

ADMINISTRATION COMMITTEE AGENDA
FEBRUARY 13, 2023
5:30 PM

- 1. Call to Order**
- 2. Approval of Minutes**
- 3. Economic Development**
 - a. Reappropriate Grant Funds Brownfield Assessment Budget Modification
- 4. Community Safety and Security Committee Agenda**
- 5. Community Services Committee Agenda**
- 6. Refuse District Committee Agenda**
- 7. Infrastructure Committee Agenda**
- 8. County Attorney**
 - a. Requesting the Enactment of a Bill Authorizing and Empowering the County of Niagara to Extend the Additional Rate of One Percent Sales and Compensating Use Tax
- 9. Real Property**
 - a. Real Property Tax Corrections/Cancellations No. COE-2023 A
- 10. Risk Management**
 - a. Extension of Claims Administration Contract Between the Niagara County Workers' Compensation Plan Mutual Self –Insurance Plan ("MuSIP") and OMNI Underwriting Managers LLC, d/b/a FutureComp from January 01, 2023 TO December 31, 2023
- 11. Treasurer's Office**
 - a. County Participation in a Cooperative Investment
 - b. Designation of Depository and Deposit Amount
 - c. Formal Update of the Niagara County Investment Policy
 - d. Distribution of Sales Tax Budget Modification
- 12. Information and Adjournment**

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
January 9, 2023
5:30 PM**

PRESENT: ADMINISTRATION

D. Godfrey
A. Nemi
R. Bradt
W. Collins
M. Grozio

Others:
R. Wydysh

Excused:
I. Myers
C. Robins

STAFF

R. Updegrave
K. Alexander
D. Huntington
P. Lopes
J. Shoemaker
K. Schuler
H. Soles

OTHERS

M. Filicetti, Sheriff
B. Seaman, District Attorney
D. Blackley, Public Defender
J. Schultz, Fire Coordinator
M. Lutz, Social Services
L. Kelemen, Mental Health
G. Meal, Public Works
J. Gaston, Parks
N. Allen, Engineering
M. Bergman, Public Works
W. Flynn, Information Technology

1. Call to Order

Chairman D. Godfrey called the meeting of the Administration Committee to order at 5:32 p.m.

2. Approval of Minutes

Chairman D. Godfrey asked for the approval of the minutes to the meeting of December 6, 2022. The minutes were approved by R. Bradt. M. Grozio seconded them. The minutes passed unanimously.

3. Real Property

- a. Authorization for Real Property Tax Refunds/Corrections - 2023 – A. Nemi made a motion. R. Bradt seconded it. Passed unanimously.

4. Community Safety and Security Committee Agenda

Resolutions:

NCSO Budget Modification – Asset Forfeiture Funds Snow Preparedness
NCSO Budget Modification – FY22 Paul Coverdell Forensic Science Improvements Grant
NCSO Budget Modification – Accept FY2022 Targeted Violence & Terrorism Prevention Grant
NCSO Budget Modification – FY20 Explosive Detection Canine Team Grant
NCSO Budget Modification – American Tower Lease
NCSO Budget Modification – Accept Domestic Cannabis Eradication/Suppression Grant
NCSO Forensic Scientist II (Firearms/Toolmarks/Ballistics) Residency Waiver
Niagara County Public Defender's Office Accept Office of Indigent Legal Services 4th Counsel at First Appearance Grant
Waiver of Residency Requirement for Assistant Public Defender
District Attorney's Office Budget Modification - Acceptance of Criminal Justice Discovery Reform Grant

D. Godfrey made a motion. R. Bradt seconded it. Passed unanimously.

**NIAGARA COUNTY ADMINISTRATION COMMITTEE
MEETING MINUTES
January 9, 2023
5:30 PM**

5. Infrastructure Committee Agenda

Resolutions:

