



Monroe County Legislature

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Comptroller DiNapoli and Commissioner Guinn:

I am writing to express my concern and request information and guidance regarding the Monroe County Legislature's practice of not voting on all social service contracts, including those for consulting work. The county attorney has interpreted state laws to mean that the powers granted to local district social services commissioners supersede the county charter provision requiring legislative approval for contracts exceeding \$20,000. This interpretation raises significant questions about transparency and the legislature's ability to fulfill its oversight role.

This practice has led to millions of dollars in contracts being approved without legislative scrutiny, covering critical areas such as foster care, homeless services, and substance use treatment. Additionally, significant consulting contracts, such as those reviewing the Department of Human Services' performance and implementing corrective plans at the Children's Detention Center, have bypassed the legislature entirely. This long-standing approach diminishes transparency, weakens accountability, and erodes public trust in the legislature's role as a check on executive authority.

Examples of Contracts not Voted Upon by the Monroe County Legislature

Community Integration Initiative

Monroe County entered two contracts totaling \$2.8 million with the United Way of Greater Rochester and the Finger Lakes for a "Community Integration Initiative." Documents obtained through an open records request reveal that most of these funds were allocated to consulting

services—such as evaluations, focus groups, and subcontracting work to the American Public Human Services Association—rather than direct services to residents.¹

The lack of legislative oversight is particularly troubling given the admission by Department of Human Services Commissioner Thalia Wright at the December 5, 2024 Ways and Means Committee meeting that the initiative’s recommendations have not been implemented and there is no budget to do so, even as the second contract ended in early 2024.

Children’s Detention Center Corrective Plan

In July 2024, Monroe County entered a \$400,000 contract with PREA Juvenile Auditors of America, LLC to implement a corrective plan at the Children’s Detention Center. This followed a \$20,000 evaluation by PREA—just below the threshold requiring legislative approval.²

Legislative review of this contract would have provided an opportunity to evaluate the vendor, the scope of the corrective plan, and the facility’s needs, ensuring alignment with county goals.

MC Collaborative Contract

In September 2024, Monroe County entered a \$230,000 contract with MC Collaborative to provide case management services for homeless individuals, despite significant concerns raised by an Office of Public Integrity (OPI) audit of the failed Neighborhood Collaborative Project (NCP).

The OPI audit revealed multiple irregularities involving MC Collaborative, including improper and double billing, lack of deliverables, and unqualified staffing. The problems were so serious that Monroe County forwarded the findings to the State Attorney General. There is also substantial evidence of self-dealing by MC Collaborative during its work on NCP. Legislative review of this contract would have allowed for scrutiny of these issues and ensured adherence to county policies and ethical standards.³

The State Laws Cited by the County Attorney

I raised this issue with the Monroe County Attorney, who also serves as legal counsel to the legislature, asking why the legislature is not voting on these types of contracts. The attorney’s response cited several provisions of state law, asserting that the Commissioner of the Department of Human Services has the authority to execute contracts for the “administration of or provision for public assistance and care for which the local social services district is responsible.” Specifically, the response referenced New York Social Services Law §§ 65 and 69, and 18 N.Y.C.R.R. §405.3.⁴

While these laws outline the powers and responsibilities of the Commissioner, none explicitly exempt counties from procurement rules or legislative approval processes established under their

¹ A Google Drive folder with the contract and related documents can be found here: https://drive.google.com/drive/folders/1b-GKLhJd15dDgdJZWC_4oTw3hh9C-gy?usp=drive_link

² The contract can be viewed here: https://drive.google.com/file/d/1hHjqjOBIGAfzrk8zUYFmaIEoZoz_qNb/view?usp=sharing

³ A letter I wrote to County Executive Adam Bello questioning the awarding of this contract has more details and background. It can be read here: <https://drive.google.com/file/d/1A5hjSz3fGhPvXBP0GKwqbtWU37dx7k3w/view?usp=sharing>

⁴ See exchange of letters on this issue: https://drive.google.com/drive/folders/1_ckKRCH5s0NwCn3THGIZX3s906qdBYQs?usp=sharing

charters. These provisions primarily address the Commissioner’s authority over administering public assistance and care—not the procedural requirements for contract approval.

I maintain that all contracts, including those for direct care, should come before the Monroe County Legislature, as demonstrated by the issues surrounding the MC Collaborative contract. However, even if one were to interpret these provisions as granting authority for contracts directly tied to the delivery of public assistance—such as providing meals to seniors or mental health treatment—extending this interpretation to include consulting contracts is a significant overreach. Consulting services, such as evaluations and corrective plans, are administrative in nature and fall outside the direct provision of public assistance or care. As such, they should be subject to the same legislative review and approval process as other county contracts.

What Other Counties Do

Counties across New York take varied approaches to legislative oversight of social services contracts. While some counties follow Monroe County’s approach of bypassing legislative approval for most social services contracts, others regularly bring such contracts—both for direct care and consulting services—before their legislatures for a vote.

Examples of counties voting on social services contracts include:

- **Oneida County:** The December 12, 2024, agenda of the Oneida County Legislature includes votes on numerous direct care contracts, including funding for a drop-in center for homeless individuals.⁵
- **Suffolk County:** In December 2024, the Suffolk County Legislature voted on a contract for services for homeless families.⁶
- **Albany County:** The October 29, 2024, Social Services Committee agenda lists multiple contracts for homeless and mental health services.⁷
- **Saratoga County:** The September 3, 2024, Health & Human Services Committee agenda includes contracts for homeless youth services and substance use prevention programming.⁸
- **Rockland County:** The March 19, 2024, agenda includes a wide range of social services contracts, from assisted living to public assistance case management services.⁹

These examples demonstrate that not all counties interpret the powers of the local social services commissioner as superseding legislative oversight. Instead, many ensure transparency and accountability by requiring legislative approval for such contracts.

Request for Opinion

As the State Comptroller provides independent fiscal oversight of local governments and the Office of Temporary and Disability Assistance oversees all local social services districts, I am seeking your guidance and clarification on this matter.

⁵ Link: <https://oneidacounty.primegov.com/Portal/Meeting?meetingTemplateId=733>

⁶ Link: <https://www.scnylegislature.us/DocumentCenter/View/119526/Introductory-Resolution-2022-24-PDF>

⁷ Link: <https://www.albanycountyny.gov/home/showpublisheddocument/51713/638657009366730000>

⁸ Link: <https://www.saratogacountyny.gov/wp/wp-content/uploads/2024/08/Health-Human-Services-Agenda-September-2024.pdf>

⁹ Link: <https://legislature.rocklandcountyny.gov/home/showpublisheddocument/4523/638466088621470000>

Specifically, I seek to understand whether state law grants local social services commissioners the authority to unilaterally *authorize* contracts, even in the absence of explicit provisions in a county's charter. While Monroe County's charter affirms the powers granted to the commissioner by the state, it does not explicitly exempt social services contracts from legislative approval. Clarification of state law and its implications is crucial to determining the appropriate process.

Your insight on this issue is critical to ensuring transparency, accountability, and adherence to both state law and county governance standards. I would appreciate your clarification on the extent of the commissioner's authority and any recommendations for aligning local practices with state oversight expectations.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Barnhart".

Rachel Barnhart – Legislator District 17