

**TWELFTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, June 23, 2021**

The Genesee County Legislature met in Regular Session on Wednesday, June 23, 2021 at 5:30 PM in the Legislative Chambers of the Old Courthouse and remotely using ZOOM. Legislator Hawley assisted with the audit. The prayer was offered by Legislator Klotzbach followed by the Pledge to the Flag.

In addition to our regular meeting Legislature Chair Stein opened a Public Hearing on Local Law Introductory No. 2 Year 2021 A Local Law to Repeal and Replace the County of Genesee Ethics and Disclosure Law. All interested parties were invited to be heard.

Legislator Gordon Dibble presented members of the Genesee County Probation Department with the Pretrial, Probation and Parole Supervision Week Proclamation and thanked them for their service through the pandemic. Probation Director Tim Michalak stated his appreciation for the fine work done by officers and how they rose to the occasion when asked to assist with COVID related tasks such as checking on quarantine cases, testing and vaccination clinics. The following were present to receive the proclamation; Director Michalak, supervisors Wright & Sanfratello and officers Luttrell, Mindler, Buchholz, Heale, Pike, Mateos, Turman.

Minutes of the June 9, 2021 meeting were approved upon motion of Legislator Maha seconded by Legislator Clattenburg, carried unanimously.

Legislator Maha reported on the June Inter County Association meeting where the NYSAC Fall Conference dates were announced; September 13-15. Senator Ortt was the guest and there was a review of bills that passed that are of interest to counties. Genesee County is scheduled to host Inter County on August 20th. The meeting will be held remotely.

County Manager Matt Landers stated that the Primary Election early voting only drew 6 voters. The voluntary water conservation effort is still requested of citizens throughout the county especially on hot dry days. The Governor's Executive Orders are lifted effective June 24th and include the suspension of the open meetings law. Mental Health Department was notified they were approved for the Pilot program with law enforcement.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 252 CONTRACT RENEWAL/JUSTICE FOR CHILDREN
ADVOCACY CENTER– OFFICE CLEANING SERVICE –
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Justice for Children Advocacy Center has had a contract with H2H Facility Services Inc. for cleaning services at the Batavia, Albion, and Warsaw locations since March 1, 2017, and;

WHEREAS, The Justice for Children Program Coordinator did request a renewal of the contract with H2H Facility Services, Inc., 202 W. Henrietta Rd., Suite 2A, Rochester, NY 14623 for office cleaning service at the Batavia, Albion, and Warsaw sites of the Justice for Children Advocacy Center at a monthly rate of \$525.00, and;

WHEREAS, The Committee on Public Service did review the recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with H2H Facility Services, Inc., 202 W. Henrietta Rd., Suite

2A, Rochester, NY 14623 for Office Cleaning Service at the Batavia, Albion, and Warsaw sites of the Justice for Children Advocacy Center at a monthly rate of \$525.00. This contract will be valid from March 1, 2021 through March 1, 2022.

Budget Impact Statement: Funds for office cleaning services are fully covered by grants from the NYS Office of Children and Family Services and the NYS Office of Victim Services and are already included in the 2021 Justice for Children Advocacy Center Budget.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 253 2021 BUDGET AMENDMENT- CAPITAL PROJECT- COUNTY PARK- COMPREHENSIVE RECREATION PLAN – APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, Resolution 2017-82 did establish the County Park - Comprehensive Recreation Plan Capital Project in the amount of \$45,000, and

WHEREAS, In 2019, Genesee County applied for and was awarded a NYS Empire State Development (ESD) planning grant (CFA ID #93920) in the amount of \$40,000 to update the County Comprehensive Plan and create a County Recreation Plan, and

WHEREAS, CFA ID #93920 did specify the County match the grant funding with a \$45,000 cash match and \$15,000 in-kind contribution for a total project cost of \$100,000, and

WHEREAS, Resolution 2020-232 did enter Genesee County into a contract with Prospect Hill Consulting LLC of Buffalo, NY to lead the planning effort, and

WHEREAS, the Planning Director wishes to fund the remainder of the project with said grant funds in the amount of \$40,000, and

WHEREAS, the Committees on Public Service and Ways and Means did review this request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, the Genesee County Treasurer is hereby authorized and directed to increase Capital Project – County Park-Comprehensive Recreation Plan by \$40,000, and Be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to amend the 2021 Budget by Increasing Revenue H.1997.3097 State Aid in the amount of \$40,000.00, Increase in H.1997.2080.0000 Capital Project expense in a like amount.

