



ADMINISTRATION COMMITTEE AGENDA
FEBRUARY 12, 2024
5:30 PM

- 1. Call to Order**
 - a. Godfrey, Nemi, Bradt, Elder, Myers, Robins, Voccio
- 2. Approval of Minutes of January 16, 2024**
- 3. Economic Development**
 - a. Reappropriate Grant Funds Brownfields Assessment
 - b. Create Niagara County Façade Program 2.0
 - c. Resolution to Provide Funding for Upgraded Fish Stocking Pens
- 4. Community Safety and Security Committee Agenda**
- 5. Community Services Committee Agenda**
- 6. Infrastructure Committee Agenda**
- 7. Treasurer's Office**
 - a. Distribution of Sales Tax Budget Modification
 - b. Formal Policy Adoption as Required by GASB (Governmental Accounting Standards Board)
 - c. Leases and Subscription Based IT Arrangements Budget Modification
- 8. Information and Adjournment**

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
January 16, 2024
5:30 PM**

	ADMINISTRATION	STAFF	OTHERS
PRESENT:	D. Godfrey A. Nemi J. Elder I. Myers C. Robins C. Voccio R. Wydysh	R. Updegrove D. Huntington C. Joerg K. Alexander K. Andrews P. Lopes J. Pitaressi J. Shoemaker K. Schuler H. Soles	A. Klyczek, Economic Development M. Dunn, Sheriff's Office D. Blackley, Public Defender D. LaRock, Probation J. Schultz, Fire Coordinator C. Wilkins, Mental Health J. Gaston, Parks N. Allen, Engineering D. Timm, Refuse D. Quinn, Public Works W. Flynn, Information Technology
EXCUSED:	R. Bradt		

1. Call to Order

Chairman D. Godfrey called the meeting of the Administration Committee to order at 5:31 p.m.

2. Approval of Minutes

Chairman D. Godfrey asked for the approval of the minutes to the meeting of November 27, 2023. The minutes were approved by A. Nemi. C. Robins seconded them. The minutes passed unanimously.

3. Economic Development

- a. Resolution for the Creation of the Niagara County Production Program – D. Godfrey made a motion. I. Myers seconded it. Passed unanimously.
- b. Authorization to Convey Certain Tax Liens to Niagara Orleans Land Improvement Corporation – C. Robins made a motion. C. Voccio seconded it. Passed unanimously.

4. Community Safety and Security Committee Agenda

- a. **Office of the Sheriff**
 - i. Budget Modification - Asset Forfeiture Funds Drug Task Force Vehicle and K9
 - ii. Federal Equitable Sharing Annual Recertification
 - iii. Budget Modification – Stop DWI Foundation Grant
 - iv. Budget Modification – Accept Police Traffic Services Grant
 - v. Accept Forensic Laboratory Coverdell Grant
 - vi. Budget Modification – Stop DWI Funds for District Attorney Office
 - vii. Budget Modification – BJA FY23 Paul Coverdell Forensic Science Improvement Grant
 - viii. Committee Approval – Apply for Easthill Foundation Grant

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- b. **Public Defender**
 - i. Aid to Defense Program Renewal 2023-2024
 - ii. Waiver of Residency Request Assistant Public Defender Position
 - iii. Waiver of Residency Request Director of Social Work Position
- c. **Probation**
 - i. Budget Modification – NYS Pretrial Services Award
- d. **Office of Emergency Services**
 - i. Appointment of Deputy Fire Coordinator for Technical Rescue Team (TRT)

J. Elder made a motion. I. Myers seconded it. Passed unanimously.

5. Community Services Committee Agenda

- a. **Mental Health Department**
 - i. Budget Modification – Abolish Full Time Licensed Clinician Position/Create and Fill Full Time Community Mental Health Aide Position
 - ii. Budget Modification – Create and Fill Full Time Licensed Professional Nurse Position

D. Godfrey made a motion. C. Voccio seconded it. Passed unanimously.

6. Infrastructure Committee Agenda

- a. **Refuse/Environmental/Solid Waste**
 - i. Approval for MOU with NYSERDA
 - ii. Approval for One Year Contract Extension with GHD
- b. **Buildings & Grounds**
 - i. Award of Contract Niagara County Court House Roof Top Unit Replacement
- c. **Parks**
 - i. Approval for Golf Course Logo
 - ii. Approval for Golf Course Rate Changes 2024
 - iii. Drainage for Niagara County Golf Course Driving Range Project – Change Order No.2 – Final
- d. **Engineering**
 - i. NYSDOT Offer of Settlement – Oppenheim Entrance Revision EPN2010
 - ii. Purchase of Property at 6595 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - iii. Purchase of Property at 6597 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - iv. Purchase of Property at 6599 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - v. Purchase of Property at 6658 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - vi. Purchase of Property at 6659 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - vii. Purchase of Property at 6592 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - viii. Purchase of Property at 6598 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - ix. Purchase of Property at 6638 Rapids Rd, Lockport, NY for the Rapids Rd Project
 - x. Krull Park Shoreline Wall and Bank Reconstruction Project Change Order No. 1
 - xi. Angelo DelSignore Roof Replacement – Change Order No. 1
 - xii. Royalton Center Road Bridge over Mud Creek Bridge Replacement Consultant Amendment No. 1

