can't anticipate always our caseloads. We can't anticipate the types of cases we may do. Every time you get a major case, it can cost – it's difficult to anticipate what the cost may end up being. We can get a pretty good idea and over the years the County's share has been developed to the point that well, this is pretty much what it takes to run a Public Defender's office in Chautauqua County and every year you might see it go up a little bit because of increased caseloads and you might have to hire an additional Assistant PD or maybe a couple of secretaries or something like that but the numbers that we have right now for local share, even if those change, we can't touch it. We have to keep it right where it is because the monies they are giving us are based on that number that we have provided already. Like I said, if things change with those numbers, ILS is going to amend the grants they are giving us. I know that wasn't the short answer but it's an answer. But it really is a very fluid situation and thank God ILS allows us that opportunity to go back and to amend that. That's one of the things that it's extremely important. As a matter of fact, I will tell ya I'm working with Maddie right now and Pierre has been involved and he emailed me a couple of weeks ago about

one of the distributions that we're trying to get done right now so that the County can get their share. I sat down with Maddie just the other day and there was a figure for overtime and this was one of the ILS grants. We had set aside \$10,000 for this year. Of course, well, there is no overtime this year. It's very limited because of the COVID and everybody knows that one of the things the County didn't want us to do and quite frankly, we tried to adhere to that and we have, hasn't been easy all the time but, to have no overtime. So, what we're going to be able to do now is Maddie, we're readjusting and taking that extra \$10,000 pretty much what we have from that department and we're going to put it in our technology line because we have people that are working from home on a rotating schedule. So, we can now use that money, amend it, but use it somewhere else. So, ILS allows us to do that. But the local share stays the same.

Chairman Niebel: Ned, if I could. Dan, our local share has been about \$1.6 million dollars per year and that it more or less has to stay at that amount, with or without efficiencies. Anything that Ned spends above that is covered by the Hurrell reimbursement. Is that about it Pierre?

Chairman Chagnon: Yes Mr. Chairman that's accurate but I think what we've overlooked here is that with inflation the County's costs should have been going up each year for the last several years and next year and it's not. The County's share stays flat. So even though there may have been some efficiencies that we may have discovered, we've avoided the inflation that certainly would have occurred.

Mr. Barone: That's correct and that's one of the things I was just going to mention. Is that, when I go back to when I was first appointed as Public Defender, I wish I could tell you, I can't remember now, but, our local share has remained relatively the same the last several years. I mean, you haven't seen a real increase to the Public Defender's office at all and our caseloads, we have one, this is not me just blowing smoke here, our caseload in Chautauqua County for the Public Defender's office is one of the highest of all Public Defender's offices in New York State outside of the 5 boroughs. That's an actual fact so our caseloads keep going up. It's not just the criminal division but our caseloads in Family Court and that's one of the things, the Hurrell monies does not cover Family court. Hurrell monies cover only enhancement of criminal representation services. So Family court though, we've been able to maintain the same share, local share in Family court as we have over the last several years because of the Hurrell monies and us being able to navigate those waters by directing a lot of our resources more to the Family court rather than Criminal court. So it's really been a huge benefit because like Pierre said, these additional costs, I have to tell you that our caseloads since I've come on have almost doubled. So if you take a look at what our budget was let's say in 2012 to what it is now, you haven't seen hardly any increase at all. The services my department provides, there's not a comparison to where we were when I first came on, not a comparison. The services and that's one thing that I am very proud of is that even though our local share has remained the same, we've been able to provide services to double the caseload at not only representing a vast majority of new clients, but we've been able to enhance the services. Our acquittal rate again, a proven fact, is one of the highest among Public Defender offices throughout the entire State of New York. That's a proven fact. That was provided by ILS. Not only that, but the number of clients we represent and the quality of representation that we provide is bar none and that I'm most proud. Again, it's at no additional cost to the County. It's all been because of ILS monies. I mean, it's a pretty amazing