Budget Impact: The resolution is budget neutral as the grant funding offsets the capital expenses.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 254 AGREEMENT – DEPARTMENT OF PLANNING / FIRST STREET FOUNDATION FLOOD MODEL DATA SUBSCRIPTION

Legislator Maha offered the following resolution:

WHEREAS, Genesee County, through resolution 2017-98 authorized New York Green, Inc. to apply for grant assistance from NYSDOS countywide resiliency funds on behalf of Genesee County; and

WHEREAS, New York Green, Inc. in conjunction with the Department of Planning were successful in receiving the NYSDOS grant to produce a countywide resiliency plan for Genesee County; and

WHEREAS, Flooding has been identified as a major hazard for a significant portion of the population of Genesee County and the effects of climate change are likely to exacerbate the impacts of flooding in the future; and

WHEREAS, First Street Foundation, Inc. has developed a flood model which is offered through a data subscription that can assist in the development of the County Resiliency Plan by predicting potential future flooding issues throughout Genesee County and create recommendations to mitigate in areas that are susceptible to flooding; and

WHEREAS, the Committee on Public Service did review this request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Flood Model Data Subscription Order Form with First Street Foundation of Brooklyn, NY for the purposes of informing the County Resiliency Plan.

Budget Impact Statement: First Street Foundation, Inc. is offering the data model subscription free of charge in recognition of the County's resiliency mission and its research of climate risk.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 255 CONTRACT RENEWAL-GENESEE, LIVINGSTON AND WYOMING COUNTIES SOLID WASTE/ INTERMUNICIPAL CONTRACT - APPROVAL OF

Legislator Hawley offered the following resolution:

WHEREAS, The Genesee, Livingston and Wyoming Counties (GLOW) Region Solid Waste Management Program Intermunicipal Cooperation Contract is scheduled to expire on December 31, 2021, and

WHEREAS, The GLOW Region Solid Waste Management Committee does recommend the continuation of the contract, and

WHEREAS, The Committees on Public Safety and Ways and Means did review said recommendation and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the Intermunicipal Cooperation Contract through December 31, 2023, and Be it further

RESOLVED, That the Chairperson of the Genesee County Legislature be and is hereby authorized and directed to execute the Intermunicipal Cooperation Contract on behalf of the County of Genesee.

Budget Impact Statement: \$25,805 is the projected annual contribution for 2022. In 2012 this contribution was reduced by 4.4%. From 1997 until 2011 the contribution was \$27,000. Each year the actual County Contribution is approved by the County Legislature through the annual Budget Process.

Legislator Maha seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 256 CERTIFICATES OF INSURANCE- GLOW REGION SOLID WASTE MANAGEMENT COMMITTEE/ EVENTS

Legislator Deleo offered the following resolution:

WHEREAS, The Recycling Administrator has been invited to participate in the Hemlock Fair by the Hemlock Lake Union Agricultural Society for the purpose of providing education on waste reduction, recycling, reuse and composting and has requested approval to participate in this event on , and

WHEREAS, The Recycling Administrator has been invited to participate in the Lima Crossroads Blues Festival by the Crossroads Council for the purpose of providing education on waste reduction, recycling, reuse and composting and has requested approval to participate in this event, and

WHEREAS, The Recycling Administrator has been invited to participate in the Wyoming County Fair by the Wyoming County Fair Association for the purpose of providing education on

waste reduction, recycling, reuse and composting and has requested approval to participate in this event, and

WHEREAS, The Recycling Administrator has been invited to participate in the Brick House Corners Fair sponsored Pembroke Historical Association for the purpose of providing education on waste reduction, recycling, reuse and composting and has requested approval to participate in this event, and

WHEREAS, The Public Service Committee does concur with these recommendations. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed issue a Certificate of Insurance for participation by GLOW Solid Waste Staff to participate in Hemlock Fair to be held in Hemlock, NY from July 20-24, 2021.

