



FINANCE, LEGAL & SAFETY COMMITTEE

March 14, 2023

10:30 a.m.

- APPROVAL OF MINUTES: February 14, 2023
- FINANCIAL
  - Safety
  - Law
- OLD BUSINESS
  - Litigation
  - Ethics Board
  - Accessible Parking Education
- NEW BUSINESS
  - New and amended policies
  - Ethics Board appointments
  - Annual policy review and attestation
  - Respiratory Protection Program
  - AED maintenance
- PERSONNEL
  - Secretary to the 1<sup>st</sup> Assistant County Attorney
  - Safety Officer
- RESOLUTIONS
  - AMEND EMPLOYEE HANDBOOK: ADD NEW POLICY TO NEW SECTION XIII. ENTITLED FAIR HOUSING PLAN
  - APPOINT FAIR HOUSING OFFICER
  - ENTER INTO A CONTRACT WITH CATAMOUNT CONSULTING FOR AUDIOGRAMS
  - AMEND EMPLOYEE HANDBOOK: SECTION VII. PURCHASING AND PAYMENT POLICY: SUBSECTION XII. PROCEDURE TO BE USED WHEN COPETITIVE BIDDING NOT REQUIRED, PARAGRAPD B. AND ADDITION OF NEW SUBSECTION XVII. SECTION 3 PROQUIREMENT POLICY

- ESTABLISH NEW BUDGET LINE, REQUEST AND TRANSFER RESERVE FUNDS, AND MODIFY 2023 BUDGET SAFETY OFFICE
  - RE-APPOINT MEMBER TO BOARD OF ETHICS
  - RECOGNITION OF ANNE DAVIS' 34 YEARS OF DEDICATED SERVICE TO TIOGA COUNTY
  - APPOINT SECRETARY TO THE 1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY LAW DEPARTMENT
  - AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE LAW DEPARTMENT, ITCS, SHERIFF, DSS, PUBLIC HEALTH, AND MENTAL HYGIENE
  - RESOLUTION CALLING ON GOVERNOR HOCHUL TO REMOVE PART M OF ARTICLE VII REVENUE BILLS FROM THE 2024 EXECUTIVE BUDGET
- PROCLAMATIONS
    - N/A
  - EXECUTIVE SESSION
    -
  - ADJOURNMENT

# Office of the County Attorney



## FINANCE, LEGAL AND SAFETY COMMITTEE

February 14, 2023

10:30 A.M.

### ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Flesher, Brown, Mullen, Monell, Standinger, Roberts, Weston

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Chief Accountant Jerzak, Accountant Schurter, Personnel Officer Parke, 4<sup>th</sup> Assistant County Attorney Lanouette

**APPROVAL OF THE MINUTES:** Legislator Ciotoli asked for a motion to approve the January 10, 2023, minutes. Legislator Monell made the motion seconded by Legislator Brown and was unanimously carried.

**FINANCIAL:** Safety's budget has had some expenditures for new ADA signage and wheels for the magnetometer. Legal's budget is tracking well with monthly legal fees pre-encumbered.

### OLD BUSINESS

- **Litigation:** Rosvold is moving forward with a trial date set for June 2023. A new claim was received for a previous claim for a third-party incident. A new claim was received for property damage reimbursement caused by a County employee which NYMIR is currently handling. A former employee's case is moving slowly due to a switch in judges and a crime victim's case has moved to discovery.

### NEW BUSINESS

- County Attorney DeWind discussed the updates to the Workplace Violence Prevention Program Policy and Discriminatory Harassment Policy and the addition of blood and bone marrow donation to the Personnel Rules section of the Employee Handbook.
- The Ethics Board will have two open board seats at the end of March. Legislators need to be mindful of political party affiliation when nominating someone for this board.

- Accessible parking education is required every two years. A quarter page ad will be purchased from the Owego Pennysaver and brochures will be given to municipalities for distribution sometime this spring.
- Flood insurance premiums are coming due for renewal. Premiums can be lowered however it would take over ten years to offset the deductibles.
- The Commercial Insurance fund is low and will need money transferred in to cover cyber, flood, and auto insurance. There is also the possibility of several lawsuits settling this year which could deplete the fund with its current balance.