opportunity that we've had because of the ILS grants. Again, I'm not sure what the future will hold but we've been able to do that and still maintain the cost of where we've been. It's been challenging, no question about it and of course, it's not always easy when your services increase. For the first time ever for all of you Legislators from the north end of the County, the first time ever in Chautauqua County history, you now have a Public Defender's office in the north end. We opened up our satellite office at City Hall through the work of Mayor Rosas and through our Legislators and through other officials in the County, we now have an office right next to the Courtroom in Dunkirk. It's staffed, I might add, by every attorney and staff member who are bilingual. So the services we can provide to the north end of the County have never been there before. We have our offices in Jamestown, completely staffed office where we have 70% of our caseload coming out of. So the services that we have been able to provide at no additional cost to the County has been like I said, one of the most tremendous and gratifying things that, at least myself as a Public Defender or any one of us or any of the elected officials in this County could experience. And it's really a credit to the County and a credit to the State to be able to put this together.

Chairman Niebel: Ned, let me see if I have this straight. You have one of the highest caseloads in the State but you also have one of the highest acquittal rates too?

Mr. Barone: Yes, absolutely. Highest trial rates and highest acquittal rates.

Chairman Niebel: That's amazing.

Mr. Barone: Yea, it is and I think more than anything else it's because of the – you know, when I first came on in 2012, we only had, I think, one full time Assistant Public Defender. Chuck can tell you this, he was around. (*cross talk*) yes, that's right and so you guys know where we came from. We came from a very limited office and now we have 15 full – every one of the attorneys including myself now are all full time attorneys. So we have now 15 criminal division attorneys, we have three full time attorneys in our Family court division not to mention that we have three investigators, an eligibility examiners, we have legal secretaries, we have a database officer, we have the ability and open slots to hire our own caseworkers for mental health, drug addiction because the approach now to every indigent provider in the State, really is based on the Bronx(?) defender's office and that's a holistic approach. When we get clients and part of the problem Dan is that sometimes the cost may be a little skewed in one area and you have to go back and amend because you have unanticipated costs because of the holistic approach to the representation. When we get a client, we no longer just take his case, open up a criminal file and go and represent him in court. There are issues about mental health, there's issue with drug addiction, there's a number of different issues. A lot of our clients don't have somewhere to go. With the new bail reforms and the new discovery, the court will call us up and say we're thinking of releasing this person but we understand that he doesn't have a place to live. This came up just the other day. But the whole idea is that we're now representing the entire County much more, I think without question, much more effectively, our response to clients and their needs. Our office now without a doubt is 24/7. We're going 24 hours a day. My office, including myself, we're appearing at arraignments 24/7. The District Attorney doesn't have to do that, no one else does, our office does as required by Office of Court Administration. Every time somebody is arrested they have to be brought in front of a Magistrate that day. Night time, day

time, weekends, Christmas day. I appeared last Christmas to do the arraignments in Jamestown City Court. So, we're working all the time. We have a staff and because of the monies and the local share that we get and continue to get and because of the ILS monies, I have an opportunity, every Public Defender does now in the State to hire people who are really committed to doing this work and they have to be. Because our job isn't 9 to 5 and our job isn't just working in particular areas. We're all over covering things all day long and into the evening.

Legislator Nazzaro: I have a question about the Hurrell grant. We've talked about this many times Ned, it's a five year grant, correct?

Mr. Barone: Yes.

Legislator Nazzaro: So 2021, is that year three?

Mr. Barone: That's year three yes. 2022, is four, and 2023 is five.

Legislator Nazzaro: I understand that you cannot reduce the local share and the Hurrell grant covers all these expenses. Refresh my mind, what was the total grant award and how much have we used and is it inflation adjusted the grant or – my question really goes, like in year 4 and 5, are we using a lot now and are we at risk of not having enough available in 2022 and 2023? Just high level go over the numbers.

Mr. Barone: The Hurrell settlement monies is a 5 year plan so the total amount for the 5 year plan is \$15,200,000, approximately and it's broken down or divided over the five years. Now on top of that, we've had additional supplemental grants that we've received in addition to that. For example, the one we're working on right now, is that the \$89,000 distribution (*inaudible*).

Ms. Contiguglia: We're working on nine and ten right now for distribution.

Mr. Barone: Even though we have the monies and again, Pierre is aware of this, but, there is a lag time between the monies being used and when we actually get them and the County gets them. But we've been caught up pretty well. Maddie, could you explain to Chuck the total amounts?