BE IT FURTHER RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed issue a Certificate of Insurance for participation by GLOW Solid Waste Staff to participate in the Lima Crossroads Blues Festival to be held in Lima, NY from July 31-August 1, 2021, the Wyoming County Fair to be held in Pike, NY from August 14- 21, 2021 and the Brick House Corners Fair event to be held at the Pembroke Town Hall on September 11, 2021.

Budget Impact: The cost of booth space for the Hemlock Fair is \$150.00 and is included in GLOW's 2021 Administrative Budget. One half of this amount will be funded by an NYSDEC MWR&R grant. There is no cost to participate in the Lima Crossroads Blues Festival. The cost of booth space for the Wyoming County Fair is \$180.00 and was prepaid and included in GLOW's 2021 Administrative Budget. One half of this amount will be funded by an NYSDEC MWR&R grant. There is no cost to participate in Brick House Corners Fair.

Legislator Klotzbach seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 257 GRANT APPLICATION & ACCEPTANCE - GENESEE JUSTICE / NYS DIVISION OF CRIMINAL JUSTICE SERVICES – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Undersheriff in charge of the Genesee Justice Program requested approval to apply and accept the New York State Division of Criminal Justice Services for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program award in the amount of \$41,876 for a one-year contract term starting July 1, 2021, through June 30, 2022, and

WHEREAS, The Public Service Committee does concur with this request and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary form for the application and acceptance of funds for the period of July 1, 2021, through June 30, 2022, in the amount of \$41,876.

Budget Impact: There is no change to A 3151 3320 (State Aid-Comm Services) as monies were already anticipated at noted levels in our 2021 County Budget.

Legislator Yunker seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 258 AGREEMENT RENEWAL & BUDGET AMENDMENT – SHERIFF / ADDITIONAL LAW ENFORCEMENT PATROLS VILLAGE OF BERGEN - APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, the Village of Bergen's contract for additional law enforcement patrols for the Village expired May 31, 2021, and it has requested to renew its agreement backdated to June 1, 2021, through May 31, 2022, for a total budget not to exceed \$13,500, and

WHEREAS, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature and Genesee County Sheriff are authorized to sign the MOUs.

Budget Impact: Costs for each School District's School Resource Officer are offset by revenue in the same amount.

Legislator Hawley seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 260 2021 BUDGET TRANSFER - SHERIFF/ANIMAL CONTROL OVERTIME – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Animal Control overtime costs have exceeded the amount budgeted for 2021, and

WHEREAS, Funds are available with the Animal Control budget that can be transferred to cover the shortage in overtime, as well as projected overtime costs through year-end, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following budget transfer:

\$600 from A3510.4700.0011 (Spec Supplies – Dog Food)

\$600 from A3510.4240.0000 (Facility Gas)

\$1,200 to A3510.1020.0000 (Overtime Salaries)

Budget Impact Statement: No budget impact. Funds are being transferred within the Animal Control budget.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 261 CONTRACT RENEWAL – HIGHWAY FUEL PRODUCTS – APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, The Genesee County Highway Department is currently under contract with NOCO Energy Corp. and this agreement allows for (3) one year extensions, the Genesee County Highway Superintendent recommends renewing the contract agreement with NOCO Energy Corp. for the third and final one year term, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to extend the contract with NOCO Energy Corp., 2440 Sheridan Drive, Tonawanda, NY 14150, for the sale and delivery of fuels to the Genesee County Highway Department fuel farms, effective September 1, 2021 through August 31, 2022.

Budget Impact Statement: Purchase of fuel is a budgeted item in the Road Machinery Fund. The bids are based on the rack price differential system.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 262 CONSULTANT AGREEMENT – DEWITT RECREATION SHORELINE IMPROVEMENTS – DESIGN - APPROVAL OF

Legislator Hawley offered the following resolution:

WHEREAS, Genesee County has been awarded a grant to improve shoreline accessibility along the DeWitt Recreation Area pond, and

WHEREAS, Genesee County reviewed submittals from consultants for the design of the project, and

WHEREAS, The Genesee County Highway Superintendent, the Assistant County Engineer and Deputy Highway Superintendent reviewed these submittals and do recommend entering into a consultant agreement this time, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this request and do concur at this time, Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with Barton & Loguidice, 290 Elwood Davis Rd, Bo 3107, Syracuse, NY 13220 for the design of shoreline improvements at the DeWitt Recreation Area in a cost not to exceed \$73,000.