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- xiii. Willow Bridge over the East Branch of Twelve Mile Creek Consultant Amendment No. 1
- xiv. Hunt Street Bridge over Bergholz Creek Consultant Amendment No. 1
- xv. Façade Assessment/Design Services – 111 Main Street Amendment No.1 – Final
- xvi. Krull Park Paving Project Change Order No. 1 – Final
- xvii. Slayton Settlement Road Rehabilitation Change Order No. 1- Final
- xviii. Preventative Maintenance of Two Bridges Change Order No. 2 – Final
- xix. Culvert Linings 2023 Change Order No. 2 – Final
- xx. Shared Services Agreement for Stormwater Management Consultant Amendment No. 1 – Final
- xxi. Uncompleted Work Agreement – Slayton Settlement Road Rehabilitation Project
- xxii. Johnson Creek Road over Golden Hill Creek Bridge Replacement Consultant Amendment No. 1
- xxiii. Shared Services Agreement for Stormwater Management Coordinator
- xxiv. Create and Fill one Senior Engineering Aide Position
- xxv. Award Consultant Contract – Design of Amphitheater at Royalton Ravine Park
- xxvi. Award of Contract – Royalton Ravine Front Buildout
- xxvii. Public Works Facility - Informational
- e. **Highway**
 - i. Highway Expenditures of County Road Fund Monies
- f. **Public Works Administration**
 - i. Capital Project Close Out and Reallocation
 - ii. Capital Projects Budget Modification
- g. **Public Works Projects to be Let – Informational**
 - i. Weed Control
 - ii. Striping
 - iii. Highway Materials

NCLEA at NCCC Update - Informational

C. Robins made a motion. A. Nemi seconded it. Passed unanimously.

7. Real Property

- a. Resolution for EagleView Sole Source for Aerial Imagery, Geospatial Data and Analytics
- b. Authorization for Real Property Tax Refunds/Corrections - 2024

I. Myers made a motion. C. Voccio seconded it. Passed unanimously.

8. County Attorney

- a. Authorize an Exception to the Residency Requirement for John S. Sansone Assistant Niagara County Attorney – A. Nemi made a motion. C. Robins seconded it. Passed unanimously.
- b. Resolution of Niagara County Authorizing the Retention of Napoli Shkolnik, PLLC – I. Myers made a motion. C. Voccio seconded it. Passed unanimously.

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
January 16, 2024
5:30 PM**

9. Adjournment

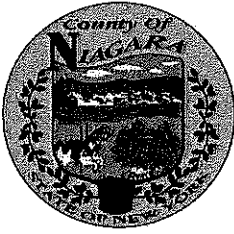
A motion was made by A. Nemi to adjourn. J. Elder seconded it. Passed unanimously. The Administration Committee meeting adjourned at 6:20 p.m.

Minutes Transcribed By:

Heather Soles, Budget Assistant
Office of Management & Budget

Minutes Approved By:

David E. Godfrey, Chairman
Administration Committee



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date:

February 5, 2024

Department Submitting agenda item:

Economic Development

Date of Committee Meeting: February 12, 2024

Title: Budget Modification – Reappropriate Grant Funds Brownfields Assessment

Brief Summary: Niagara County received brownfield grant funding from USEPA to conduct brownfield site assessments. More money was spent than anticipated from the 2023 budget. A budget modification to decrease the 2024 budget by \$14,065 will allow for an accurate reflection of remaining grant funds.

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs: The grant is 100% federally funded with no local match required

Benefits & Risks: Funding will allow the County to finish environmental site assessments.

**BUDGET MODIFICATION – REAPPROPRIATE GRANT FUNDS
BROWNFIELDS ASSESSMENT**

WHEREAS, Resolution ED-019-21 authorized acceptance of a grant in the amount of Three Hundred Thousand Dollars (\$300,000) from the United States Environmental Protection Agency for a Brownfield Assessment Project that is 100% reimbursable, and

WHEREAS, Fifteen Thousand Eighty Three Dollars (\$15,083) was budgeted for the 2024 Budget, and

WHEREAS, more money was spent than anticipated from the 2023 Budget, in the amount of Fourteen Thousand Sixty Five Dollars (\$14,065), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

DECREASE REVENUE:

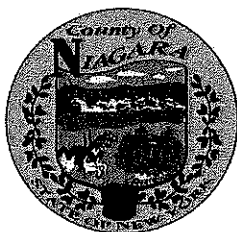
CM.28.6989.611.44989.04	Other Home and Community Services EPA Brownfield Revenue	\$14,065
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DECREASE APPROPRIATION:

CM.28.6989.611.71050.00	Overtime Expense	\$2,224
CM.28.6989.611.74300.01	Reimbursements Travel, Conference	\$3,252
CM.28.6989.611.74500.01	Contractual Expenses	\$7,991
CM.28.6989.611.78100.00	Retirement Expense	\$ 380
CM.28.6989.611.78200.00	FICA Expense	\$ 170
CM.28.6989.611.78300.00	Worker's Compensation	\$ 48

ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date:

February 6, 2024

Department Submitting agenda item: Economic Development

Date of Committee Meeting: February 12, 2024

Title: Department of Economic Development Create Niagara County Façade Program 2.0

Brief Summary: The Department of Economic Development will utilize funding from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) for the Niagara County Façade Program 2.0. Funding will be allocated through matching grants for redevelopment of small business facades along Niagara County commercial corridors. This program will assist businesses which suffered negative economic impacts as a result of the COVID-19 pandemic.

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs:

Benefits & Risks:

**DEPARTMENT OF ECONOMIC DEVELOPMENT
CREATE NIAGARA COUNTY FAÇADE PROGRAM 2.0**

WHEREAS, Niagara County has received funds from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), a part of the American Rescue Plan Act, and

WHEREAS, the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), American Rescue Plan Act, Small Business Economic Assistance, provides aid for small businesses to respond to the negative economic impacts of the COVID-19 public health crisis, and

WHEREAS, the Niagara County Legislature recognizes the continued importance of exterior capital improvements to individual businesses and business districts and the positive impact that these upgrades create, and

WHEREAS, the Niagara County Legislature will allocate funding for the redevelopment of small business facades along our commercial corridors, for those businesses which suffered negative economic impact as a result of the COVID-19 public health emergency, and

WHEREAS, the Department of Economic Development will implement the Niagara County Façade Program 2.0 to facilitate said investment, within the parameters of the American Rescue Plan, and

WHEREAS, the Department of Economic Development hereby requests that the Niagara County Legislature allocate \$XXXX towards the creation of the Niagara County Façade Program 2.0, now, therefore, be it

RESOLVED, that the following budget modification be effectuated and capital project created:

INCREASE REVENUE:

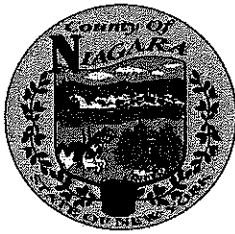
A.28.8020.815 44089.07	ARPA State/Local Rec Fund	\$XXXX
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INCREASE APPROPRIATIONS:

A.28.8020.815 74500.01	Contractual	\$XXXX
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ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: February 12, 2024

Department Submitting agenda item: Economic Development

Date of Committee Meeting: February 12, 2024

Title: Resolution to Provide Funding for Upgraded Fish Stocking Pens

Brief Summary: Funding will assist with maintenance and upgrades of the current fish pens in Niagara County. These upgrades will help ensure a successful spring fish raising and releasing program.

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs:

Benefits & Risks:

RESOLUTION TO PROVIDE FUNDING FOR UPGRADED FISH STOCKING PENS

WHEREAS, Niagara County has a long and proud history of supporting sportfishing along the shores of Lake Ontario and tributaries associated with the lake, and

WHEREAS, our Sportfishing Coordinator and Niagara County Fisheries Board collaborate with outside organizations to promote sportfishing and also to advance the fishery by breeding/stocking hundreds of thousands of Salmon and Trout every year, and

WHEREAS, Lake Ontario Trout and Salmon Association (LOTSAs) is an association that volunteers time to manage the salmon/trout pen rearing project at 3 locations in Niagara County; Youngstown, Wilson, and Olcott, and

WHEREAS, maintenance and upgrades are required on the current fish pens to have a successful Spring fish raising and releasing program, and

WHEREAS, a Fishing Derby Account TA 2085.07 within the Treasurer's office was created decades ago and contains funds to be used toward sportfishing, now, therefore, be it

RESOLVED, that the Niagara County Legislature direct the County Treasurer to issue a check from the General Trust Account TA 2085.07 in the amount of \$4,000 payable to Lake Ontario Trout and Salmon Association for the repair and replacement of fish stocking pens.