Ms. Contiguglia: Yes, I can touch on that. So we had distribution seven which the term years are 2017 to the end of 2019 and for the three year totals its \$89,973 per year. For year one that has been claimed and paid for so we've gotten the funds for that. Years 2 and 3 have been claimed and they are pending review of ILS so we have not received the money yet but we're working on it. I just heard the other day from ILS that they have finished processing the year two claim and we should be receiving the money very shortly. Same for year three, they've received the claims, they are processing it. If you have any questions for me, they always contact me and I will send them any additional information that they need so we should be getting years two and three very shortly. Distribution 8 we're in right now. The contract terms are from January 1, 2018 to the end of this year. I have submitted years one and two for pending approval and we have not received any of the money yet but they have contacted me both about years one and two

and had just a few additional questions and I've sent them all the information so we're just waiting on approval and payment of those. Year three we're currently in so I have not submitted the claim for that yet but I will be doing that at the end of the contract year which is in December. We've had Upstate Quality which is a \$300,000 grant. I've submitted all three years of Upstate Quality and we should be receiving the money soon pending approval. They might have a few questions but we should be getting that very shortly. We also had Aid to Defense which the contract just ended a couple of weeks ago, not even, just a couple of days ago actually. The end was September 30th, so I have submitted that claim and the total was approximately \$12,000. It was a little bit more than \$12,000 but we're waiting for the approval and money from that. We have distribution 9 which has gone to ILS and has been sent back to us for the County Executive's approval and the Legislature approval. So as soon as we get approval and signatures from ILS and from the County, we'll have that funding and I'll start working on that grant. It started in 2019 and it goes until the end of 2021. Distribution 10, it would have started this year in 2020 and it will go until the end of 2022. I'm currently working on that budget because like Ned said, we had to change some of the lines because like we don't have overtime costs for \$10,000 this year and I don't believe that we'll have overtime for the next few years. So I'm changing the lines a little bit and increasing the lines for I think more technology costs and maybe some more funding for an Assistant PD and possibly just covering more costs for our staffing that is not covered under Hurrell. So the distributions are allowed to cover funding for anybody that's not paid for by the Hurrell grant. So it's part of the local share. It's allowing us to pay for money that would be part of the local share. Then the Hurrell grant, the first year the budget was a million dollars, the second year the budget is \$2 million dollars and it continues to increase by a million dollars every year. So the first year would be a million, the second year is \$2 million, the third year is \$3 million, the fourth year is \$4 million and the fifth year is \$5 million dollars. I'm working on the claims submissions for year one and we're currently working on the budgets for year 2 and year 3.

Legislator Nazzaro: I'm impressed. You are well prepared. I was thinking back in my former life and I would have loved to have someone like you working for me (*cross talk*). Very well done. Going back to the Hurrell grant, so the total award was \$15,200,000 so in our 2021 budget, when I look at the New York State aid of \$3.6 million, of that, I'm not sure I will get this right, is \$3 million for the Hurrell grant?

Ms. Contiguglia: Yes.

Legislator Nazzaro: O.k., so three million is in there so obviously it can become a challenge say in year four you went up to \$4 million and year five we go up to \$5 million, so, what I want to make sure was, we're using what we're entitled to and how that was spread out over the five year period. Obviously it's a ramp up –

Ms. Contiguglia: Yea, it increases every year and so it's a –

Mr. Barone: Pretty much doubled.

Ms. Contiguglia: Yes it essentially doubles every year.

Legislator Nazzaro: So obviously we won't know what will happen in 2024?

Mr. Barone: No we don't and the interesting thing because when I asked ILS about that and I'm certainly not a numbers guy, but, I had asked ILS about why it was doubling up and they indicated to me and this was 2 years ago actually, they said, well, that's based on anticipated increases and caseloads and really it's not so much where you'll be in five years, cost wise, but where you should have been right now. The increases or the doubling in grant money which to me, I just couldn't really wrap my head around that, was because of where we started off. Their inability to get those monies to us right off the bat so that they were trying to do is bring us up to speed so to speak, or where we should have been to begin with. That's why you are seeing a doubling and an increase -

Chairman Niebel: Ned, it doesn't double. It increases one million dollars per year for five years.