Lease Agreement with Congresswoman Claudia Tenney
Culvert Rehabilitation Project Change Order No. 1 – Final
Wilson-Burt Road Bridge over Eighteen Mile Creek Consultant Amendment No. 1
Krull Park Shoreline Rehabilitation Project Design Services Contract – Change Order No. 3
Carmen Road Bridge over Johnson Creek Consultant Amendment No. 2
West Somerset Road Survey & Design Project Consultant Amendment No. 5 – Final
Purple Heart Veterans Monument Award
Award Consultant Contract Slayton Settlement Road Pavement Investigation & Report
Award Consultant Contract Ewings Road Bridge over Eighteen Mile Creek & Quaker Road
Bridge over Golden Hill Creek
Engineering Services Award – 225 South Niagara Street, Lockport, NY Phase 1 & Phase II
Environmental Site Assessment
Renew the Shared Services Agreement for Stormwater Management Coordinator
Wilson-Burt Road Bridge over Eighteen Mile Creek Local Project Agreement
Bud Mod - Raymond Rd Pavement Reconstruction-Dysinger Rd to Rapids Rd Capital Project
DPW-Highway Expenditure of County Road Fund Monies

R. Bradt made a motion. M. Grozio seconded it. Passed unanimously.

6. Community Services Committee Agenda

Resolutions:

Mental Health Budget Modification – One Time Funding for Dale Association
Creation of one (1) Temporary Case Supervisor and two (2) Caseworker Positions for Social
Services

A. Nemi made a motion. M. Grozio seconded it. Passed unanimously.

7. Legislature

- a. Resolution to Support a Rat Mitigation Program in Niagara Falls – A. Nemi made a motion.
W. Collins seconded it. Passed unanimously.

8. Adjournment

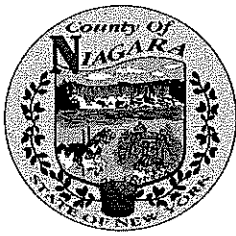
A motion was made by R. Bradt to adjourn. M. Grozio seconded it. Passed unanimously. The
Administration Committee meeting adjourned at 5:59 p.m.

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: January 27, 2023

Department Submitting agenda item: Economic Development

Date of Committee Meeting: February 13, 2023

Title: Budget Modification – Reappropriate Grant Funds – Brownfields Assessment

Brief Summary: Niagara County received brownfield grant funding from EPA to conduct brownfield site assessments. Less money was spent than anticipated from the 2022 budget. A budget modification to increase the 2023 budget by \$53,959 will accurately reflect 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 of resolution

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

Benefits & Risks: Funding will allow the county to continue conducting 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, One Hundred Fifty Thousand Four Hundred and Thirty Two Dollars (\$150,432) was budgeted for the 2023 Budget, and

WHEREAS, less money was spent than anticipated from the 2022 Budget, in the amount of Fifty Three Thousand Nine Hundred Fifty Nine Dollars (\$53,959), now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

CM.28.6989.611.44989.04	Other Home and Community Services	\$53,959
	EPA Brownfield Revenue	

INCREASE APPROPRIATION:

CM.28.6989.611.74500.01	Contractual Expenses	\$53,959
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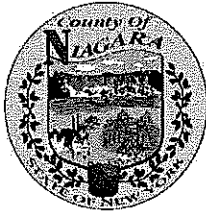
ECONOMIC DEVELOPMENT COMMITTEE

ADMINISTRATION COMMITTEE



COMMUNITY SAFETY AND SECURITY COMMITTEE AGENDA February 13, 2023

1. Call to Order
2. Approval of minutes from previous meeting
3. Sheriff
 - Res. - Budget Modification-Accept Body-Worn Cameras Grant
 - Res. - Budget Modification – American Rescue Plan Act Equipment Purchase.
 - Res. – Budget Modification – State Farm Insurance Grant Revenue Accrual.
 - Res. – DroneSense Sole Source Designation.
 - Res. – Federal Equitable Sharing Annual Recertification.
 - Res. – Fort Hays/Sole Source Designation for COPS Community Policing Development Grant De-escalation Training Project.
 - Res. – Niagara Regional Traffic Safety Program.
 - Res. – Budget Modification – Accept Residential Substance Abuse Treatment (RSAT) Jail Based Cognitive Behavioral Treatment Program Grant.
 - Res – Budget Modification Expenditure of Alarm Fines Revenue for Communications Training.
 - Res – Budget Modification – FY20 State Homeland Security Program Balance of Grant Funds.
 - Res. – Budget Modification – Perimeter Gates Replacement Project
 - Res. – Everlasting Water INC DBA Camtech Plumbing and Mechanical Contract Change Order No. 1
 - Res. – Expenditure of Cellular E911 Funds to Replace Antenna System.
 - Res. – Flock Safety Sole/Single Source Designation.
 - Res. – Budget Modification – Abolish Forensic Scientist II(Firearms/Toolmarks/Ballistics) and Create Forensic Scientist I(Firearms/Toolmarks/Ballistics)
 - Res. – Budget Modification – FY22 State Homeland Security Program.
 - Res. – Budget Modification – FY19 Explosive Detection Canine Team Grant Balance of Funds.
 - Res. – Budget Modification – Accept Vest Reimbursement.
4. Public Defender
 - Res. – Abolish and Upgrade Positions
5. Probation
 - Res. – 2023 Probation Software Maintenance Agreement for Caseload Explorer.
6. Fire Coord/Emerg. Svcs.
 - Res. – Niagara County Multi-Jurisdictional Hazard Mitigation Plan.
 - Res. – Acceptance of Reallocation/Project Increase to FY20 & FY21 State Homeland Security Program
 - Res. – Appointment of Area 1 Deputy Fire Coordinator.
 - Res. – 2023 Budget Modification Rollover 2022 Homeland Security Unspent Funds.



