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MANUAL 900-1

SECTION 01.2

OLM PROGRAM REVIEWS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

This procedure describes the process the Office of Land Management (OLM) will use for periodic reviews of land transactions.

2. Applicable Law and/or Guidance

Canal Real Property Management Policy (25-6-01C)

3. Introduction

Periodic reviews of land transactions ensure that the New York State Canal Corporation (Corporation) policies and procedures are being followed, and that areas for improvement are identified.

OLM will conduct periodic program reviews of land transaction projects at the Division and Headquarters levels for compliance with OLM procedures. Typically, OLM will select projects of varying types (e.g., work permits, occupancy permits, leases, abandonments, etc.) and review the projects against the applicable procedures.

The key to an effective review is to interview the people involved in the process to assess their level of understanding (as well as to seek their input for areas of improvement) and to collect evidence to document that policies and procedures are being followed and are effective.

4. Procedure

4.1. Pre-Review Activities

4.1.1. Annually, OLM will prepare a program review plan for the year. The plan should identify:

- What transactions will be reviewed?
- What Divisions, organizations or personnel will be part of the review?
- When will the review be conducted?
- Are additional team members needed for the review and who should they be?

- 4.1.2. Prior to the review, OLM will further define the review scope. The OLM REVIEW FIELD NOTES (NOTES) form¹ may be used to identify who will be interviewed, what documentation will be reviewed, etc.
- 4.1.3. If a team is being used for the review, the members will meet and discuss the review plan and scope of the review. Responsibilities will be assigned for team members, including what areas to review. Whenever possible, a representative from the Department of Audit and Management Services (A&MS) should be part of the team.
- 4.1.4. OLM will notify the affected organizations and individuals of the review and will select a review date and time. Information and records that will be reviewed should be identified so that the materials are ready for review when the team arrives.

4.2. Conducting the Review

- 4.2.1. OLM will coordinate the review. Typically, a short opening meeting is held that explains what will be looked at, who the team members are, and a description of their assignments. It should be stressed that input on areas for improvements is being sought as well.
- 4.2.2. The team will then divide up and complete their reviews. Both reviews of records and interviews should be conducted. Areas for improvement should also be identified.
- 4.2.3. A REVIEW CHECKLIST² may be used to develop the questions and information that should be reviewed for each procedure included in the review. The team may also identify other areas that should be included in the review.
- 4.2.4. At the end of the review, typically a short closing meeting will be held to discuss the tentative findings.
- 4.2.5. The results of the review will be finalized by OLM and the team. The results will be discussed with the Director of Canals and A&MS.

1 Exhibit 1

2 Exhibit 2

4.3. Corrective Action Plan

- 4.3.1. Following the review, the findings will be noted on the CORRECTIVE ACTION PLAN (PLAN)⁺. OLM will identify actions to be taken to correct the findings whenever possible. In some cases, the corrective action will need to be identified by the organization reviewed.
- 4.3.2. OLM will send the PLAN to the organizations reviewed, ask them to review corrective actions, fill in or add other corrective actions, assign someone responsibility for completing the actions, and provide a proposed due date. The PLAN should be completed and returned to OLM within ten days.

4.4. Follow-Up

- 4.4.1. Upon receipt of the completed PLAN, OLM will track the actions until completed and will document verification of completion.
- 4.4.2. OLM will periodically update the Director of Canals on the review and status of the corrective actions.
- 4.4.3. Based on the review, procedures will be updated and revised as needed using SOP-DEVELOPING AND REVISING PROCEDURES (900-1-01.1).

4.5. Other Reviews

A&MS conducts audits that review financial and internal controls. Both internal and external consultants are used. A&MS will conduct periodic audits of the Corporation, including real property management. A&MS is also available to provide in-house consulting and oversight related to internal controls.

5. Responsibilities

A&MS will coordinate Corporation audits related to financial and internal controls, including those involving real property management. In addition, A&MS will provide in-house consulting and oversight related to internal controls.

+ Exhibit 3

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OLM will coordinate the land transaction review process, including setting up a review plan, identifying and setting up a review team (as needed), conducting the review, overseeing preparation of a corrective action plan, verifying that review items were corrected and communicating review information.

EXHIBIT 1
OLM REVIEW FIELD NOTES
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OLM Review Field Notes
Type of Transaction Reviewed: _____
Division/Organization Reviewed: _____
Reviewer(s) : _____ Date(s) : _____
What documents or projects should I review?
Whom should I talk to?
What questions should I ask?
What kinds of evidence do I need?

EXHIBIT 2
REVIEW CHECKLIST
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Questions	Compliance Yes/No	Comments/Evidence Reviewed
General		
1. Were transactions completed within a year unless otherwise approved by the Board?	Yes No	
2. Were transactions resubmitted to the Board following Board approval, when (1) background information presented to the Board changed and the Executive Director determines that the item should be resubmitted to the Board, and (2) when a Board-approved transaction could not be progressed.	Yes No	
3. Were records easily located?	Yes No	
4. Was all information contained in the official Project Record?	Yes No	
5. Were records retained for required retention periods?	Yes No	
6. Were employees aware of requirements?	Yes No	
7. Were areas for improvement identified?	Yes No	
TRANSACTION ANALYSIS PROCESS (900-1-02.1)		
Applies to all land transactions		
8. Are inquiries entered on a Canal Inquiry form?	Yes No	
9. Is OLM copied on information sent by the Division to the applicants/persons inquiring into property under the jurisdiction of the Canal Corporation?	Yes No	
10. Is the Transaction Analysis/Recommendation (TAR) form (TA-N99116) completed and approved and kept in the Project Record?	Yes No	
11. If required on the TAR, was a competitive process used?	Yes No	
12. If required on the TAR, was a survey and/or appraisal completed?	Yes No	
13. If required, was an explanatory statement prepared and submitted to required parties at least 90 days prior to the transaction completion?	Yes No	
14. Were Lobbying Law reporting requirements met for any contacts during the pending transaction? (See EI: Inappropriate Lobbying Influence in Authority/Corporation Procurements)	Yes No	
15. Was the applicant notified of any rejection of the project?	Yes No	
16. Other:		

Questions	Compliance Yes/No	Comments/Evidence Reviewed
CANAL RECREATIONWAY COMMISSION (900-1-02.3)		
17. Were non-exempt leases and sales reviewed by the CRC for compatibility with the CRP?	Yes No	
18. Was a review conducted within 60 days from the date of the Notice of Complete Application?	Yes No	
19. Other:		
APPRAISALS AND SURVEYS (900-1-02.4)		
20. Was a survey completed where required?	Yes No	
21. Was the survey reviewed by OLM/Headquarters?	Yes No	
22. Was an appraisal conducted where required?	Yes No	
23. Was an appraisal scope letter developed and approved by BRPM?	Yes No	
24. Was the appraisal reviewed and approved by BRPM?	Yes No	
25. Were any appraisal differences resolved?	Yes No	
26. If the appraisal was over one year old, did BRPM review the appraisal to determine if an update was needed?	Yes No	
27. For an exchange of property where the value of each property was <\$300,000, was one survey and one appraisal prepared for each property?	Yes No	
28. For an exchange of property where the value of either property was >\$300,000, were one survey and two appraisals prepared for each property?	Yes No	
29. For an exchange of property, did the appraisals demonstrate that the property to be acquired is of at least equal value to the property to be exchanged?	Yes No	
30. Other:		
SUBMITTALS TO THE OFFICES OF THE ATTORNEY GENERAL AND THE STATE COMPTROLLER (900-1-02.5)		
31. Were submittals submitted to the Attorney General's Office when required?	Yes No	
32. Were projects submitted to OSC for review and approval when required?	Yes No	
33. Other:		

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
STATE ENVIRONMENTAL QUALITY REVIEW ACT (900-1-02.6)		
34. If the proposed project is in a floodplain, was Exhibit 2 completed and followed?	Yes No	
35. Were copies of applicant permits obtained prior to the start of work?	Yes No	
36. Was a short or full environmental assessment form prepared? (Note: Type I actions require a FEAF)	Yes No	
37. Was the SEAF or FEAF reviewed by Division and a recommendation of type and impact made?	Yes No	
38. If exempt from review, was Exhibit 5 completed and placed in the project file?	Yes No	
39. Were other involved and/or interested agencies identified and given the package for review?	Yes No	
40. Were the application, SEAF/FEAF and Division recommendation reviewed by OTPES?	Yes No	
41. Did the Board review and make the SEQRA determination?	Yes No	
42. If there was a positive declaration, did the Legal Department and OLM coordinate further required review?	Yes No	
43. Did OLM notify the applicant of the determination and any need for an EIS?	Yes No	
44. Other:		
OCCUPANCY PERMITS (900-1-02.7)		
45. Where a disposal was contemplated, were any permits issued in advance of the disposal approved by the Executive Director?	Yes No	
46. Where an occupancy permit was required, was any work permit issued in advance of the disposal approved by the Executive Director?	Yes No	
47. Were fees forwarded to Finance and did Finance document receipt of the fees in Permits Plus?	Yes No	
48. Was the application file set up in Permit Plus?	Yes No	
49. Were annual fees determined by Division real estate personnel by appraisal where there was no fee schedule?	Yes No	
50. Was the applicant notified of any permit application rejections by OLM?	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
51. Did BRPM coordinate permit signature or close out the process where a signed permit was not returned?	Yes No	
52. Did the Supervisor of Insurance Compliance review liability insurance and identify any issues?	Yes No	
53. Were any contest or appeal of the permit fees handled in accordance with the SOP?	Yes No	
54. Other:		
WORK PERMITS (900-1-02.8)		
55. Where a disposal was contemplated, were any permits issued in advance of the disposal approved by the Executive Director?	Yes No	
56. Were fees forwarded to Finance and did Finance document receipt of the fees in Permits Plus?	Yes No	
57. Was the application file set up in Permit Plus?	Yes No	
58. Were annual fees determined by OLM where there was no fee schedule?	Yes No	
59. Was the applicant notified of any permit application rejections by OLM?	Yes No	
60. Did the Division Permit Engineer notify the applicant with the signed work permit?	Yes No	
61. Following completion of the work, did the Division Permit Engineer or Division Canal Engineer conduct a site visit?	Yes No	
62. Was any contest or appeal of the permit fees handled in accordance with the SOP?	Yes No	
63. Other:		
PERMIT AND LEASE ENFORCEMENT (900-1-02.9)		
64. For delinquent accounts for nonpayment, were the steps in Section 4.1 of the SOP followed?	Yes No	
65. For lapsed insurance, were the steps in Section 4.2 followed?	Yes No	
66. For other permit or lease violations, were the steps in Section 4.3 followed?	Yes No	
67. Did OLM coordinate a review to determine the appropriate response?	Yes No	
68. Was the Canal Board notified of the proposed lease termination?	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
69. Did Credit and Collections and/or the Legal Department coordinate collection of delinquent accounts?	Yes No	
70. Was a Division site inspection conducted following permit revocation or lease termination?	Yes No	
71. Were issues resolved?	Yes No	
72. Were encroachments handled in accordance with Section 4.7?	Yes No	
73. Other:		
LEASES (900-1-02.10)		
74. Was the lease reviewed by the CRC if required?	Yes No	
75. Were insurance requirements determined?	Yes No	
76. Was any required survey or appraisal completed?	Yes No	
77. Was the lease reviewed by the CRPMC?	Yes No	
78. Did the Board authorize the lease?	Yes No	
79. Did the Legal Department prepare the lease?	Yes No	
80. Was a copy of the insurance forwarded to the Insurance Compliance Unit for review and approval?	Yes No	
81. Was the lease signed by the Executive Director, the Contracting Officer, and the Legal Department?	Yes No	
82. Where the property value was >\$10,000, did the AG and OSC approve the lease?	Yes No	
83. Other:		
ACQUISITIONS (900-1-02.12)		
84. For acquisitions by eminent domain, did the Legal Department coordinate the acquisition?	Yes No	
85. Was any required survey or appraisal completed?	Yes No	
86. Was the acquisition reviewed by the CRPMC?	Yes No	
87. Did the Board authorize the acquisition?	Yes No	
88. Did the Legal Department prepare the purchase agreement or easement and applicable documents?	Yes No	
89. Was the purchase and sale agreement signed by the Executive Director, the Contracting Officer, and the Legal Department?	Yes No	
90. Where the property value was >\$15,000, did the AG	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
and OSC approve the acquisition?		
91. Did the Legal Department coordinate the closing?	Yes No	
92. Other:		
SALES (900-1-02.13)		
93. Was the sale reviewed by the CRC if required?	Yes No	
94. Was any required survey or appraisal completed?	Yes No	
95. Was the sale reviewed by the CRPMC?	Yes No	
96. Were the abandonment notice and process followed?	Yes No	
Questions 97 - 98 apply to sales by auction.		
97. Did OLM coordinate the development of an auction plan that was approved by the Contracting Officer?	Yes No	
98. Did the auction information package contain the required information?	Yes No	
99. Did the sale notice and advertising plan contain the required information?	Yes No	
100. Was a notice of sale developed containing the required information?	Yes No	
101. Were the plans followed?	Yes No	
102. Did prospective bidders register and did the registration form contain Lobbying Law requirements?	Yes No	
103. Was the sales agreement signed by the highest bidder at the conclusion of the auction and a deposit paid?	Yes No	
104. Did the Board authorize the proposed sale?	Yes No	
105. Was the sales agreement prepared by the Legal Department?	Yes No	
106. Was the sale agreement signed by the Legal Department, the Contracting Officer, and the Executive Director?	Yes No	
107. Where required, did the AG and OSC approved the sale?	Yes No	
108. Did OLM notify the applicant of any rejections?	Yes No	
109. Did OLM notify GIS and OMO to update maps and databases to reflect the sale?	Yes No	
Other:		

