

ACCOUNTS COMMITTEE MEETING MINUTES

The Accounts Committee met on *Wednesday, November 13, 2024 at 6:00 PM* in the *G.A.R. Room, Brockton City Hall, 45 School Street*, to consider the following:

1. Update: Open Competitive bids for SPED Transportation costs

Irene Giannopoulos- City Auditor

- Informed there were open competitive bids for SPED transportation costs, at this point, halfway into Q2, we still have requests for payment without contract.
- Currently holding bills.
- Newly hired procurement officer.
- 1.5 years since deficit broke. I hope people understand we need to uphold the laws to pay the bills.

2. Discussion on leased Facilities for the School Department

Invited: Megan Bridges City Solicitor

Megan Bridges, City Solicitor

- School put out RSP for bus depot, awarded to owner of location it operates now.
- No payments have been made and it will come before council.
- Not perfect but need a place to park busses.
- We are making impacts, working together but a lot of problems to solve.
- To my knowledge no new anticipated leases.
- Foster St had some left, Perkins Ave used for warehouse, got rid of Crescent and Westgate.
- Reorganized schools.
- Lessee's will be informed at time of signing that it will go to council for approval.
- No one wants to stop school from their own procurement, just necessary to have an approval from the legislative body now. Something will come to you for Belmont.

Councilor Griffin

- What are the terms of the lease bus depot?

Megan Bridges, City Solicitor

- 3-year lease
- Not triple net because it's snow and ice the city is taking, on a quarterly payment.

Councilor Lally

- Has the lease been signed?
- We have talked in this committee, there is a disregard to procedure they don't like and to the city.
- Leases have to be approved from the legislative body. Have they gone past us?

Megan Bridges, City Solicitor

- Lease not signed by Mayor
- My thought due to the imperfect process is to communicate with the property owner that we can't make payment unless it is approved.
- No one is trying to skirt the approval.

Councilor Teixeira

- We thought it was any lease needed approval by the city council but we have to start somewhere.

3. Review of Vendor Warrants P25-032 through P25-046

Councilor Griffin

- Matthew Abrahams. Who he is? Tuition/Training?
- Amazon, entire page for a total of \$52,484.00, What dept?

Irene Giannopoulos- City Auditor

- The Mark Abrahams Group. UMAS training for all cities and towns. Training my accountant and I took. It is required for certification for my position.

Councilor Lally

- They use Amazon for all kinds of things without properly explaining what they're buying.

Irene Giannopoulos- City Auditor

- School department, more than likely supplies.
- We are cleared to use Amazon through the city solicitor and the procurement officer.
- A lot of conflicting information because we currently have a contract with WB Mason that can supply a lot of this.
- Commbuys, yes still in use but because we have a contract with a vendor it doesn't stop you from ordering supplies from someone else.
- There is a debate about whether you must purchase from contract only.

Councilor Griffin

- I worked for the city years ago and there was always a state list of vendors. Is this still in use? Not mandated? Not forced to use it?

Councilor Lally

- If they're cleared to use it then they are cleared. It just strikes me similar to 'consulting' and 'other contract services' that are vague.
- PO to Brockton public schools for other contract services. Billing us for busses?
- Jr cadet academy is a summer program, they take to marine unit and other places.
- Interesting they're being charged for the busses.

Irene Giannopoulos- City Auditor

- Transportation cost, grant funds, Paying Randolph? Jr cadet academy and Fenway pk

Councilor Teixeira

- 3 PO's, transportation. JJB Livery

Irene Giannopoulos- City Auditor

- Transportation costs from the general fund, OOD
- My stance in my role helping the school dept. We have been more than accommodating. With the attempt at collaboration and giving a grace period for some type of bidding, for reasons we explained, I agreed to pay the bills to allow the grace period. Recently I stopped. Need to hire procurement. We have done everything we can to give time and grace. Have to uphold MGL and the DOR. The

people who suffer are the kids. My role is accused of not taking care of kids and paying bills. I feel they are not taking care by getting appropriate contracts. This was needed a long time ago.

- Plan to sit down with new procurement officer to discuss current bills being held.
- This is why you will see payments going out without contract. We have old LOA's, number of students not listed, amounts not listed. I feel it should be easy to get.
- The school dept holds the contracts.
- I need amounts, dates, scope of services, reasons you agreed to pay so and so on a piece of paper.
- Superintendent should sign and the Mayor, which is a struggle. Need a contract regardless of 30B exemption. That's the big debate. We are to the point of involving state agencies.
- In the worst situation of a city auditor.
- DOR states we must uphold the MGL

Councilor Teixeira

- Who holds the contracts?
- Who signs contracts?
- Has the DOR offered guidance?

Councilor Minichiello

- Is there an advisory committee with the DOR that we can get a written opinion?
- There's nothing to prevent the city from coming up with reasonable policies that enhance the MGL that aren't unconstitutional. MGL is a minimum requirement but the city can put a stricter standard.

Irene Giannopoulos- City Auditor

- We are in the process now because things have gotten so out of hand.
- There is a 30B hotline, I spoke with them directly. They said normally with 30B you should still have something written but if you have in a financial emergency you would be advised to follow the law dept because of ordinances with city council.
- There is a narrative that ordinances can't trump MGL, that's not true. States thought is they work in conjunction with MGL.
- We are trying to and have been trying to do it.
- The ordinances are an enhancement to the law.
- It is getting everyone to understand and to agree with the thought process.

Councilor Teixeira

- Pinnacle Transportation
- Do they break it down? Is it per month?

Irene Giannopoulos- City Auditor

- Transportation costs from the general fund. All SPED. Half the month.
- Out of town, Natick. Pleasant grove. Yes one student.

Councilor Minichiello

- Inside the city or out of town? One student?

Councilor Lally

- School Health Corp. & Lowes. Just like amazon. They fill a whole page for small expenses. Any way to bulk buy? Additional shipping costs. Is the procurement office going to combine?
- I refuse to believe they need to buy a stapler. They had some in a warehouse.
- The Throne Depot

Irene Giannopoulos- City Auditor

- Organization when it comes to ordering is for the procurement officer and should have experience.
- Fire Dept expense from general fund but billed to parks. Will look into, Belmont Ave.

Councilor Griffin

- Procurement officer can narrow down who can order. Usually standard practice.

Councilor Minichiello

- CC Construction X2. Rainwater drainage? Will ask Mr. Hill from DPW.
- CDM Smith

Irene Giannopoulos- City Auditor

- Grant funded. Construction on Garfield St & Terminal Place. Granite curbs, Temporary asphalt.
- Warren Ave 2-way street conversion project.

Councilor Lally

- Same PO for two payments. ASCI transportation.
- Are we picking them up from out of town? Appreciate you inquiring further.
- Description is misleading. 'Transportation homeless incoming.'

Irene Giannopoulos- City Auditor

- We have the ability to split the budget code in one PO but this is the same budget. Probably for their own organizational purposes.
- McKinney Vento student from North Middle School. Doesn't say if out of town.

Councilor Griffin

- In state travel. IDLE conference. States in state but in Utah.

Irene Giannopoulos- City Auditor

- Grant funded from school. International Dual Language Conference in Utah.

Councilor Lally

- \$900 for travel to Utah. Does the city side have travel restrictions? Can the director or planning or council on aging get a \$900 trip or run into difficulty?
- In current budget situation I don't think it likely we would send a city side person.
- For the record, which side had the deficit??

Irene Giannopoulos- City Auditor

- There aren't many travel restrictions through the DOR and expenses need to be 'reasonable'. Can't pay first class, can't pay a limo, must use uber or taxi. It is possible to rack up \$900? Perhaps but we check the convention in Utah, a flight to

and from Utah to Boston. I turned back a payment with a flight returning in Las Vegas. Requested proof of conference in Vegas.

- City side required Mayor approval. No restriction on school side.
- School side had deficit.

Councilor Minichiello

- Kaestle Boos Associates. Are these the people that didn't know about the ledge?

Irene Giannopoulos- City Auditor

- Through CFO's office for the Public Safety Complex, construction administration fee. Design, Development, Environmental & LSP Services

4. Questions/Comments?

Councilor Griffin

- In the past you spoke about all departments needing to buy in to the auditing mindset, 2 or 3 months ago. Can we have an update?
- Does the city solicitor's office have an opinion about your interpretations of the law?
- How are things going with the CFO? Have you discussed this with the Mayor?
- Keep lines of communication open, need to speak with Mayor. Silo mentality is how we got in the situation we are in. Maybe we do need DOR & DESE.
- Betterment of the city and the school it needs to be done sooner than later.

Irene Giannopoulos- City Auditor

- Still very much a work in progress, the pink elephant is the School Dept.
- The newly hired procurement officer is a much-needed band aid.
- I am personally being threatened with a lawsuit as well as the city from the school dept for not paying their bills.
- They aren't paying their bills. They didn't hire a procurement officer they didn't follow the laws that all school departments in the commonwealth have to follow.
- We have reached a point that any form of positive collaboration ceases to exist when it turns into an environment that when I walk into it everything I say and do will be used against me legally. It's not a healthy work environment. It is a hostile work environment. No one here has threatened legal action against our counterparts.
- We have to follow MGL. There is debate as whether our interpretation is correct.
- In my professional opinion we need to think about external people assisting. The DOR and DESE if need be.
- They do, but don't feel comfortable speaking on their behalf.
- I don't think things are going well, truthfully.
- At some points it is collaborative with the CFO and others not.
- I do not think anyone will listen to what we have to say, including the council.
- We need outside help. The Mayor is aware.
- I hope I am wrong and the complete opposite happens, we turned a \$14M deficit into a \$7.8M surplus.
- I worked with the interim CFO and a couple weeks ago it turned into a 180.
- Not sure what else to do except sound an SOS.

Councilor Lally

- Closing remarks. Pleased to see an email that you aren't paying anything else and disappointed a day and a half later that they'd sue you. Tax payer funded lawyer suing a city using a tax payer funded lawyer. Doesn't make sense.
- BPS fiscal to date \$54,650 in legal expenses for their legislative counsel, city has salaried counsel. If funds are needed to resolve in court, whatever support is needed, we need to do it. First deficit on the schools, if it continues it looks bad for us all.
- You don't answer to us or the Mayor. You answer to the state.

Irene Giannopoulos- City Auditor

- The states stance s that we have chapter 324 in the end 'they', including the school dept, need to abide by it, but I am getting told 'no, I don't'.

Councilor Teixeira

- They're used to doing the same over and over. It's why we had a deficit.
- It's a plus when you stand your ground, doing the right thing for the city and school.

Irene Giannopoulos- City Auditor

- It's simple math. The point people aren't getting. It's a checkbook. You either have enough money to pay for something or you don't. Just like your house. It's been the issue since day one. We need help to hold our position. We need to seriously think about reconstructing the departments. Hear that we aren't even categorizing kids properly.
- People need to be honest with what is happening. I can't be the only one. I don't think it is working.

Councilor Minichiello

- Should we invite the Mayor to the next meeting?

Councilor Minichiello

- We should invite the Mayor.

Councilor Teixeira

- We can file a resolve. We can see if he shows up.