#### PERSONNEL

- Resolutions to create and fill the position of Secretary to the 1<sup>st</sup> Assistant County Attorney and Safety Officer were discussed and 4<sup>th</sup> Assistant County Attorney Lanouette was introduced to the Legislators.

RESOLUTIONS: AUTHORIZE TO CREATE AND FILL SECRETARY TO THE 1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY; TEMPORARY INCREASE FULL-TIME HEADCOUNT LAW DEPARTMENT, AMEND EMPLOYEE HANDBOOK; WORKPLACE VIOLENCE PREVENTION PROGRAM POLICY AND DISCRIMINATORY HARASSMENT POLICY, AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES: SUBSECTION V. LEAVE TIME, AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH TEVA CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS, APPOINT SAFETY OFFICER; these resolutions were moved into full Legislative session without further questions.

PROCLAMATIONS: None

EXECUTIVE SESSION: None

ADJOURNMENT: Legislator Ciotoli adjourned the Finance, Legal and Safety Committee meeting at 11:26 A.M.

Respectfully submitted,

*Christine Freyvogel*

Secretary to the County Attorney



# TIOGA COUNTY, NEW YORK

## Tioga County 2023 SAFETY BUDGET REPORT

FOR 2023 05

|                                       | ORIGINAL<br>APPROP | TRANFRS/<br>ADJSTMTS | REVISED<br>BUDGET | YTD ACTUAL      | ENCUMBRANCES    | AVAILABLE<br>BUDGET | PCT<br>USE/COL |
|---------------------------------------|--------------------|----------------------|-------------------|-----------------|-----------------|---------------------|----------------|
| <b>CI Liability Insurance Fund</b>    |                    |                      |                   |                 |                 |                     |                |
| <b>CI8042 504 Coordinator/Safety</b>  |                    |                      |                   |                 |                 |                     |                |
| CI8042 424010 Interest And Earn       | 0                  | 0                    | 0                 | -86.12          | .00             | 86.12               | 100.0%         |
| CI8042 510010 Fulltime                | 57,523             | 0                    | 57,523            | .00             | .00             | 57,523.00           | .0%            |
| CI8042 540140 Contracting Servi       | 164,500            | 0                    | 164,500           | 1,145.00        | 1,605.00        | 161,750.00          | 1.7%           |
| CI8042 540340 Literature              | 250                | 0                    | 250               | .00             | .00             | 250.00              | .0%            |
| CI8042 540410 Nursing Supplies        | 2,000              | 0                    | 2,000             | .00             | .00             | 2,000.00            | .0%            |
| CI8042 540420 Office Supplies         | 400                | 0                    | 400               | .00             | .00             | 400.00              | .0%            |
| CI8042 540480 Postage                 | 75                 | 0                    | 75                | .00             | .00             | 75.00               | .0%            |
| CI8042 540640 Supplies (Not Off       | 600                | 0                    | 600               | 274.69          | .00             | 325.31              | 45.8%          |
| CI8042 540733 Training/All Othe       | 3,500              | 0                    | 3,500             | 348.95          | .00             | 3,151.05            | 10.0%          |
| CI8042 581088 State Retirement        | 2,744              | 0                    | 2,744             | .00             | .00             | 2,743.78            | .0%            |
| CI8042 583088 Social Security F       | 2,232              | 0                    | 2,232             | .00             | .00             | 2,232.10            | .0%            |
| CI8042 584088 Workers Compensat       | 1,224              | 0                    | 1,224             | .00             | .00             | 1,224.34            | .0%            |
| CI8042 588988 Eap Fringe              | 15                 | 0                    | 15                | .00             | .00             | 14.56               | .0%            |
| <b>TOTAL 504 Coordinator/Safety</b>   | <b>235,063</b>     | <b>0</b>             | <b>235,063</b>    | <b>1,682.52</b> | <b>1,605.00</b> | <b>231,775.26</b>   | <b>1.4%</b>    |
| <b>TOTAL Liability Insurance Fund</b> | <b>235,063</b>     | <b>0</b>             | <b>235,063</b>    | <b>1,682.52</b> | <b>1,605.00</b> | <b>231,775.26</b>   | <b>1.4%</b>    |
| <b>TOTAL REVENUES</b>                 | <b>0</b>           | <b>0</b>             | <b>0</b>          | <b>-86.12</b>   | <b>.00</b>      | <b>86.12</b>        |                |
| <b>TOTAL EXPENSES</b>                 | <b>235,063</b>     | <b>0</b>             | <b>235,063</b>    | <b>1,768.64</b> | <b>1,605.00</b> | <b>231,689.14</b>   |                |
| <b>GRAND TOTAL</b>                    | <b>235,063</b>     | <b>0</b>             | <b>235,063</b>    | <b>1,682.52</b> | <b>1,605.00</b> | <b>231,775.26</b>   | <b>1.4%</b>    |

