

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
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Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

AGENDA
RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
TO BE HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

Tuesday

April 9, 2024

(Immediately following Personnel Mtg. beginning at 6:30pm)

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – March 21, 2024**
- 4. Approval/ Budgetary Amendment 24A026/ Veterans Service Agency/ Peer to Peer Program/ Comply with State Aid**
- 5. Discussion/ Approval/ Proposed Legislation to Create Department of General Services**
 - a. Local Law to Amend Article 5 of the Putnam County Charter Entitled “Executive Department”**
 - i. Discussion/ Section 5.01 Department of General Services; Commissioner**
 - ii. Approval/ Section 5.05 Division of Information Technology/ Geographic Information Systems; Director**
 - b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services**

**c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled
"Capital Program and Capital Budget"**

- 6. Approval/ Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.**
- 7. Approval/ Fund Transfer 24T078/ Settlement of Litigation/ Marc Manzoello vs. County of Putnam et al.**
- 8. Discussion/ Litigation Update/ County Attorney Spain**
- 9. FYI/ Litigation Report**
- 10. Other Business**
- 11. Adjournment**

#3

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairwoman Addonizio and Legislators Ellner & Nacerino

**Thursday March 21, 2024
(Immediately following Protective Mtg. beginning at 6:30pm)**

The meeting was called to order at 6:54pm by Chairwoman Addonizio who requested Legislator Ellner lead in the Pledge of Allegiance. Upon roll call Legislators Ellner and Nacerino and Chairwoman Addonizio were present.

Item #3 – Acceptance of Minutes – February 21, 2024

The minutes were approved as submitted.

**Item #4 – Approval/ Fund Transfer 24T040/ County Attorney/ Litigation Settlement/
TD Auto Finance**

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

**Item #5 – Approval/ Town of Southeast/ American Rescue Plan Act (ARPA)
Funding Reallocation to Lake Tonetta Bio Treatment System Project**

Chairwoman Addonizio made a motion to waive the rules and accept the additional revised resolution; Seconded by Legislator Nacerino. All in favor.

Commissioner of Finance Michael Lewis stated a meeting with the towns, villages and ARPA Consultant was held in February to explain the process of spending the ARPA funds and the importance of adhering to the guidelines because the funds need to be obligated, pursuant to the United States Treasury, by December 31, 2024. He stated he believes the requests that have come in since are a direct result of this meeting. He stated he worked with Town of Southeast Councilman Cyprus on reallocating this funding. He stated the Town's original request was for \$150,000 for the Lake Tonetta Bio Treatment System Project. He stated after this agenda had been published the Town realized the project would require another \$65,000. He stated in addition to that, the Town identified that the projects at the Town Hall and Town Court would not be moving forward and therefore made a subsequent request to reallocate that funding to the Cobb Road Culvert Replacement Project.

Chairwoman Addonizio requested clarification on the cost of the Cobb Road culvert replacement.

Commissioner Lewis stated \$585,000 was added to the project to bring the total allocation up to \$1,085,000.

Legislator Ellner requested confirmation that these requested projects are all acceptable under the ARPA guidelines.

Commissioner Lewis stated yes, they are. He detailed the process these requests go through:

- The town or village submits their requested project to the Administration and/or Finance Department.
- The County then has the project reviewed by the ARPA Consultant.
- The ARPA Consultant determines the eligibility of the project.
- The project is brought forth to the Administration for the approval of County Executive Byrne.
- Once approved, it is sent to the County Auditor and finally the Legislature for approval.

Legislator Gouldman commended Commissioner Lewis and the Finance Department staff for holding the meeting in February relaying the importance of making sure this funding is allocated correctly so it does not become a lost opportunity.

Legislator Jonke applauded the Finance Department as well as Town of Southeast Councilman Cyprus for proactively reallocating this funding and making sure the taxpayers in the Town of Southeast are getting the benefit of this ARPA funding.

Legislator Montgomery stated Lake Tonetta is a gem of a lake and the work the Town is doing to protect and restore it is so important. She stated she is happy to see this project move forward.

Legislator Crowley stated her appreciation for Commissioner Lewis's tenacity in making sure the towns and villages are aware of this process. She stated these funds are improving the infrastructure within the County and as a result it is improving the livelihood of our residents.

Legislator Montgomery stated these projects being requested by the towns and villages are the tip of the iceberg in terms of infrastructure projects that are needed. She stated the towns and villages operate on very small budgets and she is happy when the County is able to help them with these vital projects.

Chairwoman Addonizio made a motion to approve the revised resolution; Seconded by Legislator Nacerino. All in favor.

**Item #6 – Approval/ Town of Patterson/ American Rescue Plan Act (ARPA)
Funding Reallocation to Dorset Hollow Water District Extension Project**

Legislator Nacerino stated she is very pleased to see this on the agenda this evening. She stated as mentioned by County Executive Byrne in his State of the County Address, the Town of Patterson will be benefiting from the Front Street revitalization project and she is thankful for the support of the Administration. She stated it is important to remember that the requests for these projects originate within the towns and villages themselves. She stated she is very proud of Town of Patterson Supervisor Williams and the Town Board for bringing this initiative forward. She stated the Town of Patterson is often compared to the Town of Pawling, as they both have the railroad running through the middle of town and it is questioned why Patterson does not have the shops and those sorts of things that Pawling has. She stated water has always been one of the biggest obstacles for the Town of Patterson so she is pleased to move this project forward tonight as it will greatly contribute to the revitalization of Front Street.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #7 – Approval/ Village of Nelsonville/ Savings of Sales Tax Funds Applied to the HVAC System at Village Hall

Chairwoman Addonizio made a motion to waive the rules and accept the additional revised resolution; Seconded by Legislator Ellner. All in favor.

Commissioner Lewis stated the original project request was for \$63,890 total, of which 50% was to go toward a feasibility study and 50% toward HVAC improvements at Village Hall. He stated the feasibility study wound up costing less, at \$27,000 and the HVAC system wound up costing more, at \$38,000. He stated therefore, Village of Nelsonville Mayor Winward requested to reallocate the remaining funding for the feasibility study to offset the increased cost of the HVAC system. He stated this work has already been completed, this will just shift the funding and make the Village whole.

Legislator Montgomery stated the Village of Nelsonville operates on a very small budget and Mayor Winward's attention to detail is unbelievable. She thanked the Village of Nelsonville for their diligence in identifying this opportunity.

Legislator Addonizio made a motion to pre-file the revised resolution; Seconded by Legislator Nacerino. All in favor.

Item #8 – Approval/ Proposed Legislation to Create Department of General Services

Director of Purchasing John Tully thanked the Committee for including this on this evening's agenda. He stated the creation of a Department of General Services (DGS)

has been a focus since County Executive Byrne took office last year. He stated this proposal was assembled by the following team of individuals chosen by County Executive Byrne based on their specific expertise:

- Deputy County Executive James Burpoe, who has over 12 years of experience as the Commissioner of General Services for Orange County.
- Personnel Officer Paul Eldridge, who researched any potential issues with civil service in relation to this new department.
- Director of IT/GIS Thomas Lannon, who co-authored the proposal to form the DGS.
- Commissioner of Finance Michael Lewis, who looked critically into the finances associated with the creation of the DGS.
- Senior Deputy County Attorney Conrad Pasquale, who reviewed every aspect of how the creation of the DGS would impact the Putnam County Charter and provided redline copies of all changes being proposed.

He stated in addition to the above team, County Executive staff members, Director of Compliance and Intergovernmental Relations Jennifer Caruso, Chief of Staff Matthew Covucci, and Director of Communications Christopher Formisano contributed to this proposal. He stated this is not the first time this has been discussed and they went into the 2024 budget process with this in mind, which paved the way to create the DGS. He provided examples of other governments that have a DGS including the Federal Government with the United States General Services Administration, the New York State Office of General Services, and surrounding counties such as Dutchess County, Rockland County, Orange County, and Albany County among others throughout the State. He stated the difference is that Putnam County is a smaller government making this proposal and in some of the above listed locations there are multiple employees handling the same tasks that Putnam County will only need one (1) employee for. He stated this is important because in addition to the savings laid out in the proposal, because Putnam is smaller, it will be set up for long term success in terms of taking advantage of future savings. He stated purchasing and technology are not going away. He stated the current Purchasing Department and IT/GIS Department collaborate often to assist other departments with their needs. He stated the proposal for the DGS solidifies that relationship and ensures that the County will benefit from these departments being under one umbrella. He stated the discussion this evening is a necessary step in the process of forming the DGS and how the County can benefit moving forward.

a. Local Law to Amend Article 5 of the Putnam County Charter Entitled "Executive Department"

Chairwoman Addonizio questioned if a new position is being created in proposed Article 5 of the Putnam County Charter under sections 5.03 and 5.04.

Director Tully stated no, the Charter change was crafted to give the County Executive the ability to structure the department in whatever way they believe would best serve the County. He stated the structure presented by County Executive Byrne has the Commissioner of DGS taking on duties of procurement. He stated the way the Charter

is written is that if the County Executive presents to the Legislature a budget that includes a different structure and the Legislature approves that funding, the Charter would not have to change.

Chairwoman Addonizio requested clarification between the Commissioner and Director positions referenced in the proposal.

Senior Deputy County Attorney Conrad Pasquale stated the role of Commissioner of DGS will assume the responsibilities of the current Director of Purchasing. He stated if at some point in the future the Commissioner decides it is appropriate to appoint a director, which is essentially a deputy position, and it is within budgetary appropriations it can be created. He stated at this point it has not been funded therefore it has not been created.

Legislator Nacerino stated by including this language it seems it is being set up to incorporate a director in the near future. She questioned a posting she saw on the Putnam County website which advertised a Capital Asset and Procurement Coordinator position. She questioned why this posting was made public to be applied for before the approval of this department was completed.

Personnel Officer Paul Eldridge stated that position is already in the budget within the Purchasing Department.

Director Tully stated that position was approved in the 2024 budget process.

Legislator Nacerino clarified that this position is separate from the director position being discussed as the duties and responsibilities seem similar.

Director Tully stated that is correct.

Legislator Nacerino questioned if it is anticipated needing to hire a director, or deputy, position in the near future.

Director Tully stated he does not see the need for that position right now. He stated regardless of the plan to create the DGS, there have been instances in the past where Director of IT/GIS Lannon has articulated the need for additional IT staff. He stated he believes those needs would be more prudent to address first.

Legislator Nacerino stated IT is a big undertaking and it is important to have the right people in the right positions. She stated technology is so fluid, it is vital to remain protected.

Director Tully agreed. He stated a lot of thought was put into the proposal to create this Department with the intention of a successful future.

Legislator Nacerino stated in Section 5.01 it states "The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment." She stated she believes this language is somewhat antiquated and is a precedent that would need to be applied across the board. She stated there are many employees in management positions that sit on various boards within their respective towns or villages. She stated this statement negates the ability of this individual to serve on a political committee or be involved in their town, which does not present a conflict for the job at hand.

Senior Deputy County Attorney Pasquale stated he believes that is the language that is currently in the Charter, which is why it was left in. He stated if the Legislature would like to remove that language, it can do so as there is no requirement for it to be included.

Legislator Nacerino stated she would like to see it removed because there are other individuals in management positions serving within their towns.

Chairwoman Addonizio agreed.

Legislator Ellner stated it is restrictive.

Legislator Crowley questioned if this should be consistent across the board for all County employees, managers or not. She stated she believes employees currently need to obtain permission to serve on a board or committee within their local government.

Legislator Sayegh clarified that the discussion is pertaining to the possible removal of the first sentence of the second paragraph under section 5.01 and that the second sentence, "He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice, nor be employed in their field of expertise with the County by any private or other government entity.", would remain.

Legislator Nacerino stated yes, she is referring to only the first sentence referring to public or political office.

Legislator Sayegh stated the importance of leaving that second sentence in to avoid possible conflicts of interest.

Chairwoman Addonizio stated this revision could be drafted by the Law Department.

Senior Deputy County Attorney Pasquale clarified that he should draft a change where "The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment." is to be removed and "He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice,

nor be employed in their field of expertise with the County by any private or other government entity.”, is to be left in.

Chairwoman Addonizio stated that is correct.

Legislator Montgomery questioned what the suggested language would be. She stated she disagrees that the Commissioner of the DGS should be able to hold a political office. She stated an individual on a committee is the lowest level of an elected official. She suggested removing public office from the wording so the Commissioner would be prohibited only from holding a political office.

Legislator Nacerino stated there is currently a County employee who holds a political office, therefore if that restriction were to be implemented it would affect those employees.

Legislator Montgomery stated this section of the Charter speaks to only the Commissioner of DGS.

Legislator Nacerino stated she is looking at it on a broad scope because it will have to be applied across the board.

Legislator Montgomery stated this proposal does not speak to that.

Legislator Nacerino stated for other positions that are being considered, the same language would have to be applicable as well. She stated she does not see a management employee holding a position on their town or village board as a potential conflict of interest. She stated an employee having a private practice or being employed elsewhere in their field of expertise would be a conflict of interest.

Chairwoman Addonizio questioned if this wording is anywhere else in the Charter.

Legislative Counsel Robert Firriolo stated yes, however he does not believe both public and political are referenced each time. He stated his recollection from the Charter Review Commission is that they reviewed what is “public” and what is “political” office. He stated he believes it was determined that a position on a committee is not deemed a public office under state law. He stated by including both public and political the intention is clear that it is trying to preclude someone from serving on a political committee.

Legislator Jonke stated Section 5.05 states that within the DGS there will be an independent Division of IT/GIS. He questioned how there could be an independent division within another department.

Senior Deputy County Attorney Pasquale stated there is precedent for this within the Finance Department as the Real Property Tax Service Agency falls under the Finance Department but operates independently. He stated aside from the role of Director of

IT/GIS being very technical, it handles a lot of sensitive and confidential information. He stated while the Director of IT/GIS would serve under the Commissioner of DGS, they could not be ordered to disclose any information that should not be.

Director of IT/GIS Lannon stated the relationship between IT/GIS and DGS is important, especially being a smaller county. He stated this gives the IT/GIS Department the independence to do the work they need to do while providing necessary oversight on the purchases throughout the County.

Legislator Ellner stated also in Section 5.05 it states that the Director of IT/GIS would be appointed by the Commissioner of DGS.

Senior Deputy County Attorney Pasquale stated that wording is included more for the future. He stated currently, the Director of IT/GIS is a tested civil service position so it is not subject to appointment like it would be in the future. He stated the current Director of IT/GIS Tom Lannon will continue in this role and it is his understanding that his successor would be appointed by the Commissioner of DGS and move forward as such.

Legislator Ellner stated he would rather see the County Executive make that appointment as opposed to the Commissioner of DGS.