Mr. Barone: Yes, exactly but the whole idea was to get us up to speed to where we should have been before. For what they consider to be effective representation. That again all goes back to that law suit with the five counties a few years ago in the middle of the State. The Public Defender offices were not providing the standard of representation they should have been providing. But, because of the inability to provide that with the limited funding they had. Maddie broke down, that's how the monies are spread out.

Legislator Nazzaro: So again Ned, we don't know. It's scary to think what will happen when the grant runs out and we can't do anything about that now. But year 6, I don't know if I will be here or not but year 6 will be interesting.

Mr. Barone: That was one of the concerns I know that Pierre when we met a couple of years ago, Pierre, myself, George Borrello, P.J., and three or four of the attorneys from ILS, Pierre asked the question, what happens when these monies, if they run out or you stop giving us the money basically?

Chairman Niebel: Good question.

Mr. Barone: Yea, because we'll have created this monster so to say, and their answer was, look it, that is not your responsibility, you will not have an obligation to continue any one of the positions or enhancements that was created by the Hurrell monies. That's it. So, again, and there is a couple of theories about that and what I've been told. I don't have any inside information but at least from some of the organizations within the State, indigent providers have indicated that you may very well see a lot of those – there is a lot of regionalization going on, especially with our appeal work. For example, when we're getting appeals that have to be assigned out and the Appellate Division sent me every appeal, we don't do them necessarily but what we've done is entered into contracts with Buffalo Legal Aid. So has Wyoming, Genesee, Cattaraugus, Allegheny, and we sent the bulk of our appeal work now to them and they do it. It's a regionalization. Not only do they provide top notch appeal work but they can handle the bulk of them at a lesser cost than what we would. Because if we don't do them, we send them out to private attorneys or we have for years and then they submit a voucher to the County and that's

part of the assigned counsel cost. But you are going to see a lot of these indigent providers being run more and more by the State I believe. There is always been the argument that Gedidian(?) even though it provided for mandated representation, no one ever said it should have been the County that paid for it but rather the State or Federal government, right? So, who knows, but you just don't know.

Chairman Niebel: Ned, you have added quite a few Assistant Public Defenders over the last few years. Have you had any trouble hiring people?

Mr. Barone: Absolutely not. I think that we've got 15, I've hired – there's been –

Chairman Niebel: Plus three Family Court.

Mr. Barone: Yes, out of the 18 including myself, the 18 attorneys, we have two attorneys that have been practicing and residing in Erie County who now live full time in Chautauqua County. Other than that, there's been a few attorneys that have – and the one attorney that I hired quite frankly had been a litigator with New York State Attorney General's office out of the Buffalo Division for 37 years. So he had all kinds of trial experience, litigation experience, criminal defense experience, criminal prosecution defense, and I brought him in which was a great addition and another one was a practicing indigent provider out of Buffalo Legal Aid and she came down from Erie County and works out of the City Court Division so the two people that I brought actually had – were for different reasons but no, we haven't had any issues. As a matter of fact, I had a young man working up in Buffalo with a firm out of Buffalo that is from Westfield, born and raised and had moved up to Buffalo with his girlfriend and son who was just born and he's been back here now for about a year in the County. Back home with his family and he couldn't be happier. He talked to me the other day. So the positions we created have allowed us to keep a lot of young attorneys in the area and get back some young attorneys that were living out of the area that have been able to come back now and work here.

Chairman Niebel: John, did you hear that, a person from Westfield.

Legislator Hemmer: Yea.

Mr. Barone: Actually, I have another – someone that was an Assistant District Attorney that left that office and came over and has been in our office for the last year who's from Westfield too. So I have a couple of Westfield people.

Legislator Hemmer: Thank you.

Chairman Niebel: Committee members, any further questions of the Public Defender's office?

Legislator Gould: I always have a few you know. You have a lot of other stuff in your budget here. Other supplies, I assume that's more computers, Jon? Jon, are you with us?