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*



# TIOGA COUNTY, NEW YORK

## Tioga County 2023 LEGAL BUDGET REPORT

FOR 2023 05

|                                 | ORIGINAL<br>APPROP | TRANFRS/<br>ADJSTMTS | REVISED<br>BUDGET | YTD ACTUAL       | ENCUMBRANCES     | AVAILABLE<br>BUDGET | PCT<br>USE/COL |
|---------------------------------|--------------------|----------------------|-------------------|------------------|------------------|---------------------|----------------|
| <b>A General Fund</b>           |                    |                      |                   |                  |                  |                     |                |
| <b>A1420 Law</b>                |                    |                      |                   |                  |                  |                     |                |
| A1420 412706 Shared Services-At | -50,079            | 0                    | -50,079           | .00              | .00              | -50,079.00          | .0%            |
| A1420 510010 Full Time          | 212,439            | 0                    | 212,439           | 32,682.81        | .00              | 179,756.19          | 15.4%          |
| A1420 510020 Part Time/Temporar | 45,000             | 0                    | 45,000            | 4,442.31         | .00              | 40,557.69           | 9.9%           |
| A1420 510050 All Other(On Call, | 2,000              | 0                    | 2,000             | .00              | .00              | 2,000.00            | .0%            |
| A1420 520200 Office Equipment   | 450                | 0                    | 450               | .00              | .00              | 450.00              | .0%            |
| A1420 540010 Advertising        | 100                | 0                    | 100               | .00              | .00              | 100.00              | .0%            |
| A1420 540040 Books              | 500                | 0                    | 500               | 434.75           | .00              | 65.25               | 87.0%          |
| A1420 540180 Dues               | 1,200              | 0                    | 1,200             | 678.00           | .00              | 522.00              | 56.5%          |
| A1420 540330 Legal Fees         | 65,000             | 0                    | 65,000            | 7,062.50         | 34,500.00        | 23,437.50           | 63.9%          |
| A1420 540390 Mileage Expense    | 100                | 0                    | 100               | .00              | .00              | 100.00              | .0%            |
| A1420 540420 Office Supplies    | 825                | 0                    | 825               | 89.88            | .00              | 735.12              | 10.9%          |
| A1420 540480 Postage            | 150                | 0                    | 150               | .00              | .00              | 150.00              | .0%            |
| A1420 540485 Printing/Paper     | 400                | 0                    | 400               | 114.43           | .00              | 285.57              | 28.6%          |
| A1420 540731 Training/State Req | 200                | 0                    | 200               | 135.00           | .00              | 65.00               | 67.5%          |
| A1420 581088 State Retirement F | 17,918             | 0                    | 17,918            | 3,608.43         | .00              | 14,309.99           | 20.1%          |
| A1420 583088 Social Security Fr | 15,182             | 0                    | 15,182            | 3,183.52         | .00              | 11,998.66           | 21.0%          |
| A1420 584088 workers Compensati | 3,673              | 0                    | 3,673             | 881.46           | .00              | 2,791.56            | 24.0%          |
| A1420 585588 Disability Insuran | 204                | 0                    | 204               | 39.15            | .00              | 164.43              | 19.2%          |
| A1420 586088 Health Insurance F | 49,507             | 0                    | 49,507            | 15,164.76        | .00              | 34,342.62           | 30.6%          |
| A1420 588988 Eap Fringe         | 44                 | 0                    | 44                | 10.98            | .00              | 32.70               | 25.1%          |
| <b>TOTAL Law</b>                | <b>364,813</b>     | <b>0</b>             | <b>364,813</b>    | <b>68,527.98</b> | <b>34,500.00</b> | <b>261,785.28</b>   | <b>28.2%</b>   |
| <b>TOTAL General Fund</b>       | <b>364,813</b>     | <b>0</b>             | <b>364,813</b>    | <b>68,527.98</b> | <b>34,500.00</b> | <b>261,785.28</b>   | <b>28.2%</b>   |
| <b>TOTAL REVENUES</b>           | <b>-50,079</b>     | <b>0</b>             | <b>-50,079</b>    | <b>.00</b>       | <b>.00</b>       | <b>-50,079.00</b>   |                |
| <b>TOTAL EXPENSES</b>           | <b>414,892</b>     | <b>0</b>             | <b>414,892</b>    | <b>68,527.98</b> | <b>34,500.00</b> | <b>311,864.28</b>   |                |
| <b>GRAND TOTAL</b>              | <b>364,813</b>     | <b>0</b>             | <b>364,813</b>    | <b>68,527.98</b> | <b>34,500.00</b> | <b>261,785.28</b>   | <b>28.2%</b>   |

\*\* END OF REPORT - Generated by Freyvoel, Christine \*\*

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
ADD NEW POLICY TO NEW SECTION XIII.  
ENTITLED FAIR HOUSING PLAN

WHEREAS: Tioga County hereby supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Human Rights Law; and

WHEREAS: Tioga County further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by the Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New York State Humans Rights Law; and

WHEREAS: Tioga County does not have its own Fair Housing Plan; and

WHEREAS: The County Attorney has written and proposed new plan entitled Fair Housing Plan; and

WHEREAS: As required by the Community Development Block Grant program, Tioga County needs to adopt a Fair Housing Plan that will promote fair housing and the Fair Housing Law; therefore be it

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Fair Housing Plan for Tioga County; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to new Section XIII. entitled Fair Housing Plan.

# Fair Housing Plan Tioga County



**Signed by:**

**Martha Sauerbrey  
Tioga County Legislative Chair**

**Date:**

**Adopted by Resolution: Resolution No.**



# Fair Housing Plan

Fair Housing Policy.....

- Non-discrimination Statement.....

Selection of Fair Housing Officer.....

Complaint Process.....

Implementation and Action Steps.....

Analysis of Impediments.....

Amendments.....



## **Tioga County Fair Housing Policy**

Tioga County, including its employees, is committed to following the letter and spirit of the Federal Fair Housing law by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, color, religion, sex, handicap, familial status, national origin or other protected status.

Tioga County, including its employees, is also committed to following the letter and spirit of The Fair Housing Act of 1968 and Fair Housing Plan, by respecting the diversity and differences within our customer base by providing equal professional service to all, without regard to race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, and gender identity.

Tioga County is committed to keeping informed about fair housing laws and practices and will not tolerate non-compliance. This commitment will be demonstrated through the general practices of Tioga County and through advertising and the media that everyone is welcome, and no one is excluded. Tioga County will additionally inform our clients and customers about their rights and responsibilities under the fair housing laws.

### **Non-discrimination Statement**

Tioga County complies with the letter and spirit of the Fair Housing Act, the Fair Housing Act of 1968 state that prohibits housing discrimination to certain persons under each law. No qualified person will be denied housing or otherwise discouraged from obtaining housing at Tioga County because of their status under these laws.

### **Selection of Fair Housing Officer**

In accordance with Title VIII, Civil Rights Act of 1968, as amended, the Fair Housing Officer below has been designated to handle fair housing complaints and activities:

County Attorney or their designee  
56 Main Street  
Owego, New York 13827  
607-687-8553

The Fair Housing Officer is responsible for the intake and processing of all housing complaints as well as implementation of the Fair Housing Plan activities and

actions. While not expected to be an "expert" in Fair Housing Laws, at a minimum the officer will be familiar with the complaint process and federal and state laws, which address Fair Housing. Records will show the date, time, nature of complaint and decisions made, and the complaint process will be fully documented. A separate file will maintain a record of all housing discrimination complaints and follow-up actions.

## **Complaint Process**

Housing discrimination complaint forms such as Forms HUD-903 and HUD-903A (Spanish Version) from HUD, as well as a summary of actions which may constitute housing discrimination, and instructions for completing and filing housing discrimination complaints will be made available to citizens at the Ronald E. Dougherty County Office Building located at 56 Main Street, Owego, New York 13827. Complaints need not be made on official forms to be valid.

Forms will also be distributed to lenders, realtors, and at other public places such as libraries periodically.

The Fair Housing Officer will reasonably assist the complainant in submitting the complaint to the appropriate body by providing assistance in explaining the form and/or contacting the appropriate office and allowing the use of county phones for communication.

The individual(s) filing the complaint will then be advised of the option of filing directly with the U.S. Department of Housing and Urban Development (HUD) within one year after the alleged violation, The Connecticut Commission on Human Rights and Opportunities (CHRO) by filing a notarized complaint within 180 days of the alleged violation, or the Equal Employment Opportunity Commission or with all agencies simultaneously. The individual should also be advised of the option of filing suit at their expense in Federal District Court or State Court within two years of the alleged violation. The individual should be further advised that if they cannot afford an attorney, the Court may appoint one and that a suit may be commenced even after filing a complaint, if the individual has not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual punitive damages and attorney's fees and costs.

## **Implementation and Action Steps**

Tioga County will take specific action steps and implantation activities over the next three-year period following the guidelines provided by the Department of Housing.

1. Tioga County will adopt annually a Fair Housing Policy Statement and a Fair Housing Resolution as an indication of its commitment to Fair Housing Month during the month of April.
2. Tioga County will display its fair housing policies/procedures and ADA policies and grievance procedure on its website.
3. Tioga County will display Fair Housing posters identifying the County's Fair Housing Office, title, address, email, and phone number in prominent locations. In addition, fair housing information will be distributed outside of traditional municipal locations including local realtors and banks.
4. All advertising of residential real estate owned by Tioga County for sale, rent or financing will contain the Fair Housing logo, equal opportunity slogan as a means of educating the home seeking public that the property is available to all persons without regard to race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, pregnancy-related condition, predisposing genetic characteristics, prior arrest or conviction record, familial status, and gender identity, or lawful source of income. All bid advertisements by Tioga County sponsored programs must include the phrase "Equal Opportunity/Affirmative Action Employer." The type of logo, statement or slogan will depend on the type of media being used (visual or auditory). All logos/statements must appear at the end of the advertisement.

## **Analysis of Impediments**

Tioga County will cooperate and assist the state with its periodic Analysis of Impediments and conduct a review of policies, practices and procedures that affect the availability and accessibility of housing.

## **Amendments**

Tioga County shall amend and revise this Plan as required to keep current with state/federal affirmative action and equal opportunity policies and procedures and local actions and activities to further the purposes

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23

APPOINT FAIR HOUSING OFFICER

WHEREAS: Tioga County desires to ensure compliance with Title 1, of the Housing and Community Development Act of 1974, as amended, and the Fair Housing Act (Public Law 90-284, 42 USC 3601-20), and the Human Rights Law of the State of New York (Executive Law, Article 15); and

WHEREAS: Tioga County has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD); and

WHEREAS: Tioga County has made assurances that they will:

1. Post Fair Housing and Affirmative Action posters in County buildings.
2. Post Fair Housing Information on the County's website.
3. Document housing discrimination complaints on a standard form.
4. Forward all copies of all complaints to and, when appropriate, consult with the Fair Housing/Equal Opportunity Division Office of the HUD Office in Buffalo and/or the New York State Division of Human Rights in Rochester.
5. Compile information about fair housing-related services available to County residents.

And

WHEREAS: The Chair of the Legislature seated in 2004 appointed the position of County Attorney to serve as the Fair Housing Officer for Tioga County as documented in the minutes of the Ninth Regular Meeting of the Legislature on September 14, 2004, and this position has been responsible to act in this capacity ever since; therefore be it

RESOLVED: That the County Attorney or their designee shall continue to be designated as the Fair Housing Officer for Tioga County; and be it further

RESOLVED: That the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NY Division on Civil Rights, to inform those agencies of said appointment as Fair Housing Officer and request Fair Housing Information; and be it further

RESOLVED: That the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance; and be it further

RESOLVED: That Tioga County will publish in the local newspaper of record and post at the municipal hall (or county administration building) a public notice

announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

REFERRED TO: FINANCE, LEGAL & SAFETY  
PUBLIC WORKS COMMITTEE

RESOLUTION NO. -23 ENTER INTO CONTRACT WITH CATAMOUNT  
CONSULTING FOR AUDIOGRAMS

WHEREAS: Occupational Safety and Health Administration (OSHA) requires annual audiograms and hearing conservation training for county employees whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent; and

WHEREAS: Tioga County has obtained three quotes for audiogram testing and hearing conservation trainings; and

WHEREAS: The proposal from Catamount Consulting, to perform this service, is the most cost effective; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a one-year contract for 2023 with Catamount Consulting to perform this service at the rates indicated:

Cost of Business Terms:

Catamount Consulting will complete the Onsite Audiometric Testing at a cost of \$1750.00 total with a deposit or PO of \$875.00. Cost includes input of prior hearing test results and new employees, and all travel costs for the technician.

Scope of Services:

- Baseline & Annual Audiogram testing for up to 40 people. Any additional employees over the contracted 40 will be charged a fee to be determined.
- Testing will take place at the Department of Public Works, 477 Rt. 96, Owego, NY 13827.
- Group testing of 6 employees every 40 minutes with hearing video.
- Test administration by computerized technology with same day results and full record-keeping package within 10 business days.
- Test performed by CADHC Certified Technicians.
- All tests verified by an Audiologist.
- All testing is OSHA/MSHA Compliant.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
LEGISLATIVE WORKSESSION

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
SECTION VII. PURCHASING AND PAYMENT POLICY:  
SUBSECTION XII. PROCEDURE TO BE USED WHEN  
COMPETITIVE BIDDING NOT REQUIRED, PARAGRAPH  
B. AND ADDITION OF NEW SUBSECTION XVII.  
SECTION 3 PROCUREMENT POLICY

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with State and Federal Law and has identified the need to amend Section VII. Purchasing and Payment Policy, Subsection XII. Procedure to be Used When Competitive Bidding Not Required, with the revision of Paragraph B.; and

WHEREAS: The Tioga County Section 3 Plan requires adding Section 3 language to all RFPs, procurement documents, bid offerings; and

WHEREAS: Tioga County does not have Section 3 language in its Purchasing and Payment Policy; and

WHEREAS: The County Attorney has written and proposed new subsection entitled XVII: Section 3 Procurement Policy; therefore be it

RESOLVED: That Section VII. Purchasing and Payment Policy, Subsection XII. Procedure to be Used When Competitive Bidding Not Required, Paragraph B. is hereby amended to read as follows:

- B. In the event procurement is determined to be exempt from competitive bidding and its costs are \$3000.00 and over, the following procedure shall be followed:
  1. At least two (2) proposals or quotations for goods or services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-B.
  2. Upon award of a contract, the following shall be entered into the Procurement Log:
    - a. The date of procurement;
    - b. The goods or services procured and the cost thereof;
    - c. The basis for the determination that the procurement is exempt from competitive bidding;
    - d. All alternative quotations or proposals secured together with the name of the source of each quotation or proposal.



3. In the event a contract is awarded to other than the lowest dollar offeror, it shall be set forth with justification and reasons such an award furthers the purposes of the County of Tioga's Purchasing and Payment Policy.

And be it further

RESOLVED: That Section VII. Purchasing and Payment Policy is hereby amended with the addition of new Subsection XVII. Section 3 Procurement Policy to read as follows:

**XVII: Section 3 Procurement Policy**

- A. As part of Awardees' and their Subs' commitment to Section 3, all procurement processes for construction and labor must prioritize the contracting of Section 3 Businesses. Section 3 requirements do not apply to Material Supply Contracts.
- B. All calls for contractors and subcontractors must include this language: "This is a HUD Section 3 Project with contracting priorities for businesses that hire or are owned by low-income persons and/or public housing and Section 8 residents."
- C. Preference in the awarding of contracts shall be given to otherwise qualified Section 3 Businesses and/or businesses that demonstrate a clear commitment and capacity to create economic opportunities for low-income individuals and Section 3 Businesses. Due diligence must be performed to ensure that the contractor and subcontractor do not have any Section 3 violations in their past.
- D. When U.S. Department of Housing and Urban Development funding assistance for construction or rehabilitation projects create a need for new employment, contracting, or training opportunities subject to Section 3 (as defined in 24 CFR § 135.5) requirements, Tioga County shall integrate Section 3 requirements as detailed in Tioga County Section 3 Plan.

And be it further

RESOLVED: That the remainder of the Section VII. Purchasing and Payment Policy remains unchanged.

REFERRED TO: FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 ESTABLISH NEW BUDGET LINE,  
REQUEST AND TRANSFER RESERVE FUNDS,  
AND MODIFY 2023 BUDGET  
SAFETY OFFICE

WHEREAS: Chapter 497 of the New York State Law of 1999 requires every county to establish a separate accessible parking education program with the purpose of providing education to increase the awareness of accessible parking laws; and

WHEREAS: Implementation of this plan is dependent upon revenue generated from a mandatory thirty-dollar accessible parking fine surcharge which the New York State Law of 1999 requires will be used for activities such as public service announcements, public education and awareness campaigns, distribution of literature and other activities with such purpose; and

WHEREAS: There was no budgeted advertising line item in the Safety Office 2023 budget for these expenditures and Legislative approval is needed to access funds from a reserve account as well as to modify the budget; therefore be it

RESOLVED: That the Safety Office budget be modified with the newly established budget line CI8042 540010 Advertising and that funds to cover the cost of two public service announcements be transferred and allocated as follows:

|   |          |
|---|----------|
| From: A388904 Reserve for Handicapped Parking Education | \$254.00 |
| To: CI8042 540010 Advertising                           | \$254.00 |

REFERRED TO:

LEGISLATIVE WORKSESSION  
FINANCE, LEGAL, & SAFETY COMMITTEE

RESOLUTION NO. -23

RE-APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: John Hitchings term on the Board of Ethics expires March 31, 2023;  
and

WHEREAS: John Hitchings has expressed an interest and willingness to serve  
another term on the Ethics Board; therefore be it

RESOLVED: That John Hitchings is hereby re-appointed to the Board of Ethics  
for a term of April 1, 2023 through March 31, 2026.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 RECOGNITION OF ANNE DAVIS'  
34 YEARS OF DEDICATED SERVICE TO  
TIOGA COUNTY

WHEREAS: Anne Davis began her career as a Senior Typist in the Probation Department on September 18, 1989 and on September 14, 1994 was appointed Secretary to the Director of Probation; and

WHEREAS: On August 18, 2000 Anne Davis was appointed Secretary to the Senior Assistant Attorney in the Department of Social Services Legal Office, and was appointed Secretary to the 1<sup>st</sup> Assistant County Attorney on September 1, 2007, where she has proudly served the citizens of Tioga County and has been instrumental to the Law Department; and

WHEREAS: Anne Davis has been extremely dedicated and loyal in the performance of her duties and responsibilities during the past 34 years earning the respect of all who have had the privilege to work with her; and

WHEREAS: Anne Davis will be retiring on March 31, 2023; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Anne Davis for her 34 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding person, Anne Davis.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 APPOINT SECRETARY TO THE  
1<sup>ST</sup> ASSISTANT COUNTY ATTORNEY  
LAW DEPARTMENT

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Due to the announced retirement of the current Secretary to the 1<sup>st</sup> Assistant County Attorney as of March 31, 2023, the County Attorney has implemented a succession plan which includes the current Secretary to the 1<sup>st</sup> Assistant County Attorney training her replacement for a period of time in order to transition duties; and

WHEREAS: Resolution 86-23 was passed temporarily increasing the County Attorney's authorized full-time headcount to recruit and train said replacement and to offer the employee benefits; and

WHEREAS: The 1<sup>st</sup> Assistant County Attorney has recruited for a replacement and after interviewing a satisfactory candidate has been identified; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Erin Riddle to the title of Secretary to the 1<sup>st</sup> Assistant County Attorney retroactive to March 13, 2023, pending successful completion of the of civil service requirements at an annual Management/Confidential salary of \$48,310.00.

REFERRED TO:

LEGAL/FINANCE COMMITTEE  
INFORMATION TECHNOLOGY COMMITTEE  
PUBLIC SAFETY COMMITTEE  
HEALTH AND HUMAN SERVICES COMMITTEE

RESOLUTION NO. -23

AUTHORIZE EXECUTION OF  
COOPERATIVE AGREEMENTS BETWEEN THE  
LAW DEPARTMENT, ITCS, SHERIFF, DSS,  
PUBLIC HEALTH, AND MENTAL HYGIENE

WHEREAS: Tioga County has implemented a Direct Charge Pilot Program that will maximize State reimbursement for legal and IT expenses while eliminating the administrative burden of charging all departments for those expenses; and

WHEREAS: The Law Department and ITCS will directly charge the Department of Social Services, Public Health and Mental Hygiene for its services and support pursuant to Cooperative Agreements; and

WHEREAS: The Sheriff's Department will directly charge the Department of Social Services for security services, escort, protection and transport services; and

WHEREAS: It may be necessary for the Budget Officer to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS; therefore be it

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the Law Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute Cooperative Agreements between the ITCS Department and DSS, Public Health and Mental Hygiene; and be it further

RESOLVED: That the Legislature authorizes and directs the Chair to execute a Cooperative Agreement between the Sheriff's Department and DSS; and be it further

RESOLVED: That the Cooperative Agreements between DSS and the Law Department, ITCS and Sheriff shall be submitted to the New York State

Office of Temporary and Disability Assistance and the Office of Children and Family Services for approval; and be it further

RESOLVED: That the Budget Officer is authorized to make budget adjustments to reflect the budgeted amounts and year end actuals in the cooperative agreements between ITCS and DSS, Public Health and Mental Hygiene and to reflect the budgeted amount in the cooperative agreement between the Sheriff and DSS.

REFERRED TO:

FINANCE/LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23

RESOLUTION CALLING ON GOVERNOR HOCHUL  
TO REMOVE PART M OF ARTICLE VII REVENUE BILLS  
FROM THE 2024 EXECUTIVE BUDGET

WHEREAS: On February 1, 2023 the Governor of New York State announced New York State's Fiscal Year 2024 Executive Budget; and

WHEREAS: The Budget includes Article VII Revenue Bills; and

WHEREAS: Article VII Revenue Bills includes Part M, adding a new section 989 of the Real Property Tax Law (RPTL) titled "Distribution of surplus in tax enforcement proceedings"; and

WHEREAS: The proposed budget legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law to determine for each parcel whether the auction realized funds in excess of the prior owner's indebtedness and then attempt to return those funds to the prior owner of record; and

WHEREAS: This proposed budget legislation should be removed from the Governor's FY 2024 Budget for numerous reasons, including: (1) it is unconstitutional since Article VIII, Section 1 of the NYS Constitution restricts a county from giving any money to or in aid of any individual, private corporation or association or private undertaking; (2) it is unfair to lien holders since all liens are cut off by Section 1131 of Article 11 of the RPTL at the time an interested party fails to redeem or answer, which time occurs prior to the County taking title and selling the parcel; (3) it is practically impossible for a county to accurately account for all administrative costs associated with enforcement of taxes for numerous parcels during the multi-year process which involves staff from multiple departments; (4) it is unclear whether litigation costs incurred in enforcement under Article 11 are included; (5) the number of unpaid, delinquent parcels are likely to increase with owners knowing that they do not have to pay lien holders and others by allowing the property to go to foreclosure sale; (6) the proposed budget legislation does not address the common circumstance where there is no "prior owner" who responds or the prior owner is deceased with no estate to accept any surplus payment; and (7) the proposed budget legislation is unfair to the majority of property owners in the County who timely pay their taxes and/or properly sell their homes when they no longer desire to own; therefore be it

RESOLVED: That the Tioga County Legislature calls upon the Governor to remove Part M of the Revenue Bills from the FY 2024 Executive Budget; and be it further



RESOLVED: That a certified copy of this resolution be sent to Governor Kathy Hochul, Senator Thomas F. O'Mara, Assemblyman Christopher S. Friend, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stoke, Assembly Minority Leader William Barclay, New York State Association of Counties, and any other party deemed necessary and proper.