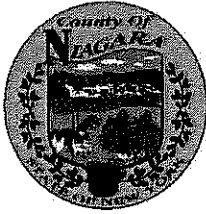
ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE



COMMUNITY SAFETY AND SECURITY COMMITTEE AGENDA February 12, 2024

1. Call to Order
 - a. Hill, Godfrey, Abbott, Bradt, Elder, Robins, McKimmie
2. Approval of minutes from previous meeting
3. Sheriff
 - Res. – Standardization of Thermo Fisher Scientific's Applied Biosystems Software for Human Identification.**
 - Res. – Disposition of Tactical Ground Robot.**
 - Res. – Accept OVW Enhanced Training and Services to End Abuse in Later Life Grant.**
 - Res. – Budget Mod. – 2023 Statewide Interoperable Communications Formula Grant.**
 - Res. – Rescind Contract Extension Toxicology Solutions.**
 - Res. – Budget Mod. – FY22 Paul Coverdell Forensic Science Improvements Grant.**
 - Res. – Budget Mod. – Accept Gun Involved Violence Elimination Grant Budget Modification.**
 - Res. – Budget Mod. – Domestic Terrorism Prevention Grant and Sole Source OCV.LLC/TheSheriffApp.com for Project.**
4. Fire Coord/Emerg. Svcs.
 - Res. – Budget Mod. – Rollover 2023 Homeland Security Unspent Funds.**
 - Res. – Expenditure of Cellular E911 Funds to Remove and Install Vertical Pivoting Gate at the Public Safety Training Facility**
5. Conflict & Assigned Counsel
 - Res. – Waiver of Residency Requirement**



Community Services Committee

AGENDA - Meeting of February 12, 2024

1. Call to Order

- a) Bradt, Elder, Gooch, Godfrey, Nemi, Robins, Voccio

2. Approval of Minutes of January 16, 2024

3. Office of Public Health

- a) Budget Modification – Reappropriate Center for Disease Control Funds Emergency Planning Division
- b) Budget Modification – Accept Center for Disease Control Funds Emergency Planning Division
- c) Budget Modification – Reappropriate ELC Covid-19 Response Funds Emergency Planning Division
- d) Budget Modification – Accept ELC Covid-19 Response Funds Emergency Planning Division
- e) Budget Modification – Reappropriate Vaccine Response Grant Funds Nursing Division
- f) Budget Modification – Accept Vaccine Response Grant Funds Nursing Division
- g) Budget Modification – Reappropriate Disabilities Grant Funds Emergency Planning Division
- h) Budget Modification – Reappropriate Medical Reserve Corps Funds Emergency Planning
- i) Budget Modification – Accept Medical Reserve Corps Funds Emergency Planning
- j) Budget Modification – Accept New York State Association Of County Health Officials Funds Emergency Planning Division
- k) Resolution to participate in and receive funds from NYS Frontline Health Care Worker Bonus Program Third & Fourth Vesting Periods
- l) Abolish Principal Public Health Engineer/Create & Fill Supervising Public Health Engineer

4. Office of Social Services

- a) Budget Modification Rental Supplement Program 2024-2025

5. Office of Mental Health

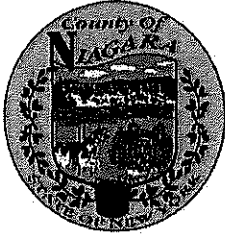
- a) Lease Agreement For 475 South Transit Road
- b) Budget Modification – Opioid Settlement Funds Use – CCSI

- c) Budget Modification - Participate in Healthcare Workers Bonus
- d) Budget Modification - Abolish Full Time Account Clerical II Position/Create And Fill Full Time Clerical III Position

6. Niagara County Clerk's Office

- a) Approval Of A Month-To-Month Payment To Info Quick Solutions Inc.

7. Motion to Adjourn

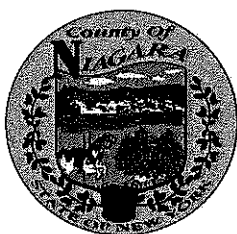


INFRASTRUCTURES COMMITTEE AGENDA
NIAGARA COUNTY COURT HOUSE
LOCKPORT, NEW YORK
TUESDAY FEBRUARY 12, 2024
MEETING NO. 2
5:00 PM

- 1. Call to Order**
 - a. Foti, Myers, Abbott, Bradt, Hill, Robins, Speranza
- 2. Meeting Minutes – Approval**
 - a. January 16, 2024
- 3. Solar – Approval**
 - a. Agreement Between Niagara County and AC Power 15, LLC to Calibrant NY III, LLC
- 4. Building and Grounds – Approval**
 - a. Public Health Lease
- 5. Parks – Approval**
 - a. Polar Bear Swim – Lion’s Club
 - b. Burmaster Lake Environmental Committee
 - c. Change Order
 - i. Waterline Installation Project – Change Order No. 1
 - d. West Canal Marina Boat Reservations – Informational
- 6. Engineering - Approval**
 - a. Bridge NY – Approval
 - i. Local Project Agreement – Stone Rd Bridge over Jeddo Creek – EPN2313
 - ii. Local Project Agreement – Carmen Rd Bridge over Golden Hill Creek – EPN2233
 - b. Award of Contract
 - i. Stone Rd Bridge over Jeddo Creek (CHA Consulting Inc) – EPN2313
 - ii. Carmen Rd Bridge over Golden Hill Creek (CHA Consulting Inc.) – EPN2233
 - c. Change Order – Approval
 - i. Carmen Rd Bridge over Johnson Creek (CHA Consulting, Inc) No. 4 – EPN1509
 - ii. Carmen Rd Bridge over Johnson Creek (Hunting Valley) No. 1-Final - EPN1509
 - iii. Court House 2nd Floor Renovations (LaBella Associates) No. 1 – Final – EPN2208
 - iv. Public Works Facility (C&S Engineers, Inc) – No. 2 - EPN2007
 - v. Angelo DelSignore Civic Roof Replacement (Jameson) – No. 2 – Final – EPN2202