Community Services Committee

AGENDA - Meeting of February 13, 2023

1. Call to Order

2. Approval of Minutes of January 9, 2023

3. Department of Public Health

- a) Budget Modification – Reappropriate Medical Reserve Corps Funds
- b) Budget Modification – Reappropriate COVID-19 Response Funds
- c) Budget Modification – Reappropriate ELC COVID-19 School Testing Funds
- d) Budget Modification – Education of Handicapped Children

4. Youth Bureau

- a) New York State Aid Application

5. Department of Social Services

- a) Abolish and Create Positions

6. Motion to Adjourn



REFUSE DISTRICT COMMITTEE AGENDA

**February 13, 2023
5:30 PM
Courthouse Chambers**

1. Call to Order by Chairman Legislator Will Collins
2. Approval of Meeting Minutes from September 12, 2022
3. Approval of February 2023 Abstract
4. Informational: Solar Land Lease Update
5. Informational: Leachate Treatment
6. Adjournment



INFRASTRUCTURES COMMITTEE AGENDA
NIAGARA COUNTY COURT HOUSE
LOCKPORT, NEW YORK
MONDAY FEBRUARY 13, 2023
MEETING NO. 2
5:30 PM

- 1. Call to Order**
- 2. Meeting Minutes – Approval**
- 3. Solid Waste - Informational**
 - a. Solar Panel Vendor
 - b. Environmental Analyst Position - Approval
 - i. Waiver of Residency Requirement
- 4. Parks – Approval**
 - a. Lion's Club Polar Swim for Sight
 - b. Soccer Shots Buffalo
 - c. Newfane Soccer Club
 - d. Buffalo Orienteering Club
 - e. Rescinding the Resolution Entitled Disbanding the Bond Lake Environmental and Beautification Committee
- 5. Engineering – Approval**
 - a. Change Orders
 - i. East Canal Road Culvert Rehabilitation No. 1
 - ii. Angelo Delsignore Civic Building – Roof Replacement No. 2
 - iii. Wilson-Burt Road Bridge over Hopkins Creek No. 2
 - iv. Shaw Waterline Replacement No. 2
 - v. Krull Park ADA Bathroom Consultant Final
 - vi. Slayton Settlement Road Survey Services Consultant No. 1
 - b. Engineering Intern Position
 - i. Waiver of Residency Requirement
 - c. Award of Contract
 - i. Wolcottsville Road and Royalton Center Road up to Ernest Road
 - ii. Testing and Inspection Services
 - d. Budget Modification – Bridge Maintenance Projects
 - i. Wilson Burt Road Bridge over Eighteen Mile Creek
- 6. Rural Niagara Transportation**
 - a. Niagara County Section 5311 Consolidated Grant Application
 - b. Rural Niagara Transportation Name Change to Connect Niagara

7. Niagara County Power Management and Procurement Group

- a. 2022 Budget Modification

8. Projects to be Let – Informational

- a. Wilson Burt Road Bridge over 18 Mile Creek
- b. General Contractor for Court House HVAC
- c. Highway Materials Bid



