



Office of the County Executive

Adam J. Bello
County Executive

August 20, 2021

Via Hand Delivery

Mr. David Michael Barry, Jr.
Clerk of the Legislature
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

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|--|---------------|
| OFFICIAL FILE COPY | |
| No. | <u>210325</u> |
| Not to be removed from the Office of the Legislature Of Monroe County | |
| Committee Assignment | |
| READ-PRINT | -L |

Dear Mr. Barry:

This is in response to your letter of August 13, 2021, in which you presented, among other matters, Resolution No. 260 of 2021, "Amending Resolution 134 of 2020, as Amended by Resolution 276 of 2020, Entitled 'Accepting Grant from United States Treasury for Coronavirus Aid Relief and Economic Security Act,' to Ensure Collaboration of Government and Legislative Fiscal Oversight," which was certified by you as having been adopted by the Monroe County Legislature at its meeting on August 10, 2021. Pursuant to Monroe County Charter § C2-7, with this letter I am providing notice to the Legislature that I have vetoed Resolution No. 260 and am returning the vetoed Resolution to you.

This legislation would hinder the County's ability to quickly respond to the ongoing COVID-19 public health crisis and the economic harm caused by the pandemic. Under this resolution, the Administration's ability to use CARES Act funds expeditiously would be more constrained than our ability to utilize funds for day-to-day expenditures. This is contrary to the purpose of the CARES Act funding, which is intended to promptly address community needs in response to the pandemic. Furthermore, Treasury Department guidance requires that the County spend CARES Act funds by December 31, 2021. With the County facing increased case numbers and a deadline to ensure CARES funds are spent to benefit our community, it defies reason to impose additional barriers to the expenditure of these funds.

Rather than permit the County to act quickly in response to the ongoing pandemic, this legislation restricts the normal authority of County officials to approve expenditures. Normally, the County's Purchasing Manager completes the purchase of supplies, materials, and equipment in compliance with applicable laws and policies. Likewise, the County Executive is empowered to execute contracts for professional services in an amount up to \$20,000. Under the restrictions imposed by this resolution, the Purchasing Manager's purchase of supplies and the County Executive's ability to obtain professional services needed to combat COVID-19 would need to be approved by the Legislature, inserting another administrative step that will needlessly delay the purchase of essential goods and services.



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A recent purchase illustrates the potential harm caused by this legislation. As the Delta variant has caused the number of COVID-19 cases in our area to surge, the Department of Public Health determined that it needed to purchase additional COVID-19 test kits. The Purchasing Manager had to take immediate action to purchase these kits due to high demand coupled with limited supply. Any delay imposed by a legislative approval process would have hindered the County's ability to obtain the needed supplies.

Likewise, this legislation would constrain the County's ability to enter into agreements with vaccine and testing sites. The County often enters into site agreements with vaccine and testing locations to compensate them for the costs they incur in hosting a clinic. In the normal course, these small contracts can be rapidly executed when a new site is identified. The delay caused by seeking legislative approval would hamper the County's ability to engage quickly with community partners to establish vaccine and testing sites. This is particularly troubling because any delay could disrupt the County's continued efforts to provide vaccine access to harder to reach populations in our community.

For the reasons stated above, I have vetoed Resolution No. 260.

Sincerely,

A handwritten signature in blue ink that reads "Adam J. Bello".

Adam J. Bello
Monroe County Executive

Enc.



By Legislators Hebert and Delehanty

Intro. No. 367

RESOLUTION NO. 260 OF 2021

AMENDING RESOLUTION 134 OF 2020, AS AMENDED BY RESOLUTION 276 OF 2020 AND RESOLUTION 170 OF 2021, ENTITLED "ACCEPTING GRANT FROM UNITED STATES TREASURY FOR CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT," TO ENSURE COLLABORATION OF GOVERNMENT AND LEGISLATIVE FISCAL OVERSIGHT

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 5 of Resolution No. 134 of 2020, as amended by Resolution 276 of 2020 and Resolution 170 of 2021, shall be amended as follows:

~~It shall be required that the Legislature approve by resolution, the expense of any funds accepted and appropriated hereto, when used to fund any agreement or contract on behalf of the county for goods and services where the total consideration thereof is in excess of \$20,000, as prescribed in Section A5-6 (A) of the Monroe County Code. No amount of money shall be expended, charged, appropriated, reserved, encumbered, committed, posted, transferred or otherwise utilized within general fund 9001, funds center 1209070100 except by resolution of the County Legislature and approval by the County Executive as set forth in Section C2-7 of the Monroe County Charter.~~

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; July 27, 2021 - CV: 6-4
File No. 21-0262

ADOPTION: Date: August 10, 2021

Vote: 18-9

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED:

SIGNATURE: *Orlly Beltr* DATE: 8/20/2021

EFFECTIVE DATE OF RESOLUTION: _____

Added language is underlined.

Deleted language is ~~stricken~~