7. Projects to be Let – Informational

- a. Legislative Chambers Sound System
- b. Civic - Court House Cooling Tower



Administration Committee

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Today's Date: February 6, 2024

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: February 7, 2024

Title: Budget Modification – Distribution of Sales Tax

Brief Summary: distribution of sales tax

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs: None

Benefits & Risks:

BUDGET MODIFICATION – DISTRIBUTION OF SALES TAX

WHEREAS, the County Treasurer's Office has reviewed the year-to-date distribution of county-wide sales tax revenue for 2023, and

WHEREAS, sales tax revenue for the fiscal year 2023, the final payment of which was received in January 2024, came in higher than anticipated and must be accrued back to 2023 per Generally Accepted Accounting Principles (GAAP), and

WHEREAS, such unanticipated increase in sales tax revenue has led the County to distribute higher than anticipated amounts of revenue to the local municipalities, and

WHEREAS, budget modifications for the 2023 fiscal year can continue to be made into the first quarter of 2024, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2023 County budget:

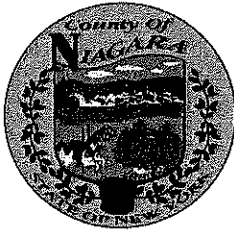
INCREASE ESTIMATED REVENUE:

A.07.1985.000 41110.01 Sales and Use Tax General Distribution	\$7,602,855
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INCREASE APPROPRIATION:

A.07.1985.000 74500.01 Distribution of Sales Tax	\$7,602,855
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ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: February 6, 2024

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: February 7, 2024

Title: Formal Policy Adoption as Required by GASB

Brief Summary: adoption of formal policy as required by GASB

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs: None

Benefits & Risks:

**FORMAL POLICY ADOPTION AS REQUIRED BY GASB
(GOVERNMENTAL ACCOUNTING STANDARDS BOARD)**

WHEREAS, The Governmental Accounting Standards Board (GASB), establishes standards for state and local governmental accounting to improve financial reporting which the County must comply with, and

WHEREAS, the Governmental Accounting Standards Board issued GASB Statement Number 87, Leases, changing the accounting and reporting treatment of County leases, and

WHEREAS, the Governmental Accounting Standards Board issued GASB Statement Number 96, Subscription-Based Information Technology Arrangements (SBITA), changing the accounting and reporting requirements for IT subscriptions, and

WHEREAS, both GASB statements suggest the adoption of separate policies from the capital asset policy, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby adopts a lease policy and subscription-based information technology Arrangements (SBITA) policy to ensure continued compliance with the Governmental Accounting Standards Board, and be it further

RESOLVED, that these policies, and applicable reporting definitions therein, be reflected in the financial statements of the County for calendar year 2023.

ADMINISTRATION COMMITTEE

**County of Niagara, New York
Lease Policy**

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I. Policy Statement

It is the intent of Niagara County government to properly value and account for leases in accordance with Governmental Accounting Standards Board (GASB) Statement No. 87 by:

- Identifying the County's qualifying leases, including the lease terms;
- Calculating the present value of the applicable leases; and
- Reporting the appropriate assets, liabilities, and amortization of the County's leases.

II. Classifying a Contract as a Lease

A lease is defined under GASB Statement No. 87 as a contract that conveys control of the right to use another entity's nonfinancial asset as specified in the contract for a period of time in an exchange or exchange-like transaction.

The following are examples of contracts that would be leases under GASB Statement No. 87 in Niagara County:

- Land
- Buildings & Facilities
- Office Space
- Machinery & Equipment
- Vehicles

A. Lease Policy Exclusions

Contracts that have any of the following will be excluded from the Lease calculations under GASB 87:

1. Leases with a maximum possible term under the contract of 12 months or less, including any options to extend, regardless of the probability of the extension.
2. Leases of intangible assets, including such items as the right to explore for or exploit natural resources and licensing contracts such as computer software.
3. Contracts that meet the definition of a service concession arrangement in paragraph 4 of GASB Statement No. 60, Accounting and Financial Reporting for Service Concession Arrangements.

4. Leases of Inventory.
5. Leases of biological assets, including timber, living plants, and living animals.
6. Leases in which the underlying asset is financed with outstanding conduit debt, unless both the underlying asset and the conduit debt are reported by the lessor.
7. Supply contracts, such as power purchase agreements.