Administration Committee

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Today's Date: 01/25/2023

Department Submitting agenda item: County Attorney

Date of Committee Meeting: 02/13/2023

Title: Requesting the Enactment of a Bill Authorizing and Empowering the County of Niagara to Extend the Additional Rate of One Percent Sales and Compensating Use Tax

Brief Summary: Extend the one percent 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:

Associated Costs:

Benefits & Risks:

**REQUESTING THE ENACTMENT OF A BILL AUTHORIZING AND EMPOWERING THE
COUNTY OF NIAGARA TO EXTEND THE ADDITIONAL RATE OF ONE PERCENT
SALES AND COMPENSATING USE TAX**

WHEREAS, the County of Niagara thereafter deemed it necessary to extend the additional one percent (1%) sales tax, as set forth in Home Rule Message Resolution CW-007-20 adopted March 10, 2020 and imposition resolution CW-018-20 adopted June 16, 2020 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, and

WHEREAS, the extension of the one percent (1%) rate was imposed from the period beginning December 1, 2020 and ending November 30, 2023, and

WHEREAS, the Niagara County Legislature hereby finds that it is necessary to further extend the additional one percent (1%) sales tax for the period beginning December 1, 2023 and ending November 30, 2026 to enable the County of Niagara to continue to offset the cost of the local share of mandated Medicaid costs, now, therefore, be it

RESOLVED, that the Niagara County Legislature requests and urges the New York Senate to work with the New York State Assembly, along with the Governor to enact a bill to authorize the County of Niagara to continue to impose an additional one percent (1%) rate of tax for the period beginning December 1, 2023 and ending November 30, 2026 in addition to the three percent (3%) the County is authorized to impose and to dedicate the funds from the additional one percent (1%) rate to the payment of the local share of Medicaid costs, said authorization in the form of a Senate Bill and an Assembly Bill.

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: 2/1/2023

Department Submitting agenda item: Real Property

Date of Committee Meeting: 2/13/2023

Title: Real Property Tax Corrections NO. COE-2023A

Brief Summary:

Authorization to correct county tax billings and to approve tax refunds/credits based upon the recommendation of the Real Property Tax Director.

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:

From: Administration Committee
Resolution Number – AD-000- 2023
Administration Mtg.: February 13, 2023
Legislative Mtg.: February 21, 2023

**REAL PROPERTY TAX CORRECTIONS/CANCELLATIONS
NO. COE-2023 A**

WHEREAS, the Director of Real Property Tax Services has received applications for refunds and / or corrections applicable to various outstanding Niagara County tax liens, or has been made aware that unenforceable tax liens exist upon certain real property owned by the State of New York and / or the United States, and

WHEREAS, the Director has investigated the claimed erroneous assessments and / or unenforceable liens in accordance with sections 554, 556, and 558 of the New York State Real Property Tax Law, now therefore, be it

RESOLVED, that the applications and / or lien cancellations be approved and / or denied as set forth in the attached Exhibit No. COE-2023 A, which is made a part hereof, and subsequently be charged back to the applicable town, city, special district and school district within the County of Niagara.

ADMINISTRATION COMMITTEE

Corrections to previously issued Niagara County Tax Billings

Filename: COE-2023 A

Date: February 21, 2023

EXHIBIT # COE-2023 A Page 1 of 2

Town of Wheatfield

RPTS # 24-2023

Owner: Vincent Properties, Inc

<u>SBL #</u>	<u>Tax Year</u>	<u>Tax Warrant Reduction</u>
177.03-1-81.6	2023	\$ 4,913.80

The property owner was granted a non-profit exemption, but due to an error, certain special district taxes were charged for which the parcel should have been exempt.

This constitutes an unlawful entry according to Real Property Tax Law.

In light of this:

The 2023 Niagara County/Town of Wheatfield tax billing in the amount of \$ 13,115.39 shall be reduced by \$ 4,913.80 to \$ 8,201.59.

Original billings: \$ 13,115.39

Revised billings: \$ 8,201.59

Corrections to previously issued Niagara County Tax Billings

Filename: COE-2023 A

Date: February 21, 2023

EXHIBIT # COE-2023 A Page 2 of 2

Town of Niagara

RPTS # 29-2023

Owner: SKW Newco, Inc.

<u>SBL #</u>	<u>Tax Year</u>	<u>Tax Warrant Reduction</u>
130.15-4-10.1	2023	\$ 17,557.40

The property owner was charged in error for unpaid sewer and water charges. These should have been added to a different parcel within the Town of Niagara.

This constitutes a Clerical Error according to Real Property Tax Law.

In light of this:

The 2023 Niagara County/Town of Niagara tax billing in the amount of \$ 20,191.16 shall be reduced by \$ 17,557.40 to \$ 2,633.76.

Original billings: \$ 20,191.16 Revised billings: \$ 2,633.76



Administration Committee

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Today's Date: 01/30/223

Department Submitting agenda item: Risk Management

Date of Committee Meeting: February 08, 2023

Title: Extension of OMNI Underwriting
Managers LLC, d/b/a FutureComp

Brief Summary: Niagara County MuSIP, through its Plan Administrator the Director of Risk Management, seeks to add an Addendum for specific claims-related services to its renewal of its Third Party Administrator contract with OMNI Underwriting Managers, LLC, d/b/a FutureComp effective January 01, 2023 and continuing through each successive contract renewal.

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: Committee and Legislative approval pending County Attorney review as to legal form.

Associated Costs: No price change for contractual annual administrative costs, amending for fee schedule on additional optional claims services, if necessary.

Benefits & Risks: Renewing beneficial pricing for future years and avoiding risk of having to engage claims administration at higher market prices.

**EXTENSION OF CLAIMS ADMINISTRATION CONTRACT BETWEEN THE
NIAGARA COUNTY WORKERS' COMPENSATION PLAN Mutual Self –
Insurance Plan ("MuSIP") AND OMNI Underwriting Managers LLC, d/b/a
FutureComp FROM January 01, 2023 TO December 31, 2023.**

WHEREAS, the Niagara County Legislature authorized the signing and delivery of a contract between MuSIP and OMNI Underwriting Managers LLC, d/b/a FutureComp. for the provision of claims administration services for the MuSIP for a twelve (12) month period from January 01, 2022 to December 31, 2022 at an annual fee of \$85,000, billed quarterly (**Resolution AD-018-07**), and

WHEREAS, OMNI Underwriting Managers LLC, d/b/a FutureComp, has rendered professional and competent services to the County and to the MuSIP pursuant to said, and

WHEREAS, the MuSIP requires, and OMNI Underwriting Managers LLC, d/b/a FutureComp has offered to render, the same professional services set forth in said agreement at the same annual fee of \$85,000 as it charged the MuSIP for the period covered by the previous agreement now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby approves the extension of the agreement between the MuSIP and OMNI Underwriting Managers LLC, d/b/a FutureComp, Inc., for a one (1) year period and two (2) successful annual renewal options with an addendum fee schedule for optional claims administration services now, therefore, be it

RESOLVED, that the Chairman of the Legislature or County Manager is hereby authorized and directed to execute said contract in form and content as reviewed and approved by the County Manager and approved as to legal form by the Niagara County Attorney.

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: February 3, 2023

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: 2/13/2023

Title: County Participation in a Cooperative Investment

Brief Summary Participation in cooperative investment

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:

COUNTY PARTICIPATION IN A COOPERATIVE INVESTMENT

WHEREAS, Section XII of the Niagara County Investment Policy authorizes the participation in a cooperative investment program with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law, with approval from the County Legislature and County Manager, and

WHEREAS, the County Treasurer would like to pursue investments within the NY MuniTrust, a local government investment pool managed by Dreyfus, a division of BNY Mellon, and

WHEREAS, BNY Mellon is an approved bank depository for the County, and

WHEREAS, the NY MuniTrust has two separate investment funds available, the Excelsior Fund exclusive to Counties, and the Empire Fund for municipal corporations, and

WHEREAS, NY MuniTrust meets the requirements set forth by the Niagara County Investment Policy, allowable investments per General Municipal Law 11, and Articles 5-G and 3-A of the General Municipal Law, and

WHEREAS, it is beneficial for the County to have multiple investment options and a diversified portfolio, now, therefore, be it

RESOLVED, that the County Treasurer is hereby authorized to participate in the NY MuniTrust Excelsior and Empire Funds.

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: February 3, 2023

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: 2/13/2023

Title: Designation of Depository and Deposit Amount

Brief Summary **Designation of Depository/Deposit Amount**

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:

DESIGNATION OF DEPOSITORY AND DEPOSIT AMOUNT

WHEREAS, pursuant to Section 212 of the County Law and Section 10 of the General Municipal Law, the Niagara County Legislature shall designate the depositories within the State of New York and the maximum which may be kept on deposit at any time in each depository, and

WHEREAS, the last designation by the County Legislature occurred on May 12, 2020, and

WHEREAS, since the last designation by the County Legislature, additional investment opportunities have become available and banks have changed due to mergers and acquisitions or expansions into the county marketplace, and

WHEREAS, it is beneficial to have numerous banks involved in the bidding process for investments and borrowings, now, therefore, be it

RESOLVED, that the maximum amounts to be deposited in the following bank depositories are as follows:

JP Morgan Chase Bank	\$110,000,000
Bank of America	\$110,000,000
Key Bank	\$110,000,000
M&T Bank	\$110,000,000
Evans Bank	\$110,000,000
Bank on Buffalo	\$110,000,000
BNY Mellon	\$110,000,000

ADMINISTRATION COMMITTEE



Administration Committee

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Today's Date: February 3, 2023

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: 2/13/2023

Title: Formal Update of the Niagara County Investment Policy

Brief Summary Update of Investment Policy

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:

FORMAL UPDATE OF THE NIAGARA COUNTY INVESTMENT POLICY

WHEREAS, Section 39 of the General Municipal Law requires each local government to adopt by resolution a comprehensive investment policy detailing the local government's operative policy and instructions to officers and staff regarding the investing, monitoring, and reporting of funds of the local government, and

WHEREAS, The County investment policy was last updated on December 1, 2020, and

WHEREAS, The New York State Office of the State Comptroller recommends that said investment policy be reviewed annually, and

WHEREAS, the revised investment policy meets the requirements of said General Municipal Law and the guidelines of the Office of the State Comptroller, now, therefore, be it,

RESOLVED, that the Niagara County Legislature hereby adopts the attached investment policy as the investment policy of the County of Niagara.

ADMINISTRATION COMMITTEE

County of Niagara, New York

Investment Policy

I. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment on behalf of Niagara County or on behalf of any other entity or individual for which the County of Niagara and/or its agents, officers or employees may have fiduciary or financial responsibility.

II. OBJECTIVES

The primary objectives of Niagara County's investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. AUTHORITY

The Niagara County Treasurer is defined under New York State County Law §550 as the Chief Fiscal Officer of the County. The County Treasurer is thus responsible for the administration of the investment program pursuant to the authority vested in him/her under General Municipal Law §11. The County Treasurer shall establish such written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts on investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County of Niagara.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of Niagara County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County of Niagara for all moneys collected by any officer or employee of the government to transfer those funds to the County Treasurer in a timely manner. Cash and checks shall be transmitted to the County Treasurer within five business days of receipt or sooner where practicable.

The County Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

Pursuant to General Municipal Law §10, the Niagara County Legislature shall designate one or more official depositories located within Niagara County for the deposit of County funds.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of Niagara County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by the following alternatives:

1. By a pledge of "eligible securities" with an aggregate "market value", as provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an "eligible letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value of 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
4. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company.
5. By an irrevocable letter of credit issued in favor of the County of Niagara by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization. Such letter of credit payable to the County of Niagara as security for the payment of 100% of the aggregate amount of public deposits.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by banks designated and/or the custodial bank pursuant to each associated security and custodial agreement.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure Niagara County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities (or the pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County of Niagara, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County of Niagara, Attention: County Treasurer or its custodial bank.

The custodial agreement shall provide that securities (or the pro rata portion of a pool of eligible securities) will be held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide Niagara County a perfected interest in the eligible securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the County of Niagara authorizes the County

Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments.

- a) Special time deposit accounts authorized to do business in New York State
- b) Certificates of deposit
- c) Obligations of the United States of America
- d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America
- e) Obligations of the State of New York
- f) Obligations issued pursuant to Local Finance Law §24 or §25 (with approval of the State Comptroller) by any municipality, school district or district corporation other than Niagara County.
- g) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- h)
- i) Obligations of this County, but only with any money in a reserve fund established pursuant to General Municipal Law §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.
- j) General obligation bonds and notes of any state other than New York, provided that such bonds receive the highest rating of at least one independent rating agency designated by the state comptroller.
- k) Obligations of any corporation organized under the laws of any state within the United States maturing within 270 days, provided that such obligations received the highest rating of two independent rating services designated by the state comptroller and that no more than \$250 million is invested in any one corporation.
- l) Bankers' acceptances maturing within 270 days which are eligible for purchase in the open market by federal reserve banks, provided that no more than \$250 million may be invested in such banker's acceptances of any one bank or trust company.
- m) Obligations of, or instruments issued by or fully guaranteed as to principal and interest by, any agency or instrumentality of the United States, including but not limited to, federal home loan banks, the Tennessee Valley Authority, the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, and the United States Postal Service, provided that no more than \$250 million is invested in any one agency.
- n) No load money market mutual funds, provided that such funds are limited to investments in obligations issued or guaranteed by the United States or in obligations of agencies or instrumentalities of the United States, where payment of principal and interest are guaranteed by the United States of America and are rated in the highest rating category by at least one nationally recognized statistical rating organization, provided that no more than \$250 million is invested in such funds.

All investment obligations shall be payable, saleable or redeemable at the option of the County of Niagara within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Niagara within two

years of the date of purchase. Obligations that are purchased pursuant to a repurchase agreement shall be deemed to be payable or redeemable on the date on which the purchased obligations are scheduled to be repurchased by the seller. Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County of Niagara shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institution or dealer. All financial institutions with which the Niagara County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County of Niagara. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Niagara County Treasurer is responsible for evaluating the financial position and maintaining a listing of depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The County Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with other authorized municipal corporations pursuant to Article 5-G and in accordance with Article 3-A of the General Municipal Law, where the specific program has been authorized by the County Legislature and County Manager.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the County Legislature.

All purchased obligations, unless registered or inscribed in the name of the County of Niagara, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Niagara by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10(3)(a). The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the County of Niagara, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XII. OPERATIONS, AUDIT AND REPORTING

The Niagara County Treasurer shall authorize the purchase and sale of all securities and execute agreements for Repurchase Agreements and Certificates of Deposit on behalf of the County of Niagara. Oral directions concerning the purchase or sales of securities shall be confirmed in writing by both parties within three (3) business days. The County of Niagara will pay for purchased securities upon the delivery of book-entry thereof.

The County of Niagara will encourage the purchase of its Certificates of Deposit through a competitive or negotiated process involving telephone or email solicitation.

At the time independent auditors conduct the annual audit of the accounts and financial affairs of the County of Niagara, the investments of the County of Niagara shall be audited for compliance with the provisions of this investment policy.

The provisions of these Investment Guidelines and any amendments hereto, shall take effect prospectively, and shall not invalidate the prior selection of any custodial bank or prior investment.

APPENDIX A

SCHEDULE OF ELIGIBLE SECURITIES

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance guaranty.
3. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
4. Zero coupon obligations of the United States government marketed as "Treasury strips."
5. Commercial paper and banker's acceptances issued by a bank, other than the Bank with which the money is deposited or invested, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.
6. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
7. Obligations issued by states (other than New York State) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
8. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
9. Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
10. Obligations of domestic corporations rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization.
11. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.



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 3, 2023

Department Submitting agenda item: Treasurer's Office

Date of Committee Meeting: 2/13/2023

Title: Budget Modification – Distribution of Sales Tax

Brief Summary Distribution of Sales Tax Budget Modification for higher than anticipated amounts of sales tax revenue in 2022

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 – DISTRIBUTION OF SALES TAX

WHEREAS, the County Treasurer's Office has reviewed the year-to-date distribution of county-wide sales tax revenue for 2022, and

WHEREAS, sales tax revenue for the fiscal year 2022, the final payment of which was received in January 2023, came in higher than anticipated and must be accrued back to 2022 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 2022 fiscal year can continue to be made into the first quarter of 2023, now, therefore, be it

RESOLVED, the following budget modification be effectuated to the 2022 County budget:

INCREASE ESTIMATED REVENUE:

A.07.1985.000 41110.01 Sales and Use Tax General Distribution	\$11,006,206
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INCREASE APPROPRIATION:

A.07.1985.000 74500.01 Distribution of Sales Tax	\$11,006,206
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ADMINISTRATION COMMITTEE