Mr. DeAngelo: So you are asking about the Public Defender. They are scheduled for 4 PC's next year that's all. Again, they might have some other equipment that they would like upgraded and they are allowed to increase that number if they want to but we told them to budget \$2,400 for four PC's next year.

Legislator Gould: Other expenses, 4880. I'm just curious. I hate the word other, it should have never been put in the English language and then we wouldn't have this problem.

Mr. Barone: The other expenses is a combination of different things. But I think the bulk of those quite frankly and I apologize but I had to go back and double check with Seneca, the other expenses would include expert witness fees or expert fees. Now, I will tell you that and that's always difficult. I try to go back to the previous year and take a look at what we might have spent and anticipated cost for future things. Now you are seeing a substantial amount there but I got to be, like I said, upfront, it's always difficult to gage where we're going to be. Our experts would be for example, one of the more substantial costs for experts is our DNA expert who I retained through the County and our forensic psychiatrist. Now our forensic psychiatrist, we use for 99% of our cases is out of Buffalo. Our DNA expert is out of Erie, PA. What we do is and what's been required by the Appellate and Court of Appeals in New York State to make sure that you are providing effective representation. No longer can you just sometime say well, this is a complicated case or it's a murder case, let's bring in our DNA guy and let him – get everything to him. So our discovery, when we get any discovery on any case that may involve either DNA, what I have to do is take that and I send it to our DNA expert who's already on retainer but then will submit a bill after and he's got to review it for us and advise us if there is any issues with that DNA. If you don't do that, that could be considered to be ineffective assistance to counsel and the ultimate thing, obviously you are trying to provide the best representation but ultimately if that client is convicted and the case goes up on appeal, the underlying issue that's put in every appeal is ineffective assistance to counsel. The Court of Appeals has come out and said you are failure to even take that information and provide it to the expert for review is ineffective assistance to counsel, in and of itself. So, we've been put in a position now whether we want to spend it or not, we've got to at least get it for an initial review, then you go from there. So we do that with our DNA. The other issue that has become a hot bed is the mental health of clients and the ability to proceed to trial or other issues that come up because of the Drug Courts, the mental health courts, those sorts of things. So we have a forensic psychiatrist on retainer that reviews all mental health issues and comes down to the County and does interviews of those particular clients on a case by case basis and then provides us with information. I also have experts that I keep on line for our pathologist for any autopsy reviews, death reviews, things of that nature. I've got ballistic experts that I use on a regular basis and provide materials. We have digital experts that we provide information to. For example, the downloading of any cell phone that's picked up with clients now. We'll send that out for review so the expert, there is so many different things.

Legislator Gould: I was just curious.

Mr. Barone: I understand completely. Some of those figures, we do have some funding from Hurrell for technology too, but like Jon DeAngelo indicated, I just talked to him the other day, one of the other thing that we try and anticipate that's not under other but is the – I broke

our office down into a rotating schedule for in-house appearances by attorneys and staff. One of the things that I was trying to avoid if someone got exposed to COVID, I didn't want the entire office being knocked out. So we went on a rotating schedule but at the same time, even they are not in the office on their particular day, they are required to be at home available and working which means, and I asked Jon about this, is, if we need to get even a Clerk on a rotating basis can we get them set up with the technology at home.

Legislator Gould: And the answer was yes.

Mr. Barone: Yes. Jon, said whatever you need. He's been great and I know that he's been overwhelmed, the I.T. department. We've been keeping him pretty busy.

Legislator Gould: Not just you, the whole County has.

Mr. Barone: Yes, that is what I understand.

Legislator Gould: I do appreciate you bringing us out of the dark age that we were in in 2012, believe me. I went through a lot of it.

Mr. Barone: I know you did and you and me go way back quite a bit with that and some of the other Legislators. I've often said that, we're only where we are right now it's because of the Legislature. I'm not just saying that but I know my department has had tremendous support from this Legislature and from the County. It really has been a bipartisan effort which I appreciate and it's been about the community. However well my office does and the department does overall, it's a reflection on the entire County. It's just good business. I work well with, for example, the Sheriff stopped me on the way out and wants to talk to me about some issues that have come up with arraignments. His department quite frankly has been tremendous with what he's been able to do for us and our clients over at the Jail. He's had a difficult time but it's about each department working hand in hand and doing the best we can. No, I appreciate and thanks for the opportunity to be able to do this. I get really excited when I have the chance to get these things done because for someone like myself, there is nothing more I enjoy than doing this type of work and the indigent defense because you can make a tremendous difference with people and their lives and the community. So it's about that and –

Legislator Gould: It sure showed that.