Budget Impact: The consultant agreement is for \$73,000. There is a capital project established for this expense, which is funded by a grant from the Community Foundation of Buffalo and the Ralph C Wilson Foundation. Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 263 INTERMUNICIPAL AGREEMENT – TOWN OF
ALEXANDER/TOWN OF DARIEN – CONCURRENCE OF**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County established a Countywide Water Program and has entered into Water Supply Agreements with municipalities and authorities across the County, and

WHEREAS, the Town of Alexander has established Water District #5 which extend water mains along Darien-Alexander Townline Rd, and

WHEREAS, the residents in the Town of Darien along said road also wish to form a water district to be served by the Town of Alexander, and

WHEREAS, The Monroe County Water Authority has consented to the formation of this district, and

WHEREAS, the Genesee County Highway Superintendent and the County Attorney have reviewed the agreement and recommend its approval at this time, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this request and do concur at this time. Now, therefore, Be it

RESOLVED, that Genesee County Legislature does hereby provide its concurrence of the Intermunicipal Agreement between the Towns of Alexander and Darien relative to the provision of water to residents along the Darien-Alexander Townline Rd.

Budget Impact Statement: This agreement will add revenue to the Water Fund through the sale of water and the collection of the \$1.20 surcharge. Revenue will be based upon the actual number of homes that decide to connect to the new district.

Legislator Maha seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 264 CONSULTANT AGREEMENT – 14 MAIN STREET
(GENESEE JUSTICE) RESTORATION – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the stone work on the front portion of the historic former Genesee County Sheriff's Office and Jail building is failing; and

WHEREAS, the County has unsuccessfully attempted to secure Historic Preservation and other grants for many years to accomplish these repairs, and

WHEREAS, the condition of the stonework and building continues to deteriorate and requires emergency repairs at this time, and

WHEREAS, an expert is needed to re-assess the condition, update plans for bidding and recommend a course of action, and

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Water Budget by making the following amendment:

Increase EW8310.1010.0000 Personal Services	\$34,071
Increase EW8310.8010.0000 Social Security Tax	\$ 2,112
Increase EW8310.8011.0000 Medicare Tax	\$ 494
Increase EW8310.8020.0000 Retirement	\$ 3,646
Increase EW8310.8030.0000 Medical	\$ 9,757
Increase EW8310.8040.0000 Dental	\$ 140
Increase EW8310.8070.0000 Vision	\$ 31

Increase Revenue EW 1000.9999 Balancing, Appropriated in the amount of \$50,251

Budget Impact Statement: The total cost of the new position in 2021 is \$50,251. The cost is being covered by funds being appropriated from the Fund Balance within the Water Fund.

Legislator Yunker seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 267 **GRANT AMENDMENT – COMPANION ANIMAL
GRANT – ANIMAL SHELTER IMPROVEMENTS –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County has received state aid make improvements to the Genesee County Animal Shelter, and

WHEREAS, The Highway Superintendent has awarded a construction contract for these improvements to be completed, and

WHEREAS, The contractor has completed construction work, there is project closeout documents and final report that must be filed with NYS Ag & Markets which require time for processing and final payment to the County, and

WHEREAS, The Highway Superintendent recommends extending the grant execution period with the New York State Department of Agriculture and Markets to November 1, 2021 to accommodate this extra time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a grant agreement with the NYS Department of Agriculture and Markets for the Genesee County Companion Animal Grant at the Genesee County Animal Shelter.

Budget Impact Statement: The grant amendment only affects the contract period and does not affect the grant amount or the cost of the project. The grant agreement is for \$200,000 and a capital project has been established to cover the cost of improvements.

Legislator Hawley seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 268 **CHANGE ORDER –T-HANGAR DEMOLITION
FINGER LAKES ENVIROTECH LLC / --
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent recommended the removal of unsuitable materials and required additional asphalt milling from Finger Lakes Envirotech LLC on the contract for the T-Hangar Demolition at the Genesee County Airport, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature does hereby authorize a change order in the amount of is \$5,587.55 for Finger Lakes Envirotech LLC, 691 Addison Rd, Painted

Post, NY, 14870 related to additional removal of materials and additional asphalt milling related to the demolition of a T-Hangar at the Genesee County Airport.

Budget Impact Statement: This construction has been completed and a change order is needed in order to accept final adjustments on the contract. The total amount for the change order is \$5,587.55 for additional milling quantity above the estimated quantity, and additional stone to replace unstable material within the building footprint. The change to this contract brings the total contract amount to \$147,922.63

Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 269 ACCEPTANCE OF CONTRACT FUNDS- PUBLIC DEFENDER / NEW YORK STATE UNIFIED COURT SYSTEM-APPROVAL OF

Legislature Yunker offered the following resolution:

WHEREAS, The Public Defender does recommend the acceptance of the contract between Genesee County and the New York State Unified Court System (Contract Number: C250713) for a five (5) year term from April 1, 2021 to March 31, 2026 which funds the salary and fringe benefits of one (1) Assistant Public Defender in the Public Defender's Family Court division.

WHEREAS, the Public Service and Ways and Means Committees did review the contract and do recommend acceptance at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Contract Number: C250713 with the New York State Unified Court System, Division of Professional and Court Services, 2500 Pond View, Suite 104 Castleton-on-Hudson, New York 12033.

BUDGET IMPACT STATEMENT: Total contract revenue for the period of April 1, 2021 through March 31, 2022 in the amount of \$98,955 will be realized in line A.1170.3090 Attorney for the Child (AFC) offset by like amounts in expenses.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 270 CONTRACT ACCEPTANCE-PUBLIC DEFENDER/ NYS OFFICE OF INDIGENT LEGAL SERVICES AND PUBLIC DEFENDER/LEGAL AID BUREAU OF BUFFALO, INC. -APPROVAL OF

Legislature Clattenburg offered the following resolution:

WHEREAS, The Public Defender does recommend the approval of the contract between the County of Genesee and the New York State Office of Indigent Legal Services Contract Number:C3RD618, Third Upstate Quality Improvement and Caseload Reduction, to continue to provide funding for the proposed contract between the County of Genesee County and Legal Aid Bureau of Buffalo (LABB) for appellate services.

WHEREAS, The Public Defender does recommend the approval of the contract between the County of Genesee and the Legal Aid Bureau of Buffalo, Inc. (LABB) to provide appellate representation for up to an annual caseload of 54 persons convicted of crimes or violations in the Courts of Genesee County.

WHEREAS, the Committees of Public Service and Ways and Means did review the contracts and does recommend acceptance at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Contract Number: C3RD618, Third Upstate Quality Improvement and Caseload Reduction, with the New York State Office of Indigent Legal Services, A. E. Smith Building, 11th Floor, 80 South Swan Street, Albany, New York 12210 for the period of July 1, 2020 through June 30, 2023.

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Appellate Services Contract with the Legal Aid Bureau of Buffalo, Inc.,

290 Main Street, Buffalo, New York 14202 for the period of January 1, 2021 to December 31, 2023.

BUDGET IMPACT STATEMENT: Total contract revenue for 2021 in the amount of \$100,000 is contained within the 2021 Adopted Budget in line A.1170.3025 Indigent Legal Services offset by a like amount contained within the 2021 Adopted Budget line A.1170.4660.2000 Indigent Legal Services-Appellate.

Legislator Maha seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 271 APPROVAL OF PAYMENTS PENDING NEW
CONTRACT-COUNTY CLERK/COMPUTER
SERVICES-APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Clerk has utilized an Integrated County Clerk's Records Management System which includes the necessary hardware and software for the functions of Cashiering, Indexing, Imaging, Public Search, Courts, UCC, Judgments, Web Serving, Pistol Permits, Electronic Endorsement Page, Work Flow Management, Electronic Filing, Electronic Recording, and Revenue Reporting and Accounting provided by InfoQuick Solutions, Inc. ("IQS"), and

WHEREAS, the previous contract with IQS expired on May 31, 2021 , and

WHEREAS, a Request for Proposals ("RFP") is being issued to elicit bids for the provision of the services detailed above, and it is expected that a new contract for records management services will be signed within 2-3 months; and

WHEREAS, in the meantime, it is necessary for IQS to continue to provide the hardware and software for essential services needed for the continued operation of the Genesee County Recording Office; and

NOW THEREFORE, BE IT RESOLVED, that the Genesee County Clerk's Office is hereby authorized to continue to utilize IQS to provide services essential to the operation of the Recording Office, and the County Treasurer is authorized to make payments to IQS pursuant to the terms of the proposed contract attached hereto as Exhibit A until such time as a new contract is entered into, estimated to be 3 months.

Budget Impact: The monthly fee will increase by \$310 per month over the previous contract, but Genesee County's portion of the revenue from online records subscriptions will increase by 10% over the current allocation, resulting in approximately \$300 per month additional revenue, for approximately \$0-100 monthly increase in expenses.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 272 CONTRACT RENEWAL-INFORMATION TECHNOLOGY/
SOFTWARE AND HARDWARE SUPPORT SERVICES –
LINSTAR Inc. APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, The Director of Information Technology did present a contract agreement with Linstar for software and hardware support services for the Security Systems and,

WHEREAS, The County Attorney and the Committee of Ways and Means did review the request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with Linstar Inc. 430 Lawrence Bell Dr. Buffalo NY 14221 for a period of 1-year beginning June 17, 2021 in the amount of \$63,964.80.

BUDGET IMPACT STATEMENT: The contract cost of \$63,964.80 for Linstar is included in the 2021 Information Technology Budget line A.1680.4600.0000. The contract provides for a maximum 3% increase in the subsequent years of the contract.

Legislator Yunker seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 273 2021 BUDGET AMENDMENT – COUNTY MANAGER –
ARPA – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) of 2021 was signed into law, and included direct aid to counties to combat the COVID-19 pandemic, including its public health and economic impacts, and

WHEREAS, The Genesee County Manager and Director of Information Technology recommend using a portion of the ARPA funding to fund improvements and modernization to the infrastructure that directly supports cybersecurity, Public Health, Mental Health and Emergency Management Services departments, and

WHEREAS, The Committee of Ways and Means did review this request and does recommend the approval at this time, now therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following budget amendment to fund this project from the ARPA funds to Increase Appropriation A.1231.2080.0700 ARPA Equipment in the amount of \$157,927 and Increase Revenue A.1231.4960.1 Federal Aid in a like amount coming from deferred revenue.

Budget Impact Statement: The funding for this project is provided by ARPA Grant and there is no impact on the Information Technology Budget

Legislator Klotzbach seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 274 2021 SALARY SCHEDULE AMENDMENT –
HEALTH DEPARTMENT/ COVID TEMP POSITIONS – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Public Health Director has requested the extension of (2) temporary full time positions of Clerk Typist, (3) temporary full time position of COVID-19 Response Specialists and (1) temporary full time position of Epidemiologist until March 31st, 2023, the salary and fringe are funded by the expanded COVID-19 grant funds (\$342,558) and will be allocated in the 2021, 2022 & 2023 4010 Budget, and

WHEREAS, The Committees on Human Services and Ways and Means did review the request and do recommend approval at this time, now therefore, be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2021 Genesee County Employee Salary Schedule by extending (2) temporary Full time position of Clerk Typist (CSEA Grade 6), (3) temporary full time position of COVID-19 Response Specialist (CSEA Grade 13) and (1) temporary full time position of Epidemiologist (Mgmt. Grade 112) until 3/31/2023.

Budget Impact: The extension of (2) Clerk Typist positions, (3) COVID-19 Response Specialist positions and (1) Epidemiologist position salary and fringe until March 31, 2023 will be fully funded by the recently expanded COVID-19 grant funds (\$342,558), which will be allocated in the 2021, 2022 & 2023 budgets. No additional cost to the county will be incurred

Legislator Hawley seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 275 LEASE AMENDMENT – SHERIFF’S OFFICE / AMERICAN
TOWER ASSET SUB, LLC – PAVILION TOWER -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County entered into a lease agreement with Paxson Communications for space on its tower located at 10733 S Lake Rd, Pavilion, NY 14525, on April 28, 2000, pursuant to Resolution No. 188 who later sold the tower to American Tower Asset Sub, LLC., located at 10 Presidential Way, Woburn, MA 01801, and

WHEREAS, Genesee County desires to adjust the elevation of its equipment on the tower for the Public Safety Communications Tower Project at no recurring cost to Genesee County, and

WHEREAS, After discussion between the Sheriff, Director of Emergency Communications, and County Attorney, it is recommended the County Legislature approve the lease amendment with American Tower Asset Sub, LLC, and

WHEREAS, The Committee on Ways and Means did review this proposal and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to amend the lease agreement with American Tower Asset Sub, LLC., located at 10 Presidential Way, Woburn, MA 01801 to upgrade the Public Safety Radio System equipment.

Budget Impact: The amendment will have no impact on the current budget year.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 276 REJECTION OF PROPOSAL–COMMUNITY MENTAL HEALTH/MEDICAL BILLING SERVICES – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County issued proposal 2021-104 which provides for outsourcing of medical billing services for the department of Mental Health, and

WHEREAS, The Director of Community Mental Health Services is recommending rejecting the proposals at this time due to alterations of the specifications provided to prospective providers in an addendum to the RFP which may have changed the way proposers might have responded to the RFP, and

WHEREAS, The Committee on Ways & Means has reviewed this and does concur, Now therefore, be it

RESOLVED, That the Genesee County Legislature does hereby reject any and all RFP's received for 2021-104 Medical Billing Services.

Budget Impact: None at this time.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 277 REAPPOINTMENT-GENESEE COMMUNITY COLLEGE BOARD OF TRUSTEES/DIMARTINO - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, Genesee Community College Board of Trustees is the policy making body of the College, and

WHEREAS, The GCC Board of Trustees is responsible for a wide range of college business including approval of new curricula, appointing a new president and review and approval of the college budget and recommending its adoption to the Genesee County Legislature, and

WHEREAS, Phillip DiMartino has served on the GCC Board of Trustees since July 1, 2019 and the current term is ending June 30, 2021 and he is requesting reappointment by the Genesee County Legislature, and

WHEREAS, The Committee on Ways and Means does recommend Phillip DiMartino be reappointed to a full 7-year term, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Phillip DiMartino of Batavia, New York to the Genesee Community College Board of Trustees effective July 1, 2021 through June 30, 2028.

Budget Impact Statement: none.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

At 6:03 PM Legislature Chair Stein closed the public hearing. There were no speakers or comments.

Legislator Clattenburg made a motion to amend the following resolution to add “which may be amended by resolution or by Local Law” to section 4 2 b seconded by Legislator Maha, carried unanimously.

**RESOLUTION NO. 278 LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021
GENESEE COUNTY NY, TO REPEAL AND REPLACE THE COUNTY OF GENESEE
ETHICS AND DISCLOSURE LAW**

Legislator Clattenburg offered the following resolution:

WHEREAS, Article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS, Section 806 of the General Municipal Law requires the governing body of each County, city (other than the City of New York), town, village, school district and fire district¹ to adopt a Code of Ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS, Section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a Code of Ethics, and

WHEREAS, a Code of Ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable, and

WHEREAS, pursuant to Local Law No. 4, Year 1990, the County of Genesee Legislature did adopt a County Ethics and Disclosure Law, and

WHEREAS, this County Ethics and Disclosure Law was amended by Local Law No. 3, Year 1991 and Local Law No. 1, Year 1992 (hereinafter jointly “Amendments”), and

WHEREAS, the Following Proposed Local Law Introductory No. 2, Year 2021 was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021 OF THE COUNTY OF GENESEE, NY TO REPEAL AND REPLACE THE COUNTY OF GENESEE ETHICS AND DISCLOSURE LAW**

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. REPEAL AND REPLACE

Local Law No. 4, 1990: as well as the two Amendments thereto, are hereby repealed and declared null and void, and the County Ethics and Disclosure Law shall be revised in full, to read as set forth herein.

Section 2. CODE OF ETHICS

1. Purpose: Officers and employees of the County of Genesee hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Genesee County Legislature

recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

2. Definitions: Unless otherwise indicated, the following terms shall be defined for the purposes of the Code of Ethics in this Section 2 only, as follows;

(a) “Board” means the County of Genesee Legislature and any of its administrative boards (e.g. planning board), commissions, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” means this Code of Ethics.

(c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the County, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(d) “Municipality” means the County of Genesee. The word “municipal” refers to the municipality.

(e) “Municipal officer or employee” means a paid or unpaid officer or employee of the County of Genesee, including, but not limited to, the members of any County board.

(f) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

3. Applicability: This Code of Ethics applies to the officers and employees of the County of Genesee and shall supersede any prior municipal Code of Ethics. The provisions of this Code of Ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and Ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the County of Genesee.

4. Prohibition on use of municipal position for personal or private gain: No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

5. Disclosure of interest in legislation and other matters:

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made to the relevant department head or his/her designee, when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the County Legislature. In all other cases, the disclosure shall be filed with the person's department head or his/her designee. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

6. Recusal and abstention:

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this paragraph prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

7. Prohibition inapplicable; disclosure, recusal and abstention not required:

(a) This Code's prohibition on use of a municipal position (paragraph 4), disclosure requirements (paragraph 5), and requirements relating to recusal and abstention (paragraph 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

- (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by paragraph 6 of this Code;
- (2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this Code and the matter cannot be lawfully delegated to another person.

8. Investments in conflict with official duties:

(a) No municipal officer or employee may acquire the following investments:

- (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under paragraph 6 of this Code; or
- (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This paragraph does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

- (1) Real property located within the municipality and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

9. Private employment in conflict with official duties: No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to paragraph 6 of this Code;
- (b) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) Violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

10. Future employment:

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

11. Personal representations and claims permitted: This Code shall not be construed as prohibiting a municipal officer or employee from:

(a) representing himself or herself, or his or her spouse or minor children before the municipality; or

(b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

12. Use of municipal resources:

(a) Municipal resources shall be used for lawful municipal purposes.

Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law or municipal policy;

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

13. Interests in Contracts:

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

14. Nepotism: Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties; with the following exception. When the potential circumstance arises, the supervising relative shall

immediately notify the County Manager in writing, and the County Manager may approve an exemption in his or her sole discretion.

15. Political Solicitations:

(a) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

16. Confidential Information: No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

17. Gifts:

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal

action involving the exercise of discretion by or with the participation of the officer or employee.

(f) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(g) This section does not prohibit any other gift, including:

(1) gifts made to the municipality;

(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

18. Posting and distribution:

(a) The County Manager or his or her designee must promptly cause a copy of this Code, and a copy of any amendment to this Code, to be posted publicly and conspicuously in each building under the municipality's control. The Code must be posted within ten days following the date on which the Code takes effect. An amendment to the Code must be posted within ten days (10) following the date on which the amendment takes effect.

(b) The County Manager or his or her designee must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes an officer and employee of the County of Genesee.

(c) Every municipal officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Clerk of the Legislature who must maintain such acknowledgments as a public record.

(d) The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

(e) The County Manager or his or her designee shall cause a copy of Sections 800 through 809 of the General Municipal Law to be kept posted in each public building

under the jurisdiction of the County of Genesee, in a place conspicuous to its officers and employees.

(f) Failure to post any such copy shall have no effect on the duty of compliance with article 18 of the General Municipal Law, nor with the enforcement of the provisions thereof.

19. Enforcement: Any municipal officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

20. Annual Code of Ethics Review: On or before May 31 of every year, every official and employee of the County of Genesee is required to attest on an annual basis that he or she has reviewed the Code of Ethics.

Section 3. BOARD OF ETHICS

- 1. Establishment:** There is hereby established pursuant to Section 808 of the General Municipal Law, the County of Genesee Board of Ethics. Said Board of Ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the County of Genesee or any of the municipalities located in the County of Genesee. At least one member of said Board shall be an elected or appointed officer or employee of the County of Genesee or a municipality located in the County of Genesee
- 2. Membership:** The membership of the Board of Ethics shall be appointed by the County of Genesee Legislature and shall serve at the pleasure of the Legislature. The members of the Board of Ethics shall receive no salary or compensation, but may be reimbursed for reasonable expenses and mileage incurred in the performance of their duties. In the event of a vacancy, either the Board President or the Board Secretary shall notify the Clerk of the Legislature of such vacancy, within ninety (90) days thereafter, the County of Genesee Legislature shall appoint a replacement. The members of the Board of Ethics, for the purposes of this Local Law only, shall be considered local officers within the meaning