Director Tully stated if the Commissioner did not make an appropriate appointment, the County Executive could step in. He stated the Commissioner serves at the pleasure of the County Executive. He stated he and Director of IT/GIS Lannon work well together and there will not be a change upon the creation of the DGS.

Legislator Castellano stated moving forward, anyone hired into that position will not be in a civil service position.

Director Tully stated the candidate would still be coming from a civil service test list.

Personnel Officer Eldridge stated there are many categories of employment; technically all County employees are civil service regardless of if they have taken a test or not.

Chairwoman Addonizio stated the way it is worded sounds like the appointment will be made and will not be a tested position. She questioned why the individual would still be chosen from a list.

Personnel Officer Eldridge stated the position is in a competitive class, in order to change that a request would be made by him to the State Civil Service Commission. He stated he currently does not see a need for that. He stated the position is appointed no matter what.

Chairwoman Addonizio stated she believes it could be made clearer.

Legislator Crowley questioned if the vetting process will become more stringent for the Director of IT/GIS when the time comes to bring in a new employee because of the risk of cyber security. She questioned if anything more would be added to the job description.

Director Tully stated job descriptions are always evolving in any position. He stated prior to a position being posted, it is run through the Personnel Department to ensure it includes the County's current needs and accounts for technological changes since the last time it was posted.

Director Lannon provided the example of artificial intelligence. He stated five (5) years ago it was not discussed at all, although it existed. He stated now, it is a major buzzword.

Legislator Crowley stated she is making sure the process allows for the right person to be in the position rather than choosing from the top three (3) candidates on a list. She stated it is important to have all the proper protections in place for this type of position.

Director Lannon stated when the job is posted there are requirements to be met before an individual can even submit their application. He stated part of those requirements could be the cyber security, which would be developed by the County. He stated if those requirements are not met, the individual would not even progress to the test.

Director Tully stated any potential change to the title of the position would necessitate action by the Legislature.

Legislator Nacerino questioned if a title change would be required if the position were made exempt.

Personnel Officer Eldridge stated not necessarily, but the specifications may change. He stated the assumption is that all positions are competitive and to change that, a case would have to be made as to why it is not practicable to be tested. He stated in order to do that there is an extensive process including holding a public hearing and sending the request to the State Civil Service Commission.

Legislator Jonke stated he is not in favor of the Commissioner of DGS appointing the Director of IT/GIS because it would not be as transparent as if the appointment were made by the County Executive. He stated when the County Executive makes the appointment, the Legislature would then confirm it, which is a more transparent process.

Legislator Ellner questioned if all Director-level positions are tested.

Personnel Officer Eldridge stated no, it depends on whether it is practicable to test for it or not. He stated they rely on the New York State Constitution to determine what is practicable. He stated anything other than "competitive" is an exception so the assumption would be that the position will be competitive.

Legislator Ellner questioned if a deputy commissioner is a tested position.

Personnel Officer Eldridge stated not necessarily, it depends on the job responsibilities.

Legislator Ellner questioned if there would be more flexibility if the position was a Deputy Commissioner rather than Director of IT/GIS.

Personnel Officer Eldridge stated the title does not have as much of an impact on the classification as the responsibilities and duties do.

Legislator Montgomery stated she would like to go back to the discussion on the wording contained in proposed Section 5.01 regarding the Commissioner holding public or political office. She questioned if throughout the Charter this restriction is only connected to commissioner positions, or if it also applies to other management and staff positions.

Legislative Counsel Firriolo stated he would have to look into that, but he does not believe it is only commissioners. He stated there are certain positions such as the County Attorney where there are restrictions put on their outside employment or holding public office and each one is different. He stated this restriction is not across the board; it is selective. He stated there are some areas where the Charter is explicit and some areas where there are no restrictions.

Legislator Montgomery stated she believes the positions appointed by the County Executive are those under the restriction from holding public or political office. She stated she does not believe a commissioner or County Attorney should hold political office.

Legislative Counsel Firriolo stated he believes Legislator Montgomery is correct, it applies to department head positions or key appointee positions. He stated he does not recall anything across the board pertaining to subordinate employees with respect to holding public offices.

Legislator Montgomery stated she believes the wording should remain in Section 5.01 that the Commissioner should not hold a public or political office.

Chairwoman Addonizio made a motion to table item #8a. Local Law to Amend Article 5 of the Putnam County Charter Entitled "Executive Department"; Seconded by Legislator Nacerino. All in favor.

b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services

Director Tully stated the changes made in Chapters 117 and 140 of the Putnam County Code are replacing “Director of Purchasing” with “Director of General Services”.

Legislative Counsel Firriolo stated that is correct. He stated it also replaces references to the Highway Department with “Department of Public Works” where they appear. He stated this local law cannot be approved until the local law in item #8a is approved creating the Department of General Services.

Chairwoman Addonizio made a motion to table item #8b. Local Law to Amend Chapter 117 Entitled “Apprenticeship Training Program” and Chapter 140 Entitled “Contracts and Procurement” of the Putnam County Code in Relation to the Creation of the Department of General Services; Seconded by Legislator Ellner. All in favor.

c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”

Chairwoman Addonizio stated the changes made to Section 7.05 of the Putnam County Charter replace references to the Department of Purchasing with the Department of General Services and references to the Highway Department to the Department of Public Works.

Legislative Counsel Firriolo stated this local law cannot be approved until the local law in item #8a is approved creating the Department of General Services.

Chairwoman Addonizio made a motion to table item #8c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”; Seconded by Legislator Ellner. All in favor.

d. Local Law to Amend Article 3 of the Putnam County Charter Entitled “County Executive”

Chairwoman Addonizio stated this local law places the Department of Tourism into Article 3 of the Putnam County Charter which is entitled “The County Executive”. She questioned if this is the appropriate section for the Department of Tourism to be in.

Chairwoman Addonizio made a motion to waive the rules and accept the additional; Seconded by Legislator Nacerino. All in favor.

Chairwoman Addonizio stated she believes the Department of Tourism would be more appropriately placed under Article 12 “Other County Functions”.

Senior Deputy County Attorney Pasquale stated he believes that is an appropriate change and he would be happy to draft it.

Legislator Ellner questioned what the justification of taking the Department of Tourism out of the purview of the Legislature and moving it under the County Executive.

Senior Deputy County Attorney Pasquale stated the Department of Tourism was not under the purview of the Legislature originally, it is under Article 5 "Executive Department".

Chairwoman Addonizio stated Article 5-B could also be created for the Department of Tourism.

Senior Deputy County Attorney Pasquale stated yes, that is also an option.

Legislative Counsel Firriolo stated in reference to Legislator Ellner's question, the text of the section is not changing. He stated the only proposal was to change the location of the Department of Tourism within the Charter. He stated even if it were to be moved into Article 3 "The County Executive" it would not incur any more power to the County Executive.

Chairwoman Addonizio questioned if this item would need to be tabled as well.

Legislative Counsel Firriolo stated the Department of Tourism can be moved out of Article 5 in anticipation of the creation of the DGS. He stated from a drafting standpoint the simplest place to move the Department of Tourism is under Article 12 by creating a new Section 12.12 and 12.13 rather than creating a new Article.

Senior Deputy County Attorney Pasquale agreed. He stated if the Committee would like to move forward with that this evening he will make the appropriate changes to the local law so it will read appropriately when it gets to the Full Legislative meeting.

Chairwoman Addonizio made a motion to amend the local law to replace references to Article 3 with Article 12 and Article 3.07 and 3.08 with 12.12 and 12.13 respectively, subject to drafting of the Law Department; Seconded by Legislator Nacerino. All in favor.

Senior Deputy County Attorney Pasquale stated that a motion should also be made to amend the resolution to repeal current Charter Article 5.03 and 5.04, where the Department of Tourism is currently located.

Chairwoman Addonizio made a motion to amend the resolution to repeal Article 5.03 and 5.04 of the Putnam County Charter and to move those subsections to a new Article 12.12 and 12.13; Seconded by Legislator Nacerino. All in favor.

Legislator Nacerino questioned if the Committee can revisit Legislator Jonke's request to have the appointment of the Director of IT/GIS made by the County Executive.

Senior Deputy County Attorney Pasquale stated so the Legislature is aware, there are several deputy commissioner positions within the Charter that are appointed by the commissioner of that department. He stated the Department of Social Services and the Department of Public Works are examples of this.

Legislator Jonke stated he believes this is a unique situation and would prefer to see the appointment made by the County Executive.

Legislator Nacerino agreed.

Chairwoman Addonizio stated that can be brought forward in April.

Item #9 – Other Business

a. FYI/ Litigation Report

Chairwoman Addonizio made a motion to waive the rules and accept the other business; Seconded by Legislator Nacerino. All in favor.

The Litigation Report was duly noted.

Item #10 – Adjournment

There being no further business at 8:00pm, Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Ellner. All in favor.

Respectfully submitted by Administrative Assistant Beth Robinson.

THE PUTNAM COUNTY LEGISLATURE

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Thursday March 21, 2024
(Immediately following Protective Mtg. beginning at 6:30pm)

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Acceptance of Minutes – February 21, 2024**
- 4. Approval/ Fund Transfer 24T040/ County Attorney/ Litigation Settlement/ TD Auto Finance**
- 5. Approval/ Town of Southeast/ American Rescue Plan Act (ARPA) Funding Reallocation to Lake Tonetta Bio Treatment System Project**
- 6. Approval/ Town of Patterson/ American Rescue Plan Act (ARPA) Funding Reallocation to Dorset Hollow Water District Extension Project**
- 7. Approval/ Village of Nelsonville/ Savings of Sales Tax Funds Applied to the HVAC System at Village Hall**

8. Approval/ Proposed Legislation to Create Department of General Services

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- c. Local Law to Amend Section 7.05 of the Putnam County Charter Entitled “Capital Program and Capital Budget”**
- d. Local Law to Amend Article 3 of the Putnam County Charter Entitled “County Executive”**

9. Other Business

10. Adjournment

MICHAEL LEWIS
Commissioner Of Finance



cc: all
Ruler's
AAA

Reso
#4

SHEILA BARRETT
First Deputy Commissioner of
Finance

DEPARTMENT OF FINANCE

March 20, 2024

Mrs. Diane Schonfeld, Clerk
Putnam County Legislature
40 Gleneida Avenue
Carmel, NY 10512

Dear Mrs. Schonfeld,

Pursuant to Resolution 46 Section 5.1-B, dated February 14, 2010, the following request to amend the Putnam County Veterans Affairs 2024 budget has been submitted for approval.

2024 MAR 21 AM 11:02
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

Increase Revenues:

10651000 437895 10105 Veterans Peer to Peer Program \$ 199,800

Increase Appropriations:

10651000 54646 10105 Veterans Peer to Peer Program – Contracts \$ 199,800

2024 Fiscal Impact -0-
2025 Fiscal Impact -0-

This amendment to the Veteran's 2024 Peer to Peer Pilot Program is required to comply with the latest State aid levels. These funds are to be used to assist veterans suffering from post-traumatic stress syndrome or other related combat stress disorders through individual and small group peer-to-peer counseling methods. The program is to be administered by the Putnam County Office of Veterans Affairs and the NYS Office of Mental Health.

The NYS OMH Attachment A – Funding Source Allocation Table Year 2024 Amendment:2 – 12/19/23, Veteran P2P Pilot Program is attached for reference.

AUTHORIZATION:

Date Commissioner of Finance/Designee: Initiation by \$0 - \$5,000.00

Date County Executive/Designee: Authorized for Legislative Consideration \$5,000.01 - \$10,000.00

Date Chairperson Audit/Designee: \$0 - \$10,000.00 **24A026**

Date Audit & Administration Committee: \$10,000.01 - \$25,000.00



Aid to Localities Financial System

Attachment A

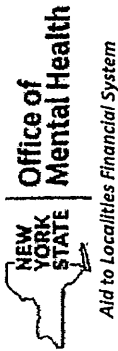
Funding Source Allocation Table

County Code: 40 County Name: Putnam

Year: 2024 Amendment: 2 - 12/29/2023 4:03:06 PM

Print Date : 01/02/2024 01:39 PM
 Printed By : L6884GMB
 Page : 1 of 2

Funding Source	Code	Type	Prior Letter Allocation	Allocation Changes Since Prior Letter	Revised Current Fiscal Year Allocation	Annualized Value from Prior Letter	Annualized Value Changes from Prior Letter	Fiscal Year Revised Annualized Value	Beds
Local Assistance	001A	GS	\$60,488	\$0	\$60,488	\$0	\$0	\$0	
Community Support Services	014	GS	\$111,568	\$0	\$111,568	\$0	\$0	\$0	
Adult Case Management & ACT	034J	GS	\$321,766	\$0	\$321,766	\$0	\$0	\$0	
Integrated Supp Emp	037	GS	\$52,328	\$0	\$52,328	\$0	\$0	\$0	
PROS State Aid	037P	GS	\$89,636	\$0	\$89,636	\$0	\$0	\$0	
Remarks									
Effective 1/1/2024, PROS Residual State Aid and PROS Vocational Initiative funding recalculated based upon monthly census data reported in CAIRS. CY 2023 funding increases are PFCS PROSper SA \$34,624 Voc \$55,011.									
Effective 04/01/2023, PROS Residual State Aid and PROS Vocational Initiative funding is being increased based upon the 4% COLA effective 04/01/2023. CY 2023 funding increases are PFCS PROSper SA \$1,088 Voc \$1,696.									
Dwyer Veteran P2P	038F	GS	\$7,400	\$185,000	\$192,400	\$0	\$0	\$0	
Clinical Infrastructure-Adult	039P	GS	\$62,560	\$0	\$62,560	\$0	\$0	\$0	
CMHS Kids COVID Relief Funds	044C	F	\$0	\$0	\$0	\$0	\$0	\$0	
Clinical Infrastructure-C&F	046A	GS	\$77,916	\$0	\$77,916	\$0	\$0	\$0	
Community Support Programs-C&F	046L	GS	\$322,914	\$0	\$322,914	\$0	\$0	\$0	
Supported Housing	078	GS	\$2,228,621	\$0	\$2,228,621	\$0	\$0	\$0	78
Remarks									
Effective 1/1/24, 2 beds and \$54,749 are being moved from FSC 200C to FSC 078.									
Effective 4/1/23, a \$930 per bed COLA and a \$1,812 per bed stipend increase are being allocated for 76 SH beds. The first year value of this increase is \$156,294. The full annual value is \$208,392.									
Prior Year Liability	122P	GS	\$0	\$0	\$0	\$0	\$0	\$0	
Expanded Community Support Adult	142A	GS	\$276,316	\$0	\$276,316	\$0	\$0	\$0	
Suicide Prevention & Crisis Services	164	GS	\$150,000	\$0	\$150,000	\$0	\$0	\$0	
Trans. Mgmt. Kendra's	170B	GS	\$7,700	\$0	\$7,700	\$0	\$0	\$0	
MGP Admin Kendra's	170C	GS	\$2,532	\$0	\$2,532	\$0	\$0	\$0	