Mr. Barone: I have a tremendous staff, great group of people over there and I think that we all get along. Like I said, the figures we put together, we're trying to do the best we can giving the situation and I'm happy that we've been able to maintain the budget. I did go back and take a quick look and I saw that our 2018 budget amount was \$1,801,000 and our 2020 adopted budget for this year was \$1,615,000 which is the same for next year so actually the local share is almost a couple of hundred thousand less than what it was a couple of years ago. I think that's a tremendous reflection – when our department has almost quadrupled and our caseload has almost doubled and we now represent everybody throughout the County, it's a tremendous reflection on this body and the County government. So, that's pretty exciting I think. You are not going to see a lot of departments that can say that or agencies.

Chairman Niebel: Ned, you and the Public Defender's office has been doing a great job for us. We really appreciate it. Any further questions of the Public Defender's office?

Legislator Whitford: I have one. Now, you've touched repeatedly on effective defense and that's what you have to provide to receive these funds from the Hurrell and you have to submit a request for those funds periodically so in that request, do you have to have a portion of result driven effective defense? I mean, I understand that – you explained how effective you have been but is there a risk if they deem that you aren't carrying out this effective defense that you have been repeatedly. Are there any other counties at risk of losing this? I mean, from what you are saying, it sounds like it's automatic, it's going to be \$1 million, \$2, \$3, \$4, \$5 million. But there is more to it than that, isn't there?

Mr. Barone: That's a good question Paul because and I know I've sat down with Maddie and we've taken a look at some of these things and tried to make some adjustments and one of the ways that ILS will deal with this issue of effective representation is by going back from year to year and that's why Maddie was hired. Part of the reason. She collects all the data. For example, how many knew violent felonies occurred in Chautauqua County for this period of time during the year? How many cases perhaps were town misdemeanor cases, or whatever it is? But a big bulk of her job is data driven and it's collecting that data from our work here in the County and then Maddie will take it and send it over to ILS and kind of complete their requirements, their forms, their numbers, that data. It's a continuous type of collection and she's always on the phone with ILS giving them numbers and things. They are taking a look too and one of the things was the counsel of first appearance which is required by New York State Office of Court Administration. Again, that in and of itself, I can't tell you what it would cost our County, local share, in order for us to carry that requirement out. I don't even know, it would be hundreds of thousands of dollars that it would cost our County and we've been able to wrap that up into the Hurrell which wasn't expected but we did it and ILS was all for it. But that required of course to get the numbers. We had to provide them with how many arraignments we were doing, how many we were appearing at, how many people were being released, all those different things. The most difficult thing quite frankly Paul, there is no black and white as to what effective representation is. It's a gray area, it's an individual type of thing.

Legislator Whitford: Subjective.

Mr. Barone: Very subjective. What could be effective, even though someone may have ended up taking a plea or being convicted of a crime, may on it appearance not look like effective representation but the reality is, it might very well be because the consequences are what he was looking at were much more substantial than what happened. So there is no real danger quite frankly and I hate to say that but as far as ILS is concerned, they are not going to – the one danger we have of not getting the funding that we've been contracted to or promised is by not providing them with the information or the data that we're required to give them. They are not going to hold us – they can look at those numbers and see what kind of work we're doing because our data base is, at any time I can generate and tell you to the case, how many felonies we've had so far, how many convictions we've had, what those convictions have been for, all those number of things. There is a whole host of – there is all kinds of data that we're required to keep and provide to the State and for our own benefit because we have to know where to put our

resources. But, yea, it's a very subjective thing. The one thing that you might want to look at and again, I hate to say this but it's the reality. If you want to take a look maybe at ineffective assistance of counsel, two things. Number one is, appeals that are sent back to the County in which they originated. So let's say we do a trial or we represent someone and that is appealed up to the Appellate Division or it goes to the Court of Appeals and they send it back and overturn a conviction or send it back for ineffective assistance to counsel. That would be right there in the courts view or standard and that could be for a number of reasons and it's not necessarily anything intention, things can happen during trials, things can happen during representation, you try and cover everything but at least, and I have done this for a lot of years and I've done a lot of trials, I can even tell you how many I've done but when I get done, there is not a trial that I don't walk out of, conviction or acquittal that I don't do my post mortem. I sit there for days afterwards and say, you know, I should have done this, why didn't I do that, I should have asked this, how come I didn't call – so that is always being questioned. Number two, the other thing to take a look at with effective assistance to counsel and this goes to the assigned counsel. One of the things that ILS has tried to implement through their grant monies and through our department and with the help of local County help is the assigned attorneys on cases. They want to make sure that assigned attorneys aren't just taking assignments and just kind of boiler plating their defense of that individual. By not doing proper motions, not doing the required work, not doing an investigation, not hiring an expert, whatever it may be because ultimately that comes back to bite that client in the ass because they are not getting the representation they should. What ILS is trying to do is not only with each indigent provider but with private attorneys getting assigned the work as well.

Chairman Niebel: Paul, you all set?

Legislator Whitford: All set.

Chairman Niebel: Members, any further questions of Mr. Barone or the Public Defender's office?

Mrs. Dennison: I know we're over time but I have a quick question. So Ned if you can tell me, I'm just curious, in one minute or less you can answer this question, before you came I had to present the budget for indigent services for child custody. We have a contract with Legal Assistance of Western New York for Family Court representation that contracts are administered by the County Attorney's office but I don't know how that differs from what you do in Family Court.

Mr. Barone: That's a different agency. The Legal Assistance of Western New York, they are a group out of Buffalo, Erie County and what they do is, they actually – they are not assigned counsel, I don't believe but rather their an agency that provides attorneys for pro say type of representation at each Family Court. It actually was a Federal thing that started off years ago. In Buffalo for example, the Federal Court, if you went up there and you were handling a matter in Federal Court, they would always have an attorney that specialized in Federal practice. He had an office in the Federal Court House that if you were a pro say individual that was handling his own case, you could go in there ask that attorney questions, he could help you out, provide you with forms, whatever you needed and that's Legal Aid of Western New York. Now Legal Aid of

Western New York is actually an office and have several attorneys through the Southern Tier and they do child custody but they are an indigent provider as well. So they would be more similar. They are not assigned counsel but more similar to our office as an indigent provider. But I believe they are on contract with the County, right?

Mrs. Dennison: Correct.

Mr. Barone: Yea, because the County decided to take their caseload, some of their cases and contract them out to Legal Aid of Western New York, right?

Mrs. Dennison: I don't know. I just know we have the contract. So you are saying cases that we would normally handle by our County Attorneys, they are handled by the outside service instead?

Mr. Barone: Right.

Chairman Niebel: Kathleen, I think it's supervised by Steve. I mean, he's –

Mr. Barone: Yea, and those would have been cases that we are privy to or that – because when cases show up in Family Court, you've got a number of different individuals that have to be represented even on just a simple custody case. You could have the Dad, the Mom, a grandparent, you have the child advocates involved, a number of different people. So I know the County decided to contract some of that work out. I'm not sure what the financial relationship is between the County and that organization but, they actually relieve the County of some of that responsibility. It would be contracting your work out basically is what it's doing.

Chairman Niebel: Are you o.k. Kathleen?

Mrs. Dennison: That's helpful, thanks.

Chairman Niebel: Folks, anything else? If not, Ned, Seneca, Madeline, thank you for being with us this afternoon and thank you for all the work you do and great job. Keep up the good work.

Mr. Barone: Thank you very much everybody.

Chairman Niebel: O.k., that concludes the business that we've had before Public Safety here today. I'll entertain a motion to adjourn.

MOVED by Legislator Bankoski, SECONDED by Legislator Hemmer

Unanimously Carried (1:08 p.m.)

Respectfully Submitted and transcribed,
Kathy Tampio, Clerk/Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer