

**MINUTES OF A JOINT MEETING OF THE
FINANCE & AUDIT COMMITTEES OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA or AGENCY)
THE BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT
CORPORATION (RDC) AND THE BUFFALO & ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION (ILDC)**

DATE AND PLACE: March 21, 2024, at the Erie County Industrial Development Agency, 95 Perry Street, Suite 403, Buffalo, New York 14203

PRESENT: Glenn R. Nellis, Michael Szukala, Paul Vukelic and William Witzleben

ABSENT: Penny Beckwith, Allison DeHoney and Denise McCowan,

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Atiqah Abidi, Accounting Manager; Brian Krygier, Director of Information Technology; Michelle Moore, Compliance Associate; and Robert Murray, Esq. and Andrew Pawenski, Esq. General Counsel/Harris Beach PLLC

GUESTS: Seth Hennard on behalf of Lumsden McCormick

There being a quorum present at 10:10 a.m., the Meeting of the Members of the Joint Finance & Audit Committee of the Erie County Industrial Development Agency, Buffalo and Erie County Regional Development Corporation and the Buffalo and Erie County Industrial Land Development Corporation was called to order by Chair Szukala.

MINUTES

The February 22, 2024 minutes of the joint meeting of the Finance and Audit Committee were presented. Upon motion made by Mr. Nellis and seconded by Mr. Witzleben, and after a vote was called for by Mr. Szukala, the February 22, 2024 minutes of the Finance and Audit Committee were unanimously approved.

DRAFT 2023 ECIDA, RDC AND ILDC AUDITED FINANCIAL STATEMENTS AND ECIDA MANAGEMENT REPORT

Seth Hennard, CPA from Lumsden McCormick auditors for the ECIDA/RDC/ILDC, reviewed the drafts of the ECIDA/RDC/ILDC 2023 Audited Financial Statements. Mr. Hennard confirmed no significant issues arising from the audits were discussed with or were the subject of correspondence with management.

Mr. Hennard presented a PowerPoint reviewing the audit scope and results, including discussion of the following:

- Independent Auditors' Report on Financing Statements;
- Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Governance Auditing Standards*;
- Independent Auditors' Report on Compliance for Each Major Federal Program and on Internal Control over Compliance Required by the Uniform Guidance (RDC and ILDC);
- Independent Auditors' Report on Compliance with Section 2925(3)(f) OF THE New York State Public Authorities Law
- Data Collection Form – due 9/30, will be electronically filed
- Communication with those Charged with Governance
- Management Letter
- Form 990 (RDC and ILDC) – due 5/15
- Our Responsibility in Relation to the Financial Statement Audit
- Planned Scope and Timing of the Audit
- Compliance with Ethics Requirements
- Qualitative Aspects of the Organizations' Significant Accounting Practices
 - Accounting estimates: allowances for uncollectible loans receivable, depreciable lives and methods, valuation of other assets, valuation of leases receivable and payable
 - Footnote disclosures
- Significant Difficulties Encountered During the Audit
- Uncorrected and Corrected Misstatements
- Disagreements with Management
- Circumstances that Affect the Form and content of the Auditors' Report
- Management Representations
- Management's Consultations with Other Independent Accountants
- Other Significant Matters, Findings, or Issues

Mr. Hennard then reviewed ECIDA financial highlights, the ECIDA restricted cash accounts, and reviewed the various notes to the financial statements, and concluded that in Lumsden McCormick's opinion, the financial statements for the ECIDA present fairly, in all material aspects, the financial position of the ECIDA in accordance with accounting principles generally accepted in the United States of America. Mr. Hennard also stated that no internal control issues or problems were identified.

Next, Mr. Hennard then reviewed the RDC financial highlights, and concluded that in Lumsden McCormick's opinion, the financial statements for the RDC present fairly, in all material aspects, the financial position of the RDC in accordance with accounting principles generally accepted in the United States of America.

Last, Mr. Hennard reviewed the ILDC financial highlights, and concluded that in Lumsden McCormick's opinion, the financial statements for the ILDC present fairly, in all material aspects,

the financial position of the ILDC in accordance with accounting principles generally accepted in the United States of America.

Upon motion made by Mr. Szukala and seconded by Mr. Witzleben, a motion was made to forward the ECIDA/RDC/ILDC 2023 Audited Financial Statements to the Board for approval. Mr. Szukala called for the vote and the motion was unanimously approved.

2023 PAAA ANNUAL REPORT

Ms. Profic reviewed the report. Upon motion made by Mr. Nellis and seconded by Mr. Vukelic, a motion was made to forward the 2023 PAAA Annual Report to the Board for approval. Mr. Szukala called for the vote and the motion was unanimously approved.

2023 INVESTMENT REPORTS

Ms. Profic reviewed the report. Upon motion made by Mr. Witzleben and seconded by Mr. Nellis, a motion was made to forward the 2023 Investment Reports to the Board for approval. Mr. Szukala called for the vote and the motion was unanimously approved.

RE-ADOPTION OF ECIDA/RDC/ILDC POLICIES

Ms. Profic reviewed the following ECIDA/RDC/ILDC policies for re-adoption and noted there were not any recommended changes to same:

- a. Investment and Deposit Policy
- b. Finance & Audit Committee Charter
- c. Corporate Credit Card Policy

Upon motion made by Mr. Vukelic, and seconded by Mr. Nellis, the Committee unanimously resolved to re-adopt the above policies a-c.

2023 FINANCE & AUDIT COMMITTEE SELF-EVALUATION

Ms. Profic reviewed the Finance and Audit Committee self-evaluation.

Upon motion made by Mr. Vukelic and seconded by Mr. Nellis, a motion was made to forward the 2023 Finance & Audit Committee Self-Evaluations to the Board for approval. Mr. Szukala called for the vote and the motion was unanimously approved.

NEW BUSINESS

Ms. Profic noted discussions have been held with M&T Bank to attempt to identify ways to take advantage of higher interest rates without otherwise tying up cash.. Mr. Szukala directed that the report be received and filed.

There being no further business to discuss, Mr. Szukala adjourned the meeting at 10:50 a.m.

Dated: March 21, 2024



Elizabeth A. O'Keefe, Secretary