B. Lease Calculation Threshold

The County is establishing a lease calculation threshold of \$50,000 for compliance with GASB Statement No. 87. The \$50,000 threshold is valued by utilizing the present value of all future lease payments, including any lease extension that the County is reasonably certain will be executed. Anything falling under this threshold will be excluded from the GASB 87 lease calculations.

If a lease has multiple underlying assets of like kind on one lease agreement, this will be treated as a single asset for all purposes, including the determination of the lease threshold and calculation of the lease asset. For example, this would apply for a lease agreement containing multiple copiers or a contract with multiple vehicles.

III. Calculating and Recording the Lease

A. Lessee Calculation

When the County is the lessee,

1. The lease liability should be calculated at the commencement of the lease term and should equal the present value of expected payments to be made during the lease term. The lease term should include possible lease extensions if it is reasonably certain that the extension will occur. This will be recorded in the debt service fund (W).
2. The lease asset (an intangible asset) should initially equal the lease liability plus any payments made to the lessor at or before the commencement of the term; amortized over the shorter of the lease term and the asset's useful life. This will be recorded in the fixed assets fund (K).
3. In addition to recording the lease liability and lease asset, the capital outlay and other financial source must be recorded at the commencement of the lease. This will record an expense and revenue in the appropriate department and fund where the lease is originating from. In most cases, this will be the general fund (A), water (FX), or Sewer (G).

4. The intangible lease asset will follow a straight line amortization schedule over the life of the lease, recording amortization annually in the K fund.
5. Lease principal and lease interest expense will be calculated based on the discount rate used in the present value calculation. These expenses should be recorded with every lease payment within the same fund that the capital outlay was recorded in.

B. Lessor Calculation

When the County is the lessor,

1. The County recognizes a lease receivable measured at the present value of all expected payments to be received during the lease term, reduced by any provision for estimated uncollectible amounts. The lease term should include optional extensions of the lease only if it is reasonably certain the lease will be extended.
2. As an offset to the lease receivable, the County recognizes a deferred inflow of resources (deferred revenue) representing the future lease payments. This is equal to the lease receivable plus any lease payments related to future periods, less any payments to the lessee prior to the commencement of the lease term.
3. The deferred inflow will be decreased annually following a straight line schedule over the life of the lease. The offset of which will be lease payments collected revenue.
4. As payments are received, the County should recognize interest revenue and a decrease to the lease receivable.
5. All lessor activity will be recorded in the fund in which the lease is originating from.

C. Reasonably Certain

Optional items, such as extensions, in the contract should only be considered when calculating the lease liability or lease receivable if it is reasonably certain to occur. To be reasonably certain, a high threshold of certainty must be met that is greater than "probable". For example, a probability threshold of 80% or greater would be considered reasonably certain.

D. Discount Rate

A discount rate must be used when calculating the present value of the County's lease liability or lease asset. In the circumstances that the lease agreement does not state an interest rate, the County will estimate the most appropriate rate to use. Factors to consider will be the current rate environment and the length of the lease.

E. Remeasurement

The County will assess each lease annually for changes that may significantly impact the amount of the liability. Changes may include:

- Resolved contingencies that causes variable payments to now meet the criteria to be included in the measurement (i.e. variable payments becoming fixed in nature).
- A change in interest rate charged. If the discount rate was based on the incremental borrowing rate, a change to the incremental borrowing rate would not be enough.
- A change to the term of the lease, including changes to the reasonable certainty of extensions and terminations.

The lease should be considered a new lease, rather than remeasurement, if the lessee receives an additional lease asset not originally included in the contract and the increase in payments for the additional lease asset does not appear unreasonable.

IV. Responsibilities

A. Departmental Responsibilities

Each Department Head is responsible for tracking and maintaining their leases. Each department should notify the Treasurer's office as new leases are entered into or changes are made to existing leases that do not fall under any GASB 87 exclusions or thresholds listed above. Copies of the lease contract and resolution should also be provided. If a department is uncertain if a lease qualifies under the Lease policy, they should contact the Treasurer's office for further guidance.

Annual Report:

The departmental head should provide an updated listing of applicable leases to the County Treasurer's office annually, including applicable lease agreements and resolutions if not already sent.

B. Treasurer's Department Responsibilities

The Treasurer's Department Accounting staff is responsible for maintaining a master listing of all County leases qualifying under GASB 87, based on the data received from the departments above. This master listing is to be updated at least annually.

As new lease agreements are entered into, The Treasurer's department will calculate and record the capital outlay and respective other financial source in New World once notified by the department. In addition, they will record the initial lease liability and/or lease receivable as necessary. On an annual basis, the lease assets will be entered and amortization will be recorded on a straight line basis in the K fund. The lease liability will then be adjusted. Deferred revenue and lease revenue will also be recorded and adjusted annually.

In addition, the Treasurer's Department is responsible for reconciling all K Fund accounts on an annual basis.

All qualifying leases within the general fund in which the County is the lessee will have principal and interest recorded within the Treasurer's Department at A.07.9788.000 76000.02 and 77000.02. This will be handled similar to an internal bill, and the Treasurer's office will recognize revenue in the amount of the total expense for booking other department's leases. When a lease relates to County wide items, such as the copiers, this will also be processed similar to an internal bill as described above and reported through A.07.9788.000 76000.02 and 77000.02. The lease liability, principal expense, and interest expense will **not** be split between funds in these circumstances.

County of Niagara, New York
Subscription Based Information Technology Arrangements Policy

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I. Policy Statement

It is the intent of Niagara County government to properly value and account for subscription based information technology arrangements (SBITAs) in accordance with Governmental Accounting Standards Board (GASB) Statement No. 96, by:

- Identifying the County's SBITAs, including the subscription terms;
- Calculating the present value of the applicable SBITAs; and
- Reporting the appropriate assets, liabilities, and amortization of the County's SBITAs.

Classifying a Contract as a SBITA

A subscription based information technology arrangement (SBITA) is defined under GASB Statement No. 96 as a contract that conveys control of the right to use another party's information technology software, alone or in combination with tangible capital assets (the underlying IT assets), as specified in the contract for a period of time in an exchange or exchange-like transaction. An example of an arrangement that could qualify as a SBITA in Niagara County includes subscriptions for Microsoft products.

SBITA Policy Exclusions

Contracts that have any of the following will be excluded from the SBITA calculations under GASB 96:

1. Contracts that meet the definition of a subscription based IT arrangement under GASB Statement No. 96, in which the software component is insignificant when compared to the cost of the underlying tangible capital asset.
2. Contracts that meet the definition of a public-private or public-public partnerships as defined in paragraph 5 of GASB Statement No. 94.
3. Contracts in which the County provides the right to use IT software and associated tangible capital assets to other entities through SBITAs.
4. Licensing arrangements that provide the County with a perpetual license to use a vendor's computer software, which would be covered instead under the County's Asset Policy as an intangible asset under GASB Statement No. 51.
5. SBITAs that are 12 months or less, with no options of extending the contract regardless of reasonable certainty.

SBITA Calculation Threshold

The County is establishing a SBITA calculation threshold of \$75,000 for compliance with GASB Statement No. 96. The County recognizes the importance of setting an appropriate threshold with separate considerations from capital asset and lease thresholds. It has been determined that \$75,000 is the most appropriate threshold given the higher costs and complexities associated with information technology.

The \$75,000 threshold is valued by utilizing the present value of all future subscription payments, including any subscription extension that the County is reasonably certain will be executed. Anything falling under this threshold will be excluded from the GASB 96 SBITA calculations.

If a subscription has multiple underlying assets of like kind on one SBITA, this will be treated as a single asset for all purposes, including the determination of the SBITA threshold and calculation of the SBITA asset. For example, this would apply for a subscription for software utilized on multiple computers within the County.

Calculating and Recording the SBITA

SBITA Calculation

When the County is receiving the IT related arrangement,

1. The subscription liability should be calculated at the commencement of the subscription and should equal the present value of expected payments to be made during the term. This should include possible extensions if it is reasonably certain that the extension will occur. This will be recorded in the debt service fund (W).
2. The subscription asset (an intangible asset) should initially equal the subscription liability plus any payments made to the vendor at or before the commencement of the term plus capitalizable implementation costs less any vendor incentives received; amortized over the shorter of the SBITA term and the asset's useful life. This will be recorded in the fixed assets fund (K).
3. In addition to recording the subscription liability and asset, the capital outlay and other financial source must be recorded at the commencement of the subscription. This will record an expense and revenue in the appropriate department and fund where the subscription is originating from. In most cases, this will be the general fund (A).
4. The intangible subscription asset will follow a straight line amortization schedule over the life of the SBITA, recording amortization annually in the fixed assets fund (K).

5. SBITA principal and interest expense will be calculated based on the discount rate used in the present value calculation. These expenses should be recorded within the same fund that the capital outlay was recorded in.

Subscriptions in which the County is the vendor providing the technology to other entities do not apply under GASB 96.

Reasonably Certain

Optional items, such as extensions, in the contract should only be considered when calculating the subscription liability if it is reasonably certain to occur. To be reasonably certain, a high threshold of certainty must be met that is greater than “probable”. For example, a probability threshold of 80% or greater would be considered reasonably certain. Items to consider while determining reasonable certainty can include:

- Significant economic incentives or disincentives, such as contract terms and conditions for the optional period, costs to terminate SBITA, and implementation costs of a new SBITA.
- The history of exercising options to extend or terminate.
- The extent to which the underlying IT assets in the SBITA are essential to the provision of government services.

Discount Rate

A discount rate must be used when calculating the present value of the County’s subscription liability. In the circumstances that the agreement does not state an interest rate, the County will estimate the most appropriate rate to use based on the County’s incremental borrowing rate. Factors to consider will be the current rate environment, the County’s financial standing, and the length of the subscription.

Remeasurement

The County will assess each subscription liability annually for changes that may significantly impact the amount of the liability. Changes may include:

- Any contingency that is resolved and causes variable payments to now meet the criteria to be included in the measurement liability. An example includes variable payment becoming fixed in nature.
- A change in the estimate amount for subscription payments already included in the measurement of the subscription liability.
- A change in the interest rate charged by the SBITA vendor. If the discount rate was based on the incremental borrowing rate, a change to the incremental borrowing rate would not be enough.
- A change in subscription term. The subscription term should be reassessed if any of the following occurred:
 - The County elects to exercise an option that was previously considered not reasonably certain

- The County elects **not** to exercise an option that was previously considered reasonably certain.
- An event takes place that requires an extension or termination of the SBITA.

Responsibilities

A. Information Technology Departmental Responsibilities

The IT Department is responsible for tracking and maintaining their subscriptions. The department should notify the Treasurer's office as new subscriptions are entered into or changes are made to existing subscriptions that are above the \$75,000 threshold in place and meet the qualifications under GASB 96. Copies of the SBITA contract and resolution should also be provided. The Treasurer's office should be contacted for further guidance if there is uncertainty that the contract applies.

Annual Report:

The departmental head should provide an updated listing of applicable SBITAs to the County Treasurer's office annually, including applicable subscription agreements and resolutions if not already sent.

B. Treasurer's Department Responsibilities

The Treasurer's Department Accounting staff is responsible for maintaining a master listing of all County SBITAs qualifying under GASB 96, based on the data received from the Information Technology Department. This master listing is to be updated at least annually.

As new subscription based IT arrangements are entered into, The Treasurer's department will calculate and record the capital outlay and respective other financial source in New World once notified by the department, when applicable. In addition, they will record the initial SBITA liability and/or SBITA receivable as necessary. On an annual basis, the SBITA assets will be entered and amortization will be recorded on a straight line basis in the K fund. The SBITA liability will then be adjusted. Deferred revenue and SBITA revenue will also be recorded and adjusted annually.

In addition, the Treasurer's Department is responsible for reconciling all K Fund accounts on an annual basis.

All qualifying subscriptions within the general fund will have principal and interest recorded within the Treasurer's Department at A.07.9781.000 76000.03 and 77000.03. This will be handled similar to an internal bill, and the Treasurer's office will recognize revenue in the amount of the total expense for booking other department's subscriptions. In the event that the subscription is County wide and expensed throughout multiple funds, the SBITA liability, principal expense, and interest expense will **not** be split between funds. This will be processed similar to an internal bill as described above and reported through A.07.9781.000 76000.03 and 77000.03.



Administration Committee

Complete this form, save in Committee folder and name using this format yyyyymmdd dept desc (example 20170111 cdp budget adjustment)

Today's Date: February 6, 2024

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: February 7, 2024

Title: Budget Modificiation – Leases and Subscription Based IT Arrangements

Brief Summary: budget modification

If this item pertains to a position(s), it must be sent to the Human Resources Department to be reviewed and approved before going to the Administration Committee.

Please provide date approved: N/A

Action Requested: Approval

Associated Costs:

Benefits & Risks:

**BUDGET MODIFICATION – LEASES AND
SUBSCRIPTION BASED IT ARRANGEMENTS**

WHEREAS, The Governmental Accounting Standards Board (GASB) issued GASB Statement Number 87, Leases, and GASB Statement Number 96, Subscription Based Information Technology Arrangements (SBITA), and

WHEREAS, The Niagara County Legislature has adopted the County's Lease Policy and SBITA Policy for calendar year ending December 31, 2023, and

WHEREAS, The County Treasurer's Office has reviewed 2023 Lease agreements and subscription based IT arrangements received from applicable departments, and

WHEREAS, the County Treasurer's Office must update the 2023 financial records to comply with GASB Statement Number 87 and 96 and the respective County policies, and

WHEREAS, budget modifications for the 2023 fiscal year can continue to be made into the first quarter of 2024, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2023 County budget:

INCREASE ESTIMATED REVENUE:

A.07.9788.000 41289.08	Other General Gov. Income Reimbursement	\$389,410
A.07.9781.000 41289.08	Other General Gov. Income Reimbursement	\$394,939

INCREASE APPROPRIATIONS:

A.07.9788.000 76001.02	Leases Principal Expense	\$366,140
A.07.9788.000 77001.02	Leases Interest Expense	\$23,270
A.07.9781.000 76001.03	SBITA Principal Expense	\$387,195
A.07.9781.000 77001.03	SBITA Interest Expense	\$7,744

ADMINISTRATION COMMITTEE