Attachment A
Funding Source Allocation Table
 County Code: 40 County Name: Putnam
 Year: 2023 Amendment: 11 - 8/9/2023 10:08:30 AM

Print Date : 08/16/2023 04:36 PM
 Printed By : GBALCER
 Page : 2 of 6

Funding Source	Code	Type	Prior Letter Allocation	Allocation Changes Since Prior Letter	Revised Current Fiscal Year Allocation	Annualized Value from Prior Letter	Annualized Value Changes from Prior Letter	Fiscal Year Revised Annualized Value	Beds
Remarks									
An increase of \$7,400 represents the 4/1/23 - 3/31/24 value of a 4% COLA, effective 4/1/23. The full annual value is \$7,400. Funding in the amount of \$185,000 in the SFY 23-24 Enacted Budget for the period of 4/1/2023-3/31/2024, will be used for the Veteran Peer to Peer Support Service Program for veteran suffering from post-traumatic stress syndrome, other related combat stress disorders, or having counseling needs, using individual and small group peer to peer counseling methods. T provider should use the program code 0690 on all OMH financial reporting documents.									
Clinical Infrastructure-Adult	039P	GS	\$61,957	\$0	\$61,957	\$62,560	\$0	\$62,560	
Remarks									
An increase of \$1,805 represents the 4/1/23 - 12/31/23 value of a 4% COLA, effective 4/1/23. The full annual value is \$2,408.									
CMHS Kids COVID Relief Funds	044C	F	\$0	\$0	\$0	\$0	\$0	\$0	
Clinical Infrastructure-C&F	046A	GS	\$77,167	\$0	\$77,167	\$77,916	\$0	\$77,916	
Remarks									
An increase of \$2,247 represents the 4/1/23 - 12/31/23 value of a 4% COLA, effective 4/1/23. The full annual value is \$2,996.									
Community Support Programs-C&F	046L	GS	\$319,809	\$0	\$319,809	\$322,914	\$0	\$322,914	
Remarks									
An increase of \$9,315 represents the 4/1/23 - 12/31/23 value of a 4% COLA, effective 4/1/23. The full annual value is \$12,420.									
Supported Housing	078	GS	\$2,188,926	\$0	\$2,188,926	\$2,173,872	\$0	\$2,173,872	76

Guardian Revival, Inc.

Program Budget Rxxx 2024 - Joseph P. Dwyer Vet2Vet Program of Putnam County

Compensation

Boots & Paws Program Director	\$40,000.00
Veteran Connect Program Coordinator	\$43,000.00
Outreach Coordinator	\$24,000.00
Total Compensation	\$107,000.00

Payroll Taxes	\$20,880.00
Employee Benefits	\$0.00
Total Compensation	\$127,880.00

OTPS

Training & Development	\$9,120.00
Another Summit Program Expense	\$10,000.00
Boots and Paws Program Expense	\$5,000.00
Technology, AV, Software	\$18,547.13
Total OTPS	\$42,667.13

Total Vet2Vet Budget	\$170,547.13
Agency Admin Allocation at 17.15236%	
Agency Admin Allocation	\$29,252.87
Total Vet2Vet Budget	\$199,800.00

Funding

JPD Vet2Vet Budget	\$192,400.00
COLA for 2023	\$7,400.00
Total Funding	\$199,800.00

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#5

PUTNAM COUNTY EXECUTIVE
KEVIN M. BYRNE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk

FROM: Kevin M. Byrne, County Executive

CC: James Burpoe, Deputy County Executive
John Tully, Director of Purchasing
Thomas Lannon, Director of IT/GIS
Michael Lewis, Commissioner of Finance
Paul Eldridge, Personnel Officer
Tracey Walsh, Director of Tourism
Conrad Pasquale, Senior Deputy County Attorney

DATE: March 8, 2024

RE: Proposed Legislation to Create Department of General Services

A handwritten signature in black ink, appearing to be "KB", written over the "RE:" line of the memorandum.

After months of hard work and collaboration among several departments, we are presenting this comprehensive proposal for the creation of a new Department of General Services. This new department would merge the Department of Purchasing, the Department of IT/GIS, and other related central services of the County with zero fiscal impact.

Like other municipalities that have done this before, this merger will provide a long-term solution using technology to process data. This will provide greater oversight that will cut costs, improve efficiencies, and reduce overhead. Ultimately, the goal is to cut costs to County government, streamline business practices, and maximize existing County resources by providing coordinated procurement. This will assist in ensuring contract compliance, enhancing communications, as well as coordinating grants activities and office services for the departments and agencies of Putnam County.

Integrating these units, offices, and departments under the Department of General Services will aid all departments in performing their respective functions with the greatest potential efficiency and fiscal economy, while avoiding duplication and waste wherever possible.

The Department of General Services will be headed by a Commissioner of General Services. The Commissioner of General Services shall supervise and coordinate the diverse units, offices, departments, activities, functions, and services of purchasing at all County facilities.

Due to the specialized nature of the duties and responsibilities, there will be an independent Division of Information Technology within the Department of General Services. This division will be headed by a Director of Information Technology, who will be responsible for coordinating, planning, developing, and managing all information technology systems and resources for the County. Previously, the Office of Information Technology/GIS was inadvertently removed from the Charter. This change will remedy that flaw, and formally recognize IT/GIS.

Finally, as a result of these changes, the Department of Tourism will be moved to Article 3 of the Charter.

Attached for review and discussion by the Legislature are the following:

- Proposal to form the Department of General Services from John Tully Director of Purchasing and Tom Lannon, Director of IT/GIS
- Charter and Code Changes prepared by Conrad Pasquale, Sr. Deputy County Attorney as follows:
 - Local law to amend the Charter for the formation of the Department of General Services (Article 5);
 - Local law to amend the Code for the formation of the Department of General Services (Chapters 117 and 140);
 - Local law to amend the Charter to add the Commissioner of General Services to the Capital Projects Committee (§7.05);
 - Local law to move the Department of Tourism to Article 3 of the Charter.
- Civil Service appendix from the Director of Personnel, Paul Eldridge
- Budgetary Amendments from Commissioner of Finance, Michael Lewis

The attached legislation is being forwarded for the review and consideration of the Rules, Enactments, & Intergovernmental Relations Committee (or, appropriate committee). Please note that the proposed amendment is subject to a permissive referendum and shall take effect within forty-five (45) days from passage as consistent with Section 15.01 of the Charter, which addresses the procedure for Charter amendments.

Should you have any questions, please do not hesitate to contact my office.

A proposal to Putnam County Executive Kevin Byrne and the Putnam County Legislature on the initiative to create a Department of General Services to help direct policy, enhance business practices and effectively manage centralized operating and capital costs.

Proposal for Department of General Services

For Putnam County
Government

John Tully, Director of Purchasing and Central
Services and Tom Lannon, Director of IT/GIS

Executive Summary

The creation of a Department of General Services (“DGS”), through the merging of the Purchasing and IT/GIS Departments, will increase efficiency and cost effectiveness, consolidate operations, and maximize existing County resources by providing centralized, coordinated services to other Departments of County government. These services will include Purchasing, Central Services, Asset Management, Capital Planning, Information Technology and GIS.

By merging Information Technology and Procurement into the Department of General Services, we will modernize and enhance the services of information technology as a method to improve business practices and efficiencies, while cutting County government operational costs. By researching and utilizing best business practices together with best technology practices, we will be able to reduce costs and improve efficiencies while better coordinating the use of technology to reduce the financial burden on taxpayers, all while improving services to our citizens. The challenge has been and will continue to be learning to adapt as an organization to new methods in a world where technology develops daily.

Similar to decisions made by other county governments such as Albany, Dutchess, Orange, and Rockland, creating a Department of General Services will help to further achieve both the County Executive and the Legislature’s goal of reducing government spending, finding new and innovative solutions to promote efficiencies, and contain costs to ensure that taxpayers are getting added value for their hard-earned dollars. This Administration supports and respects the policy making authority of the County Legislature and respectfully asks that the Board approve the requested Charter and Code changes and the budgetary amendments necessary for the formation of the Department of General Services. This Administration, along with the Directors of Purchasing and Information Technology are available to meet and discuss these changes through the committee process. Establishing a Department of General Services and supporting its mission is a proactive measure that will help to ensure Putnam County continues to be ranked among the top of the most fiscally prudent counties in New York State.

Included with this proposal for Legislative consideration are the necessary changes to the Putnam County Charter, and the Putnam County Code, budgetary amendments (no fiscal impact) and a Civil Service explanation.

Department of General Services (“DGS”)

Introduction:

During the preparation and subsequent adoption of the 2024 budget, certain measures were taken to consolidate and transfer various governmental expenses into the Department of Purchasing and Central Services and the Department of Information Technology (“IT”)/Geographic Information Systems (“GIS”). Administratively, these measures were taken because they provide economic efficiencies and are consistent with our intentions to create a Department of General Services that will include Purchasing, Central Services, Asset Management, Capital Planning, Information Technology and GIS.

This initiative is intended to bring together important internal services. This will improve efficiency and effectiveness of not only these two departments, but also, and more importantly, the ones that they serve.

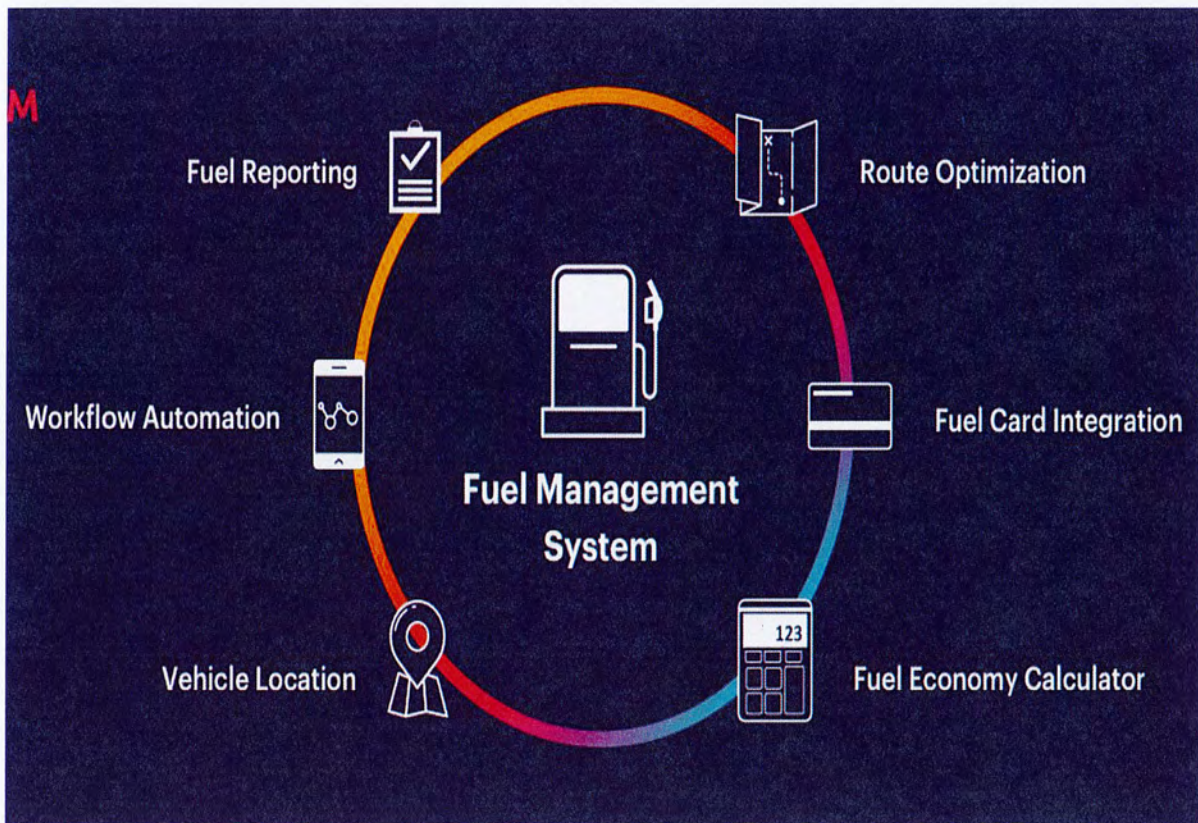
In order to officially effectuate the creation of the Department of General Services (“DGS”), attached to this proposal is a recommended charter change that rescinds the existing Article 5 and replaces it with a new Article 5 wherein Procurement and Information Technology/GIS are merged into the Department of General Services. The structure presented in the Charter change provides the current and future administrations with two options, one of which would require subsequent budgetary considerations. The first option the Charter change provides is to hire a commissioner to oversee both Divisions of Procurement and Information Technology. Each Division would be headed by its own Director under the purview of the Commissioner of DGS. The second scenario, and the one that this Administration is recommending, requires that the Commissioner of the Department of General Services also be directly responsible for one of the two Divisions. ***It should be noted that this proposal also corrects an oversight, in that even though the Department of Information Technology/GIS existed, no reference was made to it in the County Charter.***

The Charter proposal above, along with this Administration’s intent to rely upon two current employees with over 60 years of combined and diverse Putnam County government experience, and in consultation with Deputy County Executive Burpoe with his 12 plus years of experience running one of the first and largest County Departments of General Services in New York State, are the key elements for the successful development of a DGS for Putnam County.

The mission we have laid out for the Department of General Services is to strive for excellence in public service through the seamless integration of procurement, central services, Information Technology, GIS, asset management and capital planning functions. To that end, some of the initiatives that will be handled by DGS are:

Fleet and Fuel Management:

DGS will manage the inventory, purchases, leases and the disposal of vehicles in the County Fleet to ensure that the fleet is consistently right sized and that all Departments have the necessary vehicles needed to carry out their respective missions. The Department of General Services will coordinate this effort with all Departments who are stakeholders in Fleet Management activities, including Risk Management through the Law Department, as well as the Department of Public Works Chief Mechanic.



Additionally, under a continuing initiative to transition the County fleet to a national fueling card system, DGS will issue fuel cards for fleet vehicles, track fuel usage and monitor expenditures. This centralization will result in increased efficiency, additional security and a reduction in consulting and compliance costs.

Asset Management & Capital Planning:

DGS, through Asset management, will develop and implement a comprehensive program to manage County-wide assets through their lifecycle, from planning to procurement to disposition. This includes identification and tracking of the County's fixed assets and establishment of an inclusive fixed asset inventory maintained in the centralized financial database.



Capital improvement planning is critically important in creating a long-term plan for capital projects and a strong capital plan results from a strong asset management program. An Asset Manager will inventory and collect data about the County's infrastructure and condition, monitor performance and identify the need for maintenance, restoration or replacement measures and prioritize those needs based on the condition of the asset and the purpose it serves. This ongoing programmatic collection and aggregation of data will allow the County to evaluate and identify infrastructure needs well in advance, providing the time to develop funding and to establish prioritization in the capital plan. This will prevent a reactive approach to infrastructure expenditures and instead allow a proactive approach to capital planning.

As a function of asset management and capital Planning, DGS will also act as a liaison to the Law Department, Executive and Legislature in matters concerning the leasing and rental of County owned or occupied facilities or other infrastructure.

Commodities/ Utilities:

Natural Gas, Electricity, Gasoline:

Prior to last year's budget process, certain expense categories such as electricity, natural gas, heating oil and other building specific expenses were accounted for through various budget strategies. Twenty years ago, the budget had cost centers included in certain department or building account budgets. Over the years, the expenses were aggregated and included as a budget item in the Highways and Facilities (currently DPW) accounts. As we continue to evolve and adapt, the decisions we made last year to move the expense to the Purchasing Department, coupled with the Legislature's support of this initiative, will put the expense squarely in the Department of General Services' budget. In doing so, we are making a clear distinction between budget responsibility and the responsibility for effectively managing the procurement of entire expense categories that are subject to economic conditions, requiring regular monitoring and consultation with experts.

Former Purchasing Director Alex Mazzotta took a leadership role in working with then Highways and Facilities on the implementation of Article 9 Energy improvements to reduce the electrical demand of County Government facilities. Now, with all utility expenses aggregated into the Department of General Services we will monitor and track the cost of every Kilowatt, therm, and gallon of fuel that this County consumes and contract with experts and cooperatives to guide us in keeping the cost of the commodities as low as possible. I am happy to report that this effort has saved Putnam County \$126,000 on the purchase of electricity and natural gas during fiscal year 2023. ***This effort coupled with proper selection of energy efficient equipment through Asset Management will ensure that Putnam County government is doing its part to contain costs and be energy efficient.***

Grant Assistance:

In addition to making every effort to control costs and maximize the County buying power, DGS will also centralize the task of aiding departments in their search for grant opportunities to offset County investments. The Department will issue requests for proposals (RFPs) to organizations interested in aggressively seeking grant opportunities that will offset the costs of department missions, and approved initiatives that align with countywide goals. The selected firm(s) will offer to be compensated as a percentage of successful grant proceed. This effort will include a collaborative approach with the Department of Planning, Development and Transportation Commissioner who continuously monitors available governmental grant opportunities. The Legislative rule regarding the pre-approval of grant applications will be coordinated with the Clerk of the Legislature for appropriate committee assignment.

Information Technology

Before discussing the benefits of combining IT/GIS and Procurement into one department, it is important to reiterate that this proposal also addresses administrative and legislative responsibility to the Putnam County Charter. This proposal corrects an oversight, in that even though the department existed, no reference was made to the Department of Information Technology/GIS in the County Charter.

By merging Information Technology and Procurement into the Department of General Services, we will modernize and enhance the services of information technology as a method to improve business practices and efficiencies, while cutting County government operational costs. By researching and utilizing best business practices together with best technology practices, we will be able to reduce costs and improve efficiencies while better coordinating the use of technology to reduce the financial burden on taxpayers, all while improving services to our citizens. The challenge has been, and will continue to be learning to adapt as an organization to new methods in a world where technology develops daily.

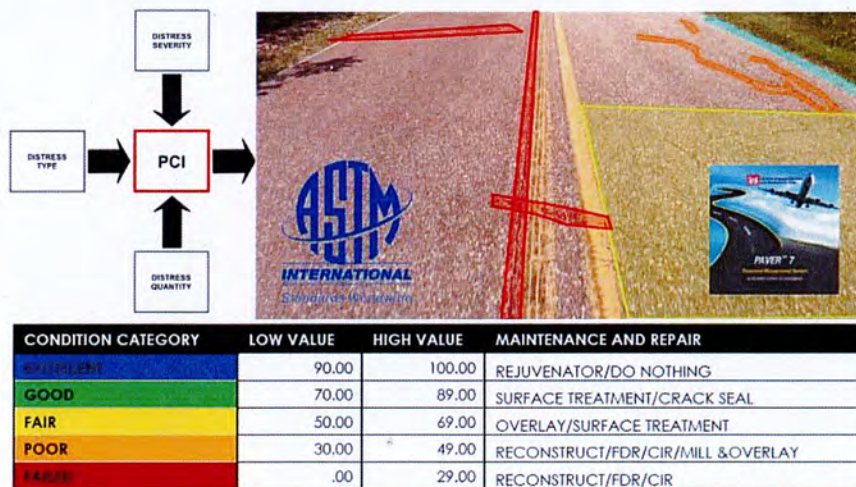
Putnam County Information Technology continuously support between 600 and 1000 active users of I.T.- managed networks and resources. Listed below are some of the specific tools used by our employees daily. These tools (computers, servers, phones, cell phones, tablets peripherals, etc.) are a significant ongoing investment in our annual operating budget. Keeping these components as close to 100% reliable will always be one of the goals of the IT Department staff as they are extraordinarily important to productivity. We witnessed this firsthand as Deputy County Executive Burpoe began conversations with all Department Heads regarding "Continuity of Operations Plans (COOP)". Every single Department will rely upon our network and technology solutions to maintain services during events that range from snow delays to catastrophic events that could disrupt daily operations and the delivery of vital government services.

Each expense category could be described in a narrative to justify how, working closely with Procurement, we can more effectively manage the expense categories through DGS. However, for the purposes of this proposal we can describe the concept through the procurement of computer equipment expenditures.

Geographic Information Systems (GIS):

The budgetary amendment included with this package, if approved, will set us up for generating additional revenue as we prepare for the 2025 budget. This amendment restructures the budget of DGS and establishes a new cost center for GIS only that will remain under the management of the Director of Information Technology. Isolating the costs of GIS will help us to understand the investment we make in this important function. It will also help us allocate recoverable expenses to other Departments and divisions of the County that rely on this important service. We have already identified the \$50k in additional funding available through the Planning Department in 2025.

In furtherance of the goals of the DGS, Geographic Information Systems will play a crucial role in supporting the asset management functions. Map based presentation of County owned assets will aid in decision making, GIS will also play a role in asset inventory, tracking, and analysis. In fact, procurement and IT/GIS are currently working with DPW and Planning to integrate and collect new spatial data that will assist Planning and DPW in their mutual efforts to plan for infrastructure improvements. Below is a sample of what we can, through GIS mapping, display pavement conditions and demonstrate that funding for road rehabilitation and reconstruction efforts are being used wisely. We are currently working with Planning and DPW to implement this system.



Computer Expenditures:

The County Executive and Legislature supported the aggregation of certain computer budgets into the Department of Information Technology. In doing so, it becomes easier to standardize the hardware and software configurations across the County. This will also simplify warranty claims, repairs, and ongoing technical support, leading to faster resolution of issues and improved user satisfaction. This will also support the Department of Information Technology in effectively managing the shipping dates and deployment of new equipment. Standardizing hardware and

software configurations through aggregated purchases can strengthen security measures allowing for more consistent implementation of security protocols, updates and patches across all devices.

From a procurement perspective, the aggregation of this expense category provides numerous untapped benefits beyond volume discounts and cost savings, including increased efficiency, improved quality control, enhanced vendor relationships, and better support for Putnam County objectives such as security and innovation. This streamlined effort can also save time and administrative effort for both Procurement and Information Technology staff.

Cybersecurity:

As the world becomes increasingly reliant on technology, the more important cybersecurity becomes. Everyday our security systems fend off multiple attacks from malicious actors. To protect the County, we must be involved in all aspects of each department. As we work to make technology an integral part of County business, we must stay ahead of cybersecurity threats.

As the Director of IT has said time and time again, viruses don't just jump into our system, we (the employees) allow them in. Clicking a link, downloading a file, opening a web page, all these are common actions taken by employee's multiple time each day. Ironically, each of these are the way into our infrastructure where cyber criminals can begin the chaos. Having IT and its goal of 100 % cybersecurity compliance front and center to each department is effectively achieved by establishing the Department of General Services.

"We need to do a lot more training for our existing staff, not only our end users. Better training will reduce the number of issues, while also creating more security professionals. It must be a multi-faceted approach."

Faisal Shah, Chief Information Officer, Broome County

Building Security:

Building security is a critical component of protecting our assets, and we need to leverage the role that technology plays in safeguarding our space. Monitoring fire, intrusion, providing access control. Technology has changed the landscape of each of these. Old school switches and sensors connected by vulnerable wires to dial up phone systems are being replaced by highly reliable solid state and digital equipment connected via wireless technology and monitored via internet connections.

Weighing the advantages of using newer technology or staying with traditional methods is a task that the Office of IT/GIS deals with every day. In the past, the Office of IT/GIS was given the

oversight of most of the security landscape, but not provided with the funds. In budget year 2023 all funds for month-to-month operations were moved to the Office of IT/GIS. This still leaves the operational control of new projects along with the break/fix administration (both technologically and financially) to be redirected.

To allow the County to realize better financial oversight as well implementing the best technology solution, all County Physical Security needs will fall under the oversight of the Director of IT

Other, ongoing Information Technology Services and Responsibilities:

Other services and day to day functions that are supported by the Department of Information Technology are referenced below. Fostering ongoing collaboration, and using all the tools of procurement DGS will strive to improve these functions and services:

- Cloud Support, including M365
- Computers & Peripherals
- Printing and Copiers
- County Switchboard
- Credit Cards
- Databases
- Event Planning & Support
- Financials
- Firewalls
- Inventory Management
- Mobile App
- Tyler ERP
- Network
- NY Alert
- Phones
- Photography
- Project Management
- Recycling, E-waste
- Security Systems & ID Cards
- Servers
- SharePoint
- Social Media
- Trainings
- Videography
- Website Design & Maintenance
- Wireless Communication – Cellphones/Wireless Telephony
- Wireless Communications – Radios, microwave, towers

Implementation Considerations

Civil Service Impact:

Upon approval of the Charter Change by local law of the Putnam County Legislature, all staff from the Department of Information Technology and the Department of Purchasing and Central Services will be considered staff within the Department of General Services. The Personnel Department has reviewed Civil Services requirements and I have attached a memorandum summarizing the review, from Director Paul Eldridge.

Current Budget Considerations:

The adopted budget for information Technology/GIS for fiscal year 2024 is \$2.6 million, and for Purchasing and Central services \$2.7 million, for a combined total budget of \$5.3 million. It is through these resources that the Department of General Services is proposed to be funded. In other words, the measures taken through the combined efforts of the Legislature and the County Executive's administration in the preparation and adoption of the 2024 budget allows us to support the proposal for formation of DGS as outlined above ***with no fiscal impact*** to Putnam County. Through its mission, and with Executive and Legislative support, we anticipate greater efficiencies and productivity savings that will inure to the benefit of our taxpayers and further support this proposal as a future proof strategy.

Future Forward:

We have outlined several different functions and responsibilities that will be managed by the efforts of the Directors within DGS. However, we must recognize that there exist additional opportunities to improve upon this initiative as DGS continues to evolve. Some such items include, but are not limited to:

- Proper succession planning
- Co-locating the Divisions of DGS
- Investments in Innovative technology solutions
- Modernize printing and mail services to include centralized shipping and receiving.
- Enhancing cyber security efforts
- Investing in the future of GIS

The addition of these programs and any budgetary impacts will be brought forth with separate justification for approval by the Administration and Legislature before implementation.

While we recognize that there are other goals and opportunities for DGS, the functions that will become the responsibility of DGS are not taken lightly and will require our ongoing support. Those functions include procurement, capital planning, asset management, utility/commodity management, lease/rental management, fleet management, coordinated grant assistance, central mail, information technology, GIS, and website and social media maintenance. It is noteworthy that some of the functions are full-time positions in other larger municipalities. Some require an ongoing commitment from other departments. These will be coordinated through DGS as, referenced in our Fleet Management example. Managing these functions as efficiently and effectively as possible will be the charge of DGS and we are confident that our team can deliver.

Measuring Success:

Service will be the cornerstone of a strong DGS operation. We intend to measure its success on a regular basis through feedback from those we serve. We will use the results of surveys to provide unfiltered feedback from which to build upon. Who, where, what, when, why and how DGS can help will be questions the staff will be encouraged to ask, as we deliver centralized General Services.

DGS is being proposed to have a major role in assisting the County Executive and Legislature in setting policy (for example: procurement, energy, fleet, vehicle, security, and various technology policies) that will result in both short- and long-term cost reductions for Putnam County. It is through this ongoing relationship that DGS also intends to have its success measured.

Conclusion:

Creating a Department of General Services will help to further achieve both the County Executive and the Legislature's goal of reducing government spending, finding new and innovative solutions to promote efficiencies, and contain costs to ensure that taxpayers are getting added value for their hard-earned dollars. This Administration supports and respects the policy making authority of the County Legislature and respectfully asks that the Board approve the requested Charter and Code changes, and the budgetary amendments necessary for the formation of the Department of General Services. This Administration, along with the Directors of Purchasing and Information Technology are available to meet and discuss these changes through the committee process. Establishing a Department of General Services and supporting its mission is a proactive measure that will help to ensure Putnam County continues to be ranked among the top of the most fiscally prudent counties in New York State.

PAUL ELDRIDGE
Personnel Officer



ADRIENE IASONI
*Deputy Personnel
Officer*

M · E · M · O · R · A · N · D · U · M

TO: Hon. Kevin M Byrne, County Executive

FROM: Paul Eldridge Personnel Officer

DATE: March 7, 2024

SUBJECT: Creation of the Department of General Services - Civil Service Requirements

The creation of the Department of General Services via the merging of the existing departments of IT/GIS and Purchasing is a transfer of function. There are several steps that must be taken to effectuate the charter change required and to properly transfer the function from department to department. These must be done in compliance with Municipal Home Rule and the Civil Service Law Section (CSL) 70.2.

In order to effectuate the charter change, revising the existing IT/GIS and Purchasing Departments to divisions in the new Department of General Services, a local law must be passed. Due to the nature of this local law, it is subject to referendum on petition, or what is known as permissive referendum. Municipal Home Rule Section 24.2 states that the local law does not take effect until forty-five days after it is adopted. However, in the event an authenticated petition protesting the law is filed with the clerk within those forty-five days, there must be an affirmative vote of a majority of the qualified electors for its approval. If no protest is filed, the law may take effect.

CSL 70 (2) lays forth the requisite steps to properly transfer functions from one department to another. First, it outlines the four different scenarios the section covers. The pertinent part to the instant circumstances reads, as follows: "Upon the transfer of a function ... (b) from one department or agency of a civil division of the state to another department or agency of such civil division ...". Broadly read, the combining of two separate existing departments as divisions into one newly created department, in our opinion, fits the definition above.

CSL 70(2) goes on to outline the steps which begin upon the adoption of the enabling legislation, which in this case is the adoption of a local law changing the Putnam County Charter. First, the departments heads from the departments from which employees are being transferred (it/GIS and Purchasing) must identify the employees who are substantially engaged in the performance of the functions to be transferred. As all employees are being transferred into the new and unstaffed department, there are no other employees completing these functions and all current employees would be substantially engaged in the performance of the function transferred. The Directors of IT/GIS and Purchasing must then certify a list of these employees to the department head for the new Department of General Services. This must be done as soon as practicable after the adoption of the law but not later than

PUTNAM COUNTY PERSONNEL DEPARTMENT

110 Old Route Six, Building Three
Carmel, NY 10512

Tel: 845-808-1650 Fax: 845-808-1921

www.putnamcountyny.com/personneldept

twenty days prior to the effective date of such transfer. This list shall also be publicly and conspicuously posted in both IT/GIS and Purchasing along with a copy of Civil Service Law Section 70.2. This can be done during the forty-five-day waiting period required by Municipal Home Rule.

Employees may protest their inclusion or exclusion from the list. Any protest must be done in writing within ten days of the posting and must include a reason. In the event that a protest is lodged, the department head of employee's pre-transfer department would confer with the DGS department head to make a determination regarding the protest.


Failure to make a protest constitutes consent to the inclusion or exclusion from the list. Additionally, employees who fail to respond to or accept a written offer of transfer are deemed to have waived entitlement to such transfer.

Employees shall retain their civil service status and classification without further examination. Employees that are not transferred shall have their name placed on a preferred eligible list.

This process is administered almost entirely under the direction of the Personnel Department as all requirements but the passage of the local law, are outlined by the Civil Service Law.

To summarize, the steps are:

1. Pass Local Law
2. Submit to state- 45 day waiting period begins
3. Certify list of employees and post conspicuously for no less than twenty days
4. 10-day protest period begins
5. If no protest filed, DGS formed
6. Transfer Occurs


Paul Eldridge, Personnel Officer

Cc: James Burpoe, Deputy County Executive
Compton Spain, County Attorney
John Tully, Director of Purchasing
Tom Lannon, Director of Information Technology

1. The number of authenticated signatures in the petition must be equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Kevin M. Byrne, County Executive

FROM: Michael J. Lewis, Commissioner of Finance – *MJL*

RE: **Budgetary Amendments – Creation of Department of General Services**

DATE: March 4, 2024

Please find enclosed two proposed budgetary amendments that will officially effectuate the creation of the Department of General Services (DGS). The following are as follows:

24Axxx – DGS – Creation of DGS Commissioner from Director of Purchasing and Central Admin.

24Axxx – DGS – Creation of GIS separate from IT.

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk
FROM: Michael J. Lewis, Commissioner of Finance – *MJL*
RE: **Budgetary Amendment – 24Axxx**
DATE: March xx, 2024

At the request of the Commissioner of Finance, the following budgetary amendment is required.

GENERAL FUND			
INCREASE APPROPRIATIONS:			
10134500 51000 (101)	DGS - PERSONNEL SERVICES (COMMISSIONER OF DGS)		\$ 145,000.00
10134500 58001 (101)	DGS - RETIREMENT (COMMISSIONER OF DGS)		26,025.00
10134500 58002 (101)	DGS - SOCIAL SECURITY (COMMISSIONER OF DGS)		11,093.00
10134500 58003 (101)	DGS - DISABILITY (COMMISSIONER OF DGS)		233.00
10134500 58004 (101)	DGS - WORKERS COMP (COMMISSIONER OF DGS)		345.00
10134500 58006 (101)	DGS - DENTAL (COMMISSIONER OF DGS)		1,218.00
10134500 58007 (101)	DGS - LIFE (COMMISSIONER OF DGS)		964.00
10134500 58008 (101)	DGS - HEALTH INSURANCE (COMMISSIONER OF DGS)		25,923.00
10134500 58009 (101)	DGS - VISION (COMMISSIONER OF DGS)		107.00
			\$ 210,908.00

DECREASE APPROPRIATIONS:			
10134500 51000 (101)	PURCHASING - PERSONNEL SERVICES (DIRECTOR OF PURCHASING)		\$ 145,000.00
10134500 58001 (101)	PURCHASING - RETIREMENT (DIRECTOR OF PURCHASING)		26,025.00
10134500 58002 (101)	PURCHASING - SOCIAL SECURITY (DIRECTOR OF PURCHASING)		11,093.00
10134500 58003 (101)	PURCHASING - DISABILITY (DIRECTOR OF PURCHASING)		233.00
10134500 58004 (101)	PURCHASING - WORKERS COMP (DIRECTOR OF PURCHASING)		345.00
10134500 58006 (101)	PURCHASING - DENTAL (DIRECTOR OF PURCHASING)		1,218.00
10134500 58007 (101)	PURCHASING - LIFE (DIRECTOR OF PURCHASING)		964.00
10134500 58008 (101)	PURCHASING - HEALTH INSURANCE (DIRECTOR OF PURCHASING)		25,923.00
10134500 58009 (101)	PURCHASING - VISION (DIRECTOR OF PURCHASING)		107.00
			\$ 210,908.00
	FISCAL IMPACT 2024 \$0-		
	FISCAL IMPACT 2025 \$0-		

Consistent with the proposal from County Executive Byrne, the attached budgetary amendment is necessary for the formation of the Department of General Services (DGS).

Please forward it to the appropriate committee.

DRAFT

MICHAEL J. LEWIS
Commissioner of Finance



SHEILA BARRETT
First Deputy Commissioner of Finance

DEPARTMENT OF FINANCE

MEMORANDUM

TO: Diane Schonfeld, Legislative Clerk
FROM: Michael J. Lewis, Commissioner of Finance – *MJL*
RE: **Budgetary Amendment – 24Axxx**
DATE: March xx, 2024

At the request of the Commissioner of Finance, the following budgetary amendment is required.

GENERAL FUND			
INCREASE APPROPRIATIONS:			
10168000 51000 10219 (101)	DEPT OF GIS - PERSONNEL SERVICES (REAL PROP SYST SUPV)		\$ 110,399.00
10168000 51000 10219 (118)	DEPT OF GIS - PERSONNEL SERVICES (DEPT OF GIS PROGRAM SPECIALIST)		69,724.00
10168000 54646	DEPT OF GIS - CONTRACTUAL SERVICES		8,000.00
10168000 58001 10219 (101)	DEPT OF GIS - RETIREMENT (REAL PROP SYST SUPV)		19,815.00
10168000 58001 10219 (118)	DEPT OF GIS - RETIREMENT (DEPT OF GIS PROGRAM SPECIALIST)		5,772.00
10168000 58002 10219 (101)	DEPT OF GIS - SOCIAL SECURITY (REAL PROP SYST SUPV)		8,446.00
10168000 58002 10219 (118)	DEPT OF GIS - SOCIAL SECURITY (DEPT OF GIS PROGRAM SPECIALIST)		5,334.00
10168000 58004 10219 (101)	DEPT OF GIS - WORKERS COMP (REAL PROP SYST SUPV)		1,403.00
10168000 58004 10219 (118)	DEPT OF GIS - WORKERS COMP (DEPT OF GIS PROGRAM SPECIALIST)		886.00
10168000 58006 10219 (101)	DEPT OF GIS - DENTAL (REAL PROP SYST SUPV)		2,004.00
10168000 58006 10219 (118)	DEPT OF GIS - DENTAL (DEPT OF GIS PROGRAM SPECIALIST)		2,004.00
10168000 58008 10219 (101)	DEPT OF GIS - HEALTH INSURANCE (REAL PROP SYST SUPV)		36,365.00
10168000 58008 10219 (118)	DEPT OF GIS - HEALTH INSURANCE (DEPT OF GIS PROGRAM SPECIALIST)		12,144.00
10168000 58009 10219 (101)	DEPT OF GIS - VISION (REAL PROP SYST SUPV)		242.00
10168000 58009 10219 (118)	DEPT OF GIS - VISION (DEPT OF GIS PROGRAM SPECIALIST)		242.00
			\$ 282,780.00

DECREASE APPROPRIATIONS:				
10168000 51000 (101)	DEPT OF IT - PERSONNEL SERVICES (REAL PROP SYST SUPV)			\$ 110,399.00
10168000 51000 (118)	DEPT OF IT - PERSONNEL SERVICES (GIS PROGRAM SPECIALIST)			69,724.00
10168000 54646	DEPT OF IT - CONTRACTUAL SERVICES			8,000.00
10168000 58001 (101)	DEPT OF IT - RETIREMENT (REAL PROP SYST SUPV)			19,815.00
10168000 58001 (118)	DEPT OF IT - RETIREMENT (DEPT OF IT PROGRAM SPECIALIST)			5,772.00
10168000 58002 (101)	DEPT OF IT - SOCIAL SECURDEPT OF ITY (REAL PROP SYST SUPV)			8,446.00
10168000 58002 (118)	DEPT OF IT - SOCIAL SECURDEPT OF ITY (DEPT OF IT PROGRAM SPECIALIST)			5,334.00
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				\$ 282,780.00
	FISCAL IMPACT 2024	\$0-		
	FISCAL IMPACT 2025	\$0-		

Consistent with the proposal from County Executive Byrne, the attached budgetary amendment is necessary for the formation of the Department of General Services (DGS).

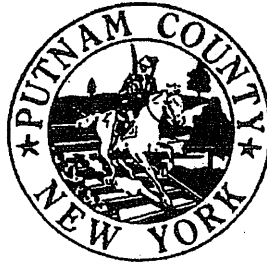
Please forward it to the appropriate committee.

DRAFT

THE PUTNAM COUNTY LEGISLATURE

40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

MEMORANDUM

DATE: March 28, 2024

TO: Kevin Byrne
Putnam County Executive

FROM: Toni Addonizio *Toni Addonizio*
Chairwoman, Rules, Enactments, & Intergovernmental Relations Committee

RE: Proposal to Create Department of General Services

The Rules, Enactments, & Intergovernmental Relations Committee will continue its review and consideration of your proposal to create the Department of General Services at its April 9, 2024, Meeting. Respectfully, I request Director of Purchasing John Tully, Director of IT/GIS Thomas Lannon, and Personnel Officer Paul Eldridge attend said meeting to participate in the continued discussion.

Thank you for your attention to this request.

cc: John Tully, Director of Purchasing
Thomas Lannon, Director of IT/GIS
Paul Eldridge, Personnel Officer

Original Proposal

#5a

A LOCAL LAW TO AMEND ARTICLE 5 OF THE PUTNAM COUNTY CHARTER
ENTITLED "EXECUTIVE DEPARTMENT"

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Article 5 of the Putnam County Charter is hereby REPEALED and REPLACED as provided hereinafter:

ARTICLE 5

DEPARTMENT OF GENERAL SERVICES

§ 5.01 Department of General Services; Commissioner.

There shall be a Department of General Services under the direction of a Commissioner of General Services who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The appointment shall be on the basis of education, professional experience, and qualifications for the duties of the office. The Commissioner shall hold at minimum a Bachelor's degree and four (4) years' experience as a buyer, purchaser or an equivalent position. He or she shall have the authority within budgetary appropriations, and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as may be necessary. The Commissioner shall be directly responsible to and serve at the pleasure of the County Executive.

The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment. He or she and all full-time managerial employees in the department shall serve on a full-time basis and shall not engage in any private practice, nor be employed in their field of expertise with the County by any private or other government entity.

§ 5.02 Commissioner of General Services; powers and duties.

Except as otherwise provided by law, the Commissioner of General Services shall have the following duties:

- A. Have charge, oversight, and supervision of the Department;
- B. Make all purchases of materials, supplies, and equipment, and contract for rentals and servicing of equipment for the County in accordance with applicable law;

- C. Assure suitable specifications or standards for all materials, supplies, and equipment to be purchased and assure inspection of all deliveries to determine their compliance with such specifications and standards;
- D. Make purchases for municipalities or other civil divisions of the County upon the written request of the governing body thereof;
- E. Have authority to transfer or reassign equipment, material, and supplies among offices, departments and agencies of the County upon approval of the County Executive;
- F. Be responsible for disposing of any surplus, obsolete or unwanted County property in a manner provided by state law;
- G. Manage the County's vehicle fleet, with the exception of those heavy vehicles which maintain, improve, and plow County highways.
- H. Administer all central administrative services for the County government, including but not limited to mail and messenger service, printing and reproduction, telephone, and other related operational services;
- I. Monitor and enforce procurement and contract compliance practices throughout County government and coordinate training to ensure such compliance;
- J. Identify and evaluate grant initiatives of benefit to the County; provide assistance and training to units of County government with application drafting, contract monitoring, reporting and compliance requirements; ensure that procurement practices and contracts are in compliance with the terms and conditions of all applicable federal or state grants, including all applicable laws, regulations, and policies related thereto;
- K. Be responsible for the continuing development of programs designed to provide accurate, sufficient and timely information for decision making and service provisions by all units of Putnam County Government, and any entity contracting with Putnam County for such services;
- L. Exercise such further power and authority as the Legislature of Putnam County may, from time to time, delegate by local law or resolution or as the County Executive may delegate in his or her administrative capacity; and
- M. Perform all the duties now or hereafter conferred or imposed by law.

§ 5.03 Division of Procurement and Central Services; Director.

There shall be within the Department of General Services a Division of Procurement and Central Services. The Commissioner may appoint, within budgetary appropriations, a Director of Procurement and Central Services. Such appointment shall be made on the basis of professional training, experience, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, in accordance with County policy or as may be otherwise required by law, to appoint, within budgetary appropriations, and remove such staff as he or she deems necessary.

§ 5.04 Director of Procurement and Central Services; powers and duties.

The Director of Procurement and Central Services appointed by the Commissioner shall have all the powers and duties of the Commissioner, excluding those powers and duties that are related to any other division within the department. The Director shall be directly responsible to, and serve at the pleasure of, the Commissioner.

§ 5.05 Division of Information Technology/Geographic Information Systems; Director.

There shall be within the Department of General Services an independent Division of Information Technology/Geographic Information Systems (IT/GIS), which shall be headed by a Director of Information Technology/GIS. The Director shall be appointed by the Commissioner of General Services on the basis of professional training, experience in IT, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, within budgetary appropriations and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as he or she deems necessary.

§ 5.06 Director of Information Technology/GIS; powers and duties.

Except as otherwise provided in this Charter, the Director of Information technology shall have the power to:

- A. Coordinate, plan, and develop all information technology systems and resources, which shall include all computer, telephone and radio hardware, fax machines, software, peripherals, applications (including electronic and voice mail), networks and network connections (including to the Internet), documentation and other capabilities intended for the purpose of processing, transferring or storing data to conduct County business and provide access to government information and government services;

- B. Administer the storage and security of electronic data as may be required by departments and agencies, and in compliance with federal and/or state governmental requirements. In furtherance of this, the Director of Information Technology shall consult with the County Clerk to meet records retention requirements;
- C. Provide and support the communications and technology infrastructure as may be required by departments and agencies;
- D. Develop and administer policies and protocols governing information technology systems employed by the County and to ensure maximum intra- and interdepartmental compatibility;
- E. Have charge of the management and processing of information and data for all units of Putnam County Government and all other local governments or other entities that may contract with Putnam County for such services;
- F. Be responsible for the ongoing development of efficient information systems including data and word processing, and other information management techniques;
- G. Coordinate and consult with all units of Putnam County Government and any entity contracting with Putnam County for such services, relating to the planning, development, organization and use of information management techniques;
- H. Advise and assist the Putnam County Legislature in matters and decisions related to the selection and implementation of information technology services;
- I. Perform such other and related duties required by the County Executive or County Legislature and work with the Commissioner of General Services to assist in completing the responsibilities required under this Article.

Section 2.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

~~E. Operate and maintain facilities for providing mailing as may be authorized by the County Executive or the County Legislature;~~

F. Be responsible for disposing of any surplus, obsolete or unwanted County property in a manner provided by state law;

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G. Manage the County's vehicle fleet, with the exception of those heavy vehicles which maintain, improve, and plow County highways.

H. Administer all central administrative services for the County government, including but not limited to mail and messenger service, printing and reproduction, telephone, and Perform such other and related operational services;

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I. Monitor and enforce procurement and contract compliance practices throughout County government and coordinate training to ensure such compliance;

J. Identify and evaluate grant initiatives of benefit to the County; provide assistance and training to units of County government with application drafting, contract monitoring, reporting and compliance requirements; ensure that procurement practices and contracts are in compliance with the terms and conditions of all applicable federal or state grants, including all applicable laws, regulations, and policies related thereto;

K. Be responsible for the continuing development of programs designed to provide accurate, sufficient and timely information for decision making and service provisions by all units of Putnam County Government, and any entity contracting with Putnam County for such services;

G.L. Exercise such further power and authority duties as the Legislature of Putnam County may, from time to time, delegate by local law or resolution or as -be required by the County Executive may delegate in his or her administrative capacity; and

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H.M. Perform all the duties now or hereafter conferred or imposed by law.

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§ 5.03 Department of Tourism; Director.

<<Moved to Article 3>>

§ 5.04 Director of Tourism: powers and duties.

<<Moved to Article 3>>

THE PUTNAM COUNTY LEGISLATURE
40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

#5a:

Paul E. Jonke *Chairman*
Amy E. Sayegh *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*



Nancy Montgomery	Dist. 1
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Greg E. Ellner	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Erin L. Crowley	Dist. 9

MEMORANDUM

DATE: March 28, 2024

TO: Compton Spain
Putnam County Attorney

CC: Conrad Pasquale
Senior Deputy County Attorney

FROM: Toni Addonizio
Chairwoman, Rules, Enactments, & Intergovernmental Relations Committee

RE: Consideration of Proposal to Create Department of General Services

I would like to thank Senior Deputy County Attorney Conrad Pasquale for attending the March 21, 2024 Rules, Enactments, & Intergovernmental Relations Committee Meeting to provide his professional insight and assistance as the Committee began reviewing County Executive Byrne's proposal to create the Department of General Services.

During the consideration of the new proposed Article 5 of the Putnam County Charter entitled Department of General Services the following suggestions were put forth under Sections 5.01 and 5.05:

→ In Section 5.01 Department of General Services; Commissioner, the second paragraph states, "*The Commissioner shall not hold any other public or political office, whether elected or appointed, as long as he or she remains in the current position of County employment.*" It was discussed whether this statement should be removed in its entirety or if either "public" or "political" should be removed from the sentence. The possibility of making an amendment to this section will be further discussed at the April 9, 2024 Meeting.

/br

In Section 5.05 Division of Information Technology/ Geographic Information Systems; Director it states, *"The Director shall be appointed by the Commissioner of General Services on the basis of professional training, experience in IT, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law."* Concerns were raised over the Commissioner of the Department of General Services having the authority to appoint the Director of IT/GIS and some believed this authority should instead rest with the County Executive to be confirmed by the Legislature.

Respectfully, I request Senior Deputy County Attorney Pasquale submit a draft change to Section 5.05 that reflects the above suggestion to be reviewed and considered at the next Committee Meeting on April 9, 2024. I also respectfully request Senior Deputy County Attorney Pasquale's attendance at said meeting to continue providing his insight and assistance.

Thank you for your attention to this request.

Chairwoman Addonizio's
requested change

#5a11

§ 5.03 Division of Procurement and Central Services; Director.

There shall be within the Department of General Services a Division of Procurement and Central Services. The Commissioner may appoint, within budgetary appropriations, a Director of Procurement and Central Services. Such appointment shall be made on the basis of professional training, experience, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, in accordance with County policy or as may be otherwise required by law, to appoint, within budgetary appropriations, and remove such staff as he or she deems necessary.

2024 MAR 28 AM 10:57

CLERK OF SUPERIOR COURT
PUTNAM COUNTY
CARMEL, NY

§ 5.04 Director of Procurement and Central Services; powers and duties.

The Director of Procurement and Central Services appointed by the Commissioner shall have all the powers and duties of the Commissioner, excluding those powers and duties that are related to any other division within the department. The Director shall be directly responsible to, and serve at the pleasure of, the Commissioner.

§ 5.05 Division of Information Technology/Geographic Information Systems; Director.

There shall be within the Department of General Services an independent Division of Information Technology/Geographic Information Systems (IT/GIS), which shall be headed by a Director of Information Technology/GIS. The Director shall be appointed by the County Executive on the basis of professional training, experience in IT, education, and other qualifications appropriate to the responsibilities of the office in the manner provided by state law. The Director shall have the authority, within budgetary appropriations and in accordance with County policy or as may be otherwise required by law, to appoint and remove such staff as he or she deems necessary.

§ 5.06 Director of Information Technology/GIS; powers and duties.

Except as otherwise provided in this Charter, the Director of Information technology shall have the power to:

- A. Coordinate, plan, and develop all information technology systems and resources, which shall include all computer, telephone and radio hardware, fax machines, software, peripherals, applications (including electronic and voice mail), networks and network connections (including to the Internet), documentation and other capabilities intended for the purpose of processing, transferring or storing data to conduct County business and provide access to government information and government services;

#5b

A LOCAL LAW TO AMEND CHAPTER 117 ENTITLED "APPRENTICESHIP TRAINING PROGRAM" AND CHAPTER 140 ENTITLED "CONTRACTS AND PROCUREMENT" OF THE PUTNAM COUNTY CODE IN RELATION TO THE CREATION OF THE DEPARTMENT OF GENERAL SERVICES

Be it enacted by the Legislature of the County of Putnam as follows:

<<PUTNAM COUNTY CODE CHAPTER 117>>

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Section 1.

Section 117-5 of the Putnam County Code is hereby amended to read as follows:

§ 117-5 Enforcement.

The ~~Director of Purchasing~~ Commissioner of General Services is hereby authorized, empowered and directed to promulgate and, from time to time amend, such rules and regulations that he deems necessary for the implementation and enforcement of any provisions of this chapter. However, this local law shall not preclude the ~~Director of Purchasing~~ Commissioner of General Services, along with the Putnam County Attorney, from negotiating such terms and conditions with the construction contract contractor to assure a sufficient labor workforce on the job so as not to delay timely completion of the construction contract project.

Section 2.

Section 117-8 of the Putnam County Code is hereby amended to read as follows:

§ 117-8 Effective date.

This chapter shall become effective 90 days after its filing in the office of the Secretary of the State pursuant to Municipal Home Rule Law, provided, however, that any regulations of the ~~Director of Purchasing~~ Commissioner of General Services may be promulgated prior to the effective date of this chapter.

<<PUTNAM COUNTY CODE CHAPTER 140>>

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<<ARTICLE I: General Provisions>>

Section 3.

Section 140-1.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.3 Exemptions.

Unless otherwise ordered by regulation the following commodities, supplies or services need not be procured through the ~~Purchasing Division~~Department of General Services in accordance with the County's Procurement Policy, and shall be procured by the appropriate agency, department or committee:

- A. Works of art for public display.

Section 4.

Section 140-1.6 of the Putnam County Code is hereby amended to read as follows:

§ 140-1.6 Definitions.

CHANGE ORDER

A written order signed and issued by the ~~Director of Purchasing~~Commissioner of General Services, directing the contractor to make changes in relation to a specific purchase order or County contract.

<<ARTICLE II: Office of the ~~Director of Purchasing~~Commissioner Of General Services>>

Section 5.

Section 140-2.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.1 Authority and duties.

- A. Principal public purchasing official. Except as otherwise provided herein, the ~~Director of Purchasing~~Commissioner of General Services shall serve as the principal public purchasing official for the County, and shall be responsible for the procurement of supplies, services, equipment, and public works projects in accordance with this policy, as well as the management and disposal of supplies, services, and equipment.
- B. Duties. In accordance with this policy, the ~~Director of Purchasing~~Commissioner of General Services shall:
 - (1) Procure or supervise the procurement of all supplies, services, materials and equipment, as well as public works projects;

- (2) Exercise direct supervision over the County's central stores and general supervision over all other inventories of supplies belonging to the County;
 - (3) Sell, trade, or otherwise dispose of surplus supplies belonging to the County; and
 - (4) Establish and maintain programs for specification development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services, and construction.
- C. Operational procedures. Consistent with this policy, the ~~Director of Purchasing~~ Commissioner of General Services may adopt operational procedures relating to the execution of its duties.

Section 6.

Section 140-2.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.2 Delegations to other County officials.

With the approval of the County Executive, the ~~Director of Purchasing~~ Commissioner of General Services may delegate authority to purchase certain supplies, services, equipment, or construction items to other County officials, if such delegation is deemed necessary for the effective procurement of those items.

Section 7.

Section 140-2.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-2.3 Procurement card program.

- A. With the approval of the County Executive, the ~~Director of Purchasing~~ Commissioner of General Services, under the authority provided in § 140-2.1 of this policy, may establish a procurement card program to improve efficiency and streamline the purchasing process of small-dollar items, thereby eliminating the need for many petty cash accounts, and also reducing the volume of individual purchase orders and payments processed by the County to suppliers. Audits shall be required to ensure that the cardholders and their respective department head or commissioner are adhering to proper policies and procedures.
- B. Conditions for use. The ~~Director of Purchasing~~ Commissioner of General Services and the Commissioner of Finance shall develop procurement card policies and procedures that detail the regulations which will govern the program. The Procurement Card Policy shall be

reviewed annually by the County Legislature in conjunction with its annual review of the County's Procurement Policy. The Procurement Card Policy shall include:

- (1) Purpose of the procurement card program.
- (2) Scope of the program.
- (3) Detailed listing of all card holders, card limits, and approved uses.
- (4) Applicability of the policies and procedures.
- (5) Responsibilities.
- (6) Assignment and control of the procurement cards.
- (7) Card holder use of the procurement card.
- (8) Prohibited use of the procurement card.
- (9) Procedures for making and paying for purchases.
- (10) Procedures for disputes.
- (11) Review of purchases by departments.
- (12) Audit requirements.

<<ARTICLE III: Source Selection, Bidder Qualifications, Contract Formation and
Administration >>

Section 8.

Section 140-3.1 of the Putnam County Code is hereby amended to read as follows:

140-3.1 Competitive sealed bidding; lowest responsible bidder.

- A. Conditions for use. All contracts of the County of Putnam shall be awarded by competitive sealed bidding except as otherwise provided in §§ 140-3.3 (Competitive sealed proposals), 140-3.5 (Contracting for legal services), 140-3.7 (Small purchases), 140-3.8 (Sole source procurement), 140-3.9 (Emergency procurements).

- B. Invitation for bids. An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.
- C. Public notice. Adequate public notice of the invitation for bids shall be given, not less than 14 calendar days prior to the date set forth therein for the opening of bids, unless it is determined by the Director of Purchasing Commissioner of General Services, in writing, that a public notice of less than 14 days is adequate. In no instance shall the public notice be less than five business days. Such notice shall include publication in the newspaper(s) of general circulation as designated by the County Legislature. The public notice shall state the place, date, and time of the bid opening.
- D. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Director of Purchasing Commissioner of General Services deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection in accordance with § 140-1.7 (Public access to procurement information).
- E. Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria that are not set forth in the invitation for bids may be used in bid evaluations.
- F. Correction or withdrawal of bids; cancellation of awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, correction of bids shall not be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made. All decisions to permit correction or withdrawal of bids, or to cancel awards

or contracts based on bid mistakes, shall be supported by written determination made by the ~~Director of Purchasing~~ Commissioner of General Services.

G. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

H. Receipt of bids.

- (1) Bids are to be packaged, sealed and submitted to the location stated in the bid specifications. Bidders are solely responsible for timely delivery of their bids to the location set forth in the bid specification prior to the stated bid opening date/time; or
- (2) If authorized by the bid specification, bids may be submitted in an electronic format. Submission in an electronic format may not, however, be required as the sole method for the submission of bids.
 - (a) The receiving device designated by the County of Putnam will be the Empire State Purchasing Group's e-Procurement software from Bidnet or the Bonfire e-Procurement software and will be identified in the bid specification. Both receiving devices will:
 - [1] Document the time and date of each bid received electronically;
 - [2] Authenticate the identity of the sender;
 - [3] Ensure the security of the information transmitted; and
 - [4] Ensure confidentiality of the bid until the time and date established for opening of the bids.
 - (b) The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or specifications shall be the sole responsibility of each bidder or prospective bidder. The County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

Section 9.

Section 140-3.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.2 Best value awards.

- A. Purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded on the basis of best value, as defined in § 163 of the State Finance Law and as authorized in § 103 of the General Municipal Law, to a responsive and responsible offeror.
- B. Where the basis for award is the best value offer, the ~~Director of Purchasing~~ Commissioner of General Services shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- C. The ~~Director of Purchasing~~ Commissioner of General Services shall select a formal competitive procurement process and document its determination in the procurement record. The process shall include, but is not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved.
- D. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The solicitation shall identify the relative importance and/or weight of cost and the overall evaluation criterion to be considered by the County in its determination of best value.
- E. In assessing best value when awarding the purchase contract, non-price factors can be considered. Non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Subdivisions 1, 7, 15 and 20 of § 310 of the Executive Law.

Section 10.

Section 140-3.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.3 Competitive sealed proposals.

- A. Conditions for use. When the ~~Director of Purchasing~~ Commissioner of General Services determines, in writing, that the use of competitive sealed bidding is either not practicable or not advantageous to the County, a contract may be entered into by the use of the competitive sealed proposal method.
- B. Request for proposals. Proposals shall be solicited through a request for proposals.
- C. Public notice. Adequate public notice of the request for proposal shall be given in the same manner as provided in § 140-3.1C (Competitive sealed bidding, public notice), provided the minimum time shall be 14 calendar days.
- D. Receipt of proposals. No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- E. Evaluation factors. The request for proposals shall state the importance of price and other evaluation factors.
- F. Discussion with responsible offerors and revisions to proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offerors. In conducting discussions, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- G. Award. Award shall be made to the responsible offeror whose proposal is determined, in writing, to offer the best value to the County, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award was made.

Section 11.

Section 140-3.7 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.7 Purchases not subject to competitive bidding.

A. The following purchases are not subject to competitive bidding:

- (1) Purchases of \$20,000 or less for commodities, equipment, materials, supplies and services.
- (2) Purchases of \$35,000 or less for public works projects.
- (3) Purchases through preferred sources pursuant to § 162 of the state Finance Law.
- (4) Purchases in excess of \$500, of materials, equipment and supplies (except printed material) through the New York State Office of General Services (OGS), subject to rules established by OGS (see State Finance Law, § 163).
- (5) Purchases through other New York State counties contracts, pursuant to General Municipal Law § 103(3).
- (6) Purchases of surplus and secondhand supplies, materials or equipment from the federal government, the State of New York or from any other political subdivision, district or public benefit corporation with the state, pursuant to General Municipal Law § 103(6).
- (7) Purchases through contracts let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value.

B. Section 104-b of the New York State General Municipal Law requires that procedures for purchasing goods and services that fall below the monetary bid limits be established and approved by the governing board. The following shall constitute Putnam County policy:

- (1) Cumulative purchases.
 - (a) Purchases shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. The ~~Director of Purchasing~~ Commissioner of General Services shall canvas using agencies to determine yearly value of a commodity or service. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity or service. If the bid limit is suspected to be exceeded, competitive bidding shall be used. This decision shall rest with the ~~Director of Purchasing~~ Commissioner of General Services.

- (b) If there are several comparable separate public works projects for the same or various locations, in a foreseeable time frame, whose expected cumulative total is more than \$10,000, written quotes must be obtained from a minimum of three suppliers.

(2) Methods of procurement not covered by competitive bidding.

- (a) Purchases for commodities, equipment, supplies, materials and services in the amount of \$3,000 or less shall be awarded at the discretion of the ~~Director of Purchasing~~ Commissioner of General Services; purchases of more than \$3,000 up to and including \$20,000 shall require a minimum of three electronic or written quotes. All purchases of more than \$20,000 shall be competitively bid.
- (b) Purchases that are defined as public works projects in the amount of \$10,000 or less shall be awarded at the discretion of the ~~Director of Purchasing~~ Commissioner of General Services; purchases of more than \$10,000 up to and including \$35,000 shall require a minimum of three written or electronic quotes. All purchases of more than \$35,000 shall be competitively bid.
- (c) Purchases and contracts defined as professional services in the amount of \$50,000 or less shall be awarded at the discretion of the County Executive, ~~Director of Purchasing~~ Commissioner of General Services and the Commissioner or Director of the using agency. Purchases and contracts of more than \$50,000 shall require the issuing of a formal request for proposal and the approval of the County Executive.

(3) Award. All awards from telephone, facsimile, e-mail or written quotes shall be made to the supplier offering the best value to the County. In determining the best value for the County, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the ~~Director of Purchasing~~ Commissioner of General Services may consider other relevant factors, including:

- (a) Installation costs;
- (b) Life cycle costs;
- (c) The quality and reliability of the goods and services;
- (d) The delivery terms;
- (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;

- (f) The cost of any employee training associated with a purchase;
 - (g) The effect of a purchase on agency productivity; and
 - (h) Other factors relevant to determining the best value for the County in the context of a particular purchase, including the status of the vendor as a Putnam County based small business.
- (4) Documentation. All quotes (written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the ~~Purchasing Division~~ Department of General Services' copy of the purchase order. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

Section 12.

Section 140-3.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.8 Sole source procurement.

- A. A contract may be awarded without competition when the ~~Director of Purchasing~~ Commissioner of General Services determines in writing, after conducting a good faith review of available resources that there is only one source for the required commodity, supply, service or construction item. The ~~Director of Purchasing~~ Commissioner of General Services shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file.
- B. In determining whether procurement qualifies as a sole source, the ~~Purchasing Division~~ Department of General Services and the agency requesting the procurement shall show, at a minimum:
 - (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace;

- (4) That there is no possibility of competition, as from competing dealers or distributors.

Section 13.

Section 140-3.9 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.9 Emergency procurements.

Notwithstanding any other provisions of this policy, the ~~Director of Purchasing~~ Commissioner of General Services, with the approval of the County Executive and the Chairman of the Legislature, may make or authorize others to make emergency procurements of commodities, supplies, services, or construction items when there exists a threat to public health, welfare, or safety, or County property, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular supplier shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the supplier's name, the amount and type of contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.

- A. All Departments, except for Department of ~~Highways and Facilities~~ Public Works: During periods of emergency, such as (1) natural catastrophes such as landslides, snowfalls, flooding or other acts of nature which prevent normal operations, (2) damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses, and (3) breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes, the normal purchasing procedures are not practical. Therefore, special emergency procedures are established to aid the departments in their operations. In those cases of emergency requiring immediate actions, the department head responsible for that operation will assume charge for the operation. The following procedure will then be used:
- (1) If possible, immediately notify the ~~Director of Purchasing~~ Commissioner of General Services of the nature of the emergency and your plans to cope with the situation.
 - (2) Contact the vendor immediately and arrange the purchase.
 - (3) Notify the Department of ~~Purchasing~~ General Services, as soon as practical, that the emergency purchases are necessary and being arranged.
 - (4) Within five days after the emergency purchase is made, the department head will prepare and forward to the Department of ~~Purchasing~~ General Services a receiving report, indicating descriptions of the purchase and other information.

- B. Department of ~~Highways and Facilities~~ Public Works: For field employees: If an emergency purchase is required, such as natural catastrophes (e.g., landslides, snowfalls, flooding or other acts of nature which prevent normal operations), damage to buildings, roads, or other structures requiring immediate repair to prevent further deterioration or losses. Breakdown of essential mechanical systems and machinery, such as boilers, electrical circuits, water mains or pipes:
- (1) Normal purchasing procedures are not practical. Therefore, the following should be followed:
 - (a) Contact vendor.
 - (b) Notification to your supervisor and/or commissioner.
 - (c) Make purchase.
 - (2) For ~~Highways and Facilities~~ Public Works Administration Office only:
 - (a) ~~Highways and Facilities~~ Public Works Administration only will provide documentation as to the item/service purchased, vendor, date and justification as to why this procedure was utilized to ~~Purchasing the Department of General Services~~ Purchasing the Department of General Services via letter or e-mail.
 - (b) ~~Purchasing the Department of General Services~~ The Department of General Services will then document verification of purchase to audit.

Section 14.

Section 140-3.11 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.11 Responsibility of bidders and offerors.

- A. Determination of nonresponsibility. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the ~~Director of Purchasing~~ Commissioner of General Services. The unreasonable failure of a bidder or offeror promptly to supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror. The final determination shall be made part of the contract file and be made a public record.

- B. Right of nondisclosure. To the extent possible under the New York State Freedom of Information Law (FOIL), information furnished by a bidder or offeror pursuant to this section shall not be disclosed by the County outside of the office of the **Director of Purchasing Commissioner of General Services**, or using agency, without prior written consent of the bidder or offeror.

Section 15.

Section 140-3.13 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.12 Cost or pricing data.

- A. Required submissions relating to the award of contracts. A prospective contractor shall submit cost or pricing data when the contract is expected to exceed \$100,000 and is to be awarded by competitive sealed proposals (§ 140-3.3, Competitive sealed proposals), or by sole source procurement authority (§ 140-3.8, Sole source procurement).
- B. Exceptions. The submission of cost or pricing data relating to the award of a contract is not required when:
- (1) The contract price is based on adequate price competition;
 - (2) The contract price is based on established catalog prices or market prices;
 - (3) The contract price is set by law or regulation; or
 - (4) It is determined, in writing, by the **Director of Purchasing Commissioner of General Services** that the requirements of § 140-3.12A (Cost or pricing data, Required submissions relating to the award of contracts) may be waived, and the determination states the reasons for such a waiver.
- C. Required submissions relating to change orders or contract modifications. A contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, whether or not cost or pricing data was required in connection with the initial pricing of the contract, when the change or modification involves aggregate increases or aggregate decreases in costs plus applicable profits that are expected to exceed 10% of the original contract amount.
- D. Exceptions. The submission of cost or pricing data relating to the pricing of a change order or contract modification is not required when unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience.

- E. Certification required. A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.
- F. Price adjustment provision required. Any contract award, change order, or contract modification under which the submission and certification of cost or pricing data are required shall contain a provision stating that the price to the County of Putnam, including profit or fee, shall be adjusted to exclude any significant sums by which the County of Putnam finds that such price was increased because the contractor-furnished cost or pricing data that was inaccurate, incomplete, or not current as of the date agreed upon between the County of Putnam and the contractor.

Section 16.

Section 140-3.14 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.14 Bid and performance bonds on supply or service contracts.

- A. Bid and performance bonds or other security may be requested for supply contracts or service contracts as the ~~Director of Purchasing~~ Commissioner of General Services or head of a using agency deems advisable to protect the County of Putnam's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder's or offeror's responsibility.
- B. The County reserves its right to approve the form, sufficiency, or manner of execution of surety bonds and contracts of insurance furnished by the surety company selected by the bidder to underwrite such bonds or contracts. In addition, all surety companies shall be licensed by the State of New York and have a Best's rating on bonds and contracts of insurance of an A- or better.
- C. In addition, the County reserves the right to approve or reject the contractor's proposed surety company. The County shall notify potential bidders, as part of the bid solicitation, of any surety company that has been deemed unacceptable to the County.

Section 17.

Section 140-3.15 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.15 Types of contracts.

- A. General authority. Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interests of the County of Putnam may be used. A cost reimbursement contract may be used only when a determination is made, in writing, that such contract is likely to be less costly to the County of Putnam than any other type or that it is impracticable to obtain the supply, service, or construction item required under such a contract.
- B. Multiterm contracts.
- (1) Specified period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interests of the County of Putnam, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriations of funds thereafter.
 - (2) Determination prior to use. Prior to the utilization of a multiterm contract, it shall be determined in writing that:
 - (a) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and
 - (b) Such a contract will serve the best interests of the County of Putnam by encouraging effective competition or otherwise promoting economies in County of Putnam procurements.
 - (3) Cancellation due to unavailability of funds in succeeding fiscal periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled.
- C. Multiple source contracting.
- (1) General. A multiple source award is an award of an indefinite quantity contract for one or more similar supplies or services to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provision of Uniform Commercial Code § 2-306(1).
 - (2) Limitations on use. A multiple source award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple source award shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed

proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet the actual requirements.

- (3) Contract and solicitation provisions. All eligible users of the contract shall be named in the solicitation, and it shall be mandatory that the actual requirements of such users that can be met under the contract be obtained in accordance with the contract, provided that:
 - (a) The County of Putnam shall reserve the right to take bids separately if a particular quantity requirement arises which exceeds its normal requirement or an amount specified in the contract; and
 - (b) The County of Putnam shall reserve the right to take bids separately if the **Director of Purchasing Commissioner of General Services** approves a finding that the supply or service available under the contract will not meet a nonrecurring special need of the County of Putnam.
- (4) Intent to use. If a multiple source award is anticipated prior to issuing a solicitation, the County of Putnam shall reserve the right to make such an award, and the criteria for award shall be stated in the solicitation.
- (5) Determination required. The **Director of Purchasing Commissioner of General Services** shall make a written determination setting forth the reasons for a multiple source award, which shall be made a part of the procurement file.

D. Multiple source contracting: purchase of office furnishings by percentage discount awards.

- (1) General. A multiple source award for office furnishings is an award of an indefinite quantity contract on one or more office furnishings manufacturer's product lines to more than one bidder or offeror. The obligation to order the County of Putnam's actual requirements is limited by the provisions of Uniform Commercial Code Section 2-306(1).
- (2) Limitations of use. A multiple source award may be made when award to two or more bidders or offerors for similar product lines is necessary for adequate delivery, service or product compatibility. All multiple source awards shall be made in accordance with the provisions of § 140-3.1 (Competitive sealed bidding), § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable. Multiple source awards shall not be made when a single award will meet the County of Putnam's needs without sacrifice of economy or service. Awards shall not be

made for the purpose of dividing the business, making available product or supplier selection to allow for user preference unrelated to utility or economy, or avoiding the resolution of tie bids. Any such awards shall be limited to the least number of suppliers necessary to meet actual requirements.

- (3) Contract and solicitation provisions. Specifications shall be drafted to include and utilize a mini-bid system to ensure that the County receives the best value for dollars expended.
- (4) Mini-bid procurement process. The ~~Purchasing Division~~ Department of General Services shall issue bids for discounts off of manufacturers' product lines and suggested retail price list. Award will be made by product line to the bidder offering the highest discount. Departments may request a specific brand and item based on the bid awards made. The ~~Purchasing Division~~ Department of General Services shall review the requested requisition and obtain a minimum of three additional quotations from a minimum of three additional contract vendors for an "equivalent" item from other manufacturers. The ~~Purchasing Division~~ Department of General Services shall review all of the mini-bid quotations and select the vendor/manufacturer that meets the form, function, utility and quality of the requesting agency, and also offers the lowest price.
- (5) Waiver of mini bid procurement process. The ~~Director of Purchasing~~ Commissioner of General Services may waive the requirement of the mini-bid process for those procurements that are additions to and alterations of existing systems furniture groups. The reasons for such waiver shall be documented, in writing, and made part of the procurement record.

E. Design service contracts for office furnishings.

- (1) General. The ~~Director of Purchasing~~ Commissioner of General Services or his/her designee may enter into separate contracts for design services or space planning services as deemed necessary for a particular project.
- (2) Limitations on use. A design services or space planning services contract may be entered into in accordance with the provisions of § 140-3.2 (Competitive sealed proposals), § 140-3.7 (small purchases), and § 140-3.9 (Emergency procurements), as applicable.
- (3) Contract and solicitation provisions. All solicitations and contracts for design services and space planning services shall include the following requirements:
 - (a) All specifications prepared under this contract shall be drafted so as to promote overall economy for the purpose intended and encourage competition in satisfying the County's needs and shall not be unduly restrictive. Design service contractors are prohibited from recommending or specifying any manufacturer's products or brand

names in their plans and specifications if the design services contractor currently holds a bid award for that product line/manufacturer with the County of Putnam.

- (b) When brand names are used in the plans and specifications developed by the Contractor, the contractor shall identify a minimum of three brand names that will satisfy the requirements of the plans and specifications.

Section 18.

Section 140-3.16 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.16 Contract clauses and their administration.

A. Contract clauses. All County of Putnam contracts for supplies, services, materials and equipment, as well as public works projects, shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The ~~Director of~~ Purchasing Commissioner of General Services, after consultation with the County Attorney, may issue clauses appropriate for supply, service, or public works contracts, addressing among others, the following subjects:

- (1) The unilateral right of the County of Putnam to order, in writing, the changes in the work within the scope of the contract;
- (2) The unilateral right of the County of Putnam to order, in writing, temporary stopping of the work or delaying performance that does not alter the scope of the contract;
- (3) Variations occurring between estimated quantities of work in contract and actual quantities;
- (4) Defective pricing;
- (5) Liquidated damages;
- (6) Specified excuses for delay or nonperformance;
- (7) Termination of the contract for default;
- (8) Termination of the contract, in whole or in part, for the convenience of the County of Putnam;
- (9) Suspensions of work on a construction project or by the County of Putnam; and

(10) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:

(a) When the contract is negotiated;

(b) When the contractor provides the site or design; or

(c) When the parties have otherwise agreed with respect to the risk of differing site conditions.

B. Price adjustments.

(1) Adjustments in price resulting from the use of contract clauses required by Subsection A of this section shall be computed in one or more of the following ways:

(a) By agreement on a fixed price adjustment before commencement of the pertinent performance or as soon thereafter as practicable;

(b) By unit prices specified in the contract or subsequently agreed upon;

(c) By the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(d) In such other manner as the contracting parties may mutually agree.

(2) A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of § 140-3.12 (Cost or pricing data).

C. Standard clauses and their modification. The ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County of Putnam County Attorney, may establish standard contract clauses for use in County of Putnam contracts. If the ~~Director of Purchasing~~ Commissioner of General Services establishes any standard clauses addressing the subjects set forth in Subsection A of this section, such clauses may be varied, provided that any variations are supported by a written determination that states the circumstances justifying such variations, and provided that notice of any such material variation be stated in the invitation for bids or requests for proposals.

Section 19.

Section 140-3.17 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.17 Approval of accounting system.

Except with respect to firm fixed-price contracts, no contract shall be awarded unless it has been determined in writing by the Commissioner of General Services that:

A. The proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated; and

B. The proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted cost accounting principles.

Section 20.

Section 140-3.21 of the Putnam County Code is hereby amended to read as follows:

§ 140-3.21 Procurement records.

1. Contract file. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained by the County of Putnam in a contract file by the ~~Director of Purchasing~~ Commissioner of General Services.
2. Retention of procurement records. All procurement records shall be retained and disposed of by the County of Putnam in accordance with record retention guidelines and schedules approved by the State of New York.

<<ARTICLE IV: Specifications>>

Section 21.

Section 140-4.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.2 Brand name or equal specification.

A. Use. Brand name or equal specifications may be used when the ~~Director of Purchasing~~ Commissioner of General Services determines in writing that:

- (1) No other design or performance specification is available;

- (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - (3) The nature of the product or the nature of the County of Putnam's requirements makes use of a brand name or equal specification suitable for the procurement; or
 - (4) Use of a brand name or equal specification is in the County of Putnam's best interests.
- B. Designation of several brand names. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.
- C. Required characteristics. Unless the **Director of Purchasing Commissioner of General Services** determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- D. Nonrestrictive use of brand name or equal specifications. Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

Section 22.

Section 140-4.3 of the Putnam County Code is hereby amended to read as follows:

§ 140-4.3 Brand name specification.

1. Use. Since use of a brand name specification is restrictive of product competition, it may be used only when the **Director of Purchasing Commissioner of General Services** makes a written determination that only the identified brand name item or items will satisfy the County of Putnam's needs. After the **Director of Purchasing Commissioner of General Services** prepares the written determination, a request shall be forwarded to the County Legislature to pass a standardization resolution. Under no circumstances shall any solicitation offered by the County contain only one brand name, without allowing for "or equal" products, unless a standardization resolution has been passed by the County Legislature.
2. Competition. The **Director of Purchasing Commissioner of General Services** shall seek to identify sources from which the designated brand name item or items can be obtained and

shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under § 140-3.8 (Sole source procurement).

<<ARTICLE V: Debarment or Suspension>>

Section 23.

Section 140-5.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.1 Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After consultation with the County Attorney, the ~~Director of Purchasing~~ Commissioner of General Services is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity that might lead to debarment. The suspension shall be for a period not to exceed three years. The causes for debarment include:

- A. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such a contract or subcontract;
- B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a County of Putnam contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the ~~Director of Purchasing~~ Commissioner of General Services to be so serious as to justify debarment action:
 - a. Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or

b. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;

E. Any other cause the ~~Director of Purchasing~~ Commissioner of General Services determines to be so serious and compelling as to affect responsibility as a County of Putnam contractor, including debarment by another governmental entity for any cause listed in this policy; and

F. For violation of the ethical standards set forth in Article VII (Ethics in Public Contracting).

Section 24.

Section 140-5.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-5.2 Decision to debar or suspend.

The ~~Director of Purchasing~~ Commissioner of General Services shall issue a written decision to debar or suspend. The decision shall state the reasons for action taken and inform the debarred or suspended person involved of its rights concerning judicial or administrative review.

<<ARTICLE VI: Appeals and Remedies>>

Section 25.

Section 140-6.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.1 Bid protests.

A. Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the County Executive. Protestors are urged to seek resolution of their complaints initially with the ~~Director of Purchasing~~ Commissioner of General Services. A protest with respect to an invitation for bids or request for proposals shall be submitted, in writing, prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within three calendar days after such aggrieved person knows or should have known of the facts giving rise thereto.

- B. Stay of procurements during protests. In the event of a timely protest under Subsection A of this Section, the ~~Director of Purchasing~~Commissioner of General Services shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the County Executive makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the County of Putnam.

Section 26.

Section 140-6.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.2 Contract claims.

- A. Decision of the ~~Director of Purchasing~~Commissioner of General Services. All claims by a contractor against the County of Putnam relating to a contract, except bid protests, shall be submitted in writing to the ~~Director of Purchasing~~Commissioner of General Services for a decision. The contractor may request a conference with the ~~Director of Purchasing~~Commissioner of General Services on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of a contract, mistake, misrepresentation, or other causes for contract modification or rescission.
- B. Notice to the contractor of the ~~Director of Purchasing's~~Commissioner of General Services' decision. The decision of the ~~Director of Purchasing~~Commissioner of General Services shall be promptly issued, in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal rights under Subsection C of this section.
- C. Finality of ~~Director of Purchasing's~~Commissioner of General Services' decision; contractor's right to appeal. The ~~Director of Purchasing's~~Commissioner of General Services' decision shall be final and conclusive unless, within five calendar days from the date of receipt of the decision, the contractor mails or otherwise delivers a written appeal to the County Executive or commences an action in a court of competent jurisdiction.
- D. Failure to render timely decision. If the ~~Director of Purchasing~~Commissioner of General Services does not issue a written decision regarding any contract controversy within 20 days after written request for a final decision, or within such longer period as may be agreed upon between parties, then the aggrieved party may proceed as if an adverse decision had been received.

Section 27.

Section 140-6.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.4 Authority of ~~Director of Purchasing~~ Commissioner of General Services to settle bid protests and contract claims.

The ~~Director of Purchasing~~ Commissioner of General Services is authorized to settle any protest regarding the solicitation or award of a County of Putnam contract, or any claim arising out of the performance of a County of Putnam contract, prior to an appeal to the County Executive or the commencement of an action in a court of competent jurisdiction.

Section 28.

Section 140-6.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-6.5 Remedies for solicitations or awards in violation of law.

- A. Prior to bid opening or closing date for receipt of proposals. If, prior to the bid opening or closing date for receipt of proposals, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation is in violation of federal, state, or municipal law, then the solicitation shall be cancelled or revised to comply with applicable law.
- B. Prior to award. If, after bid opening or the closing date for receipt of proposals, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law, then the solicitation or proposed award shall be cancelled.
- C. After award. If, after an award, the ~~Director of Purchasing~~ Commissioner of General Services, after consultation with the County Attorney, determines that a solicitation or award of a contract was in violation of applicable law, then:
 - (1) If the person awarded the contract has not acted fraudulently or in bad faith:
 - (a) The contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the County of Putnam; or
 - (b) The contract may be terminated and the person awarded the contract shall be compensated for the actual costs reasonably incurred under the contract, plus a reasonable profit, prior to the termination; or

- (2) If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void or voidable, if such action is in the best interests of the County of Putnam.

<<ARTICLE VII: Ethics in Public Contracting>>

Section 29.

Section 140-7.8 of the Putnam County Code is hereby amended to read as follows:

§ 140-7.8 Sanctions.

- A. Employees. Sanctions against employees shall be in accordance with Chapter 55 of the Laws of Putnam County (Code of Ethics).
- B. Nonemployees. The ~~Director of Purchasing~~ Commissioner of General Services may impose any one or more of the following sanctions on a non-employee for violations of ethical standards:
- (1) Written warnings or reprimands;
 - (2) Termination of contracts; or
 - (3) Debarment or suspension as provided in § 140-5.1 (Authority to debar or suspend).

<<ARTICLE VIII: Disposition of Surplus Personal Property>>

Section 30.

Section 140-8.1 of the Putnam County Code is hereby amended to read as follows:

§ 140-8.1 Purpose.

No statute prescribes a procedure for the sale of unneeded County personal property, and, therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction. The method chosen for sale is within the sound discretion of the ~~Director of Purchasing~~ Commissioner of General Services, subject to the approval of the County Executive. However, in order to fill a fiduciary duty, the method of sale

adopted should be one which is thought to bring the best price or maximum benefits and may include sale by either auction, private negotiation, or competitive bidding.

<<ARTICLE IX: Additional Requirements for Federal Transit Administration Funded Contracts>>

Section 31.

Section 140-9.4 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.4 Duty to inquire into vendor's election not to submit a bid.

Should any request for bid or request for proposal result in only one submitted bid or proposal, the ~~Purchasing~~ Department of General Services will contact all vendors that received a bid or RFP package and inquire into why they elected not to submit a bid or proposal.

Section 32.

Section 140-9.5 of the Putnam County Code is hereby amended to read as follows:

§ 140-9.5 Procedures to implement provisions.

The ~~Director of Purchasing~~ Commissioner of General Services shall develop and implement procedures for the execution of this article.

<<ARTICLE X: Uniform Guidance for Compliance for Federal Awards>>

Section 33.

Section 140-10.2 of the Putnam County Code is hereby amended to read as follows:

§ 140-10.2 General policy statement.

B.(13) County departments will be required to notify the ~~Purchasing~~ Department of General Services and Department of Law that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the vendor/contractor's name through the System for Award

Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the ~~Purchasing~~ Department of General Services will check the SAM to determine if any exclusions exist for the vendor/contractor. If a vendor/contractor is found to be suspended or debarred, the County will immediately cease to do business with the vendor.

Section 34.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

#5c

A LOCAL LAW TO AMEND SECTION 7.05 OF THE PUTNAM COUNTY CHARTER ENTITLED "CAPITAL PROGRAM AND CAPITAL BUDGET."

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

Subsection 3 of Section 7.05(B) of the Putnam County Charter is hereby amended to read as follows:

§ 7.05 Capital program and capital budget.

3. Review by the Capital Projects Committee. There shall be a Capital Projects Committee consisting of the County Executive as Chairman, the Commissioner of Finance as Vice-Chairman, the Commissioner of General Services, the Commissioner of Planning, Development and Public Transportation, the Commissioner of ~~Highways and Facilities~~ Public Works, the Chairman of the County Legislature, a designee of the Budget and Finance Committee and a member of the County Legislature representing the minority political party, if another party is represented, or a member elected without party endorsement, to review the capital project requests in consideration of the capital program and the capital budget. In the event there is no member of the County Legislature representing another party nor any member of the County Legislature elected without party endorsement, then the County Legislature shall select any other member of the County Legislature not serving on the Capital Projects Committee as the additional member of this Committee.

Section 2.

This Local Law shall take effect forty-five (45) days after its passage and is subject to permissive referendum.

#6

**April 9, 2024
Rules Meeting**

#6

**Approval/ Settlement of Litigation/ Marc Manzoeillo vs.
County of Putnam et al.**

2024
Notes
A+A

Reso
#7

COUNTY OF PUTNAM
FUND TRANSFER REQUEST

TO: Michael Lewis
Commissioner of Finance

FROM: C. Compton Spain
County Attorney

DEPT: Law

DATE: March 18, 2024

2024 APR - 1 PM 4: 06
LEGISLATURE
PUTNAM COUNTY
CARMEL, NY

I hereby request approval for the following transfer of funds:

<u>FROM</u> <u>ACCOUNT# /NAME</u>	<u>TO</u> <u>ACCOUNT# /NAME</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
10199000 54980 General Contingency	10193000 54933 Judgment & Claims	\$250,000.00	Marc Manzoello v. Cty. Of Putnam Settlement. Memo to Leg. & proposed Reso. attached.)

2024 Fiscal Impact \$ 250,000.00

2025 Fiscal Impact \$ 0

3-18-24

Department Head Signature/Designee Date

AUTHORIZATION: (Electronic signatures)

Date _____ Commissioner of Finance/Designee: Initiated by: \$0 - \$5,000.00

Date _____ County Executive/Designee: Authorized for Legislative Consideration: \$5,000.01 - \$10,000.00

Date _____ Chairperson Audit /Designee: \$0 - \$10,000.00

Date _____ Audit & Administration Committee: \$10,000.01 - \$25,000.00

24T078

#8

**April 9, 2024
Rules Meeting**

#8

Discussion/ Litigation Update/ County Attorney Spain

#9

**April 9, 2024
Rules Meeting**

#9

FYI/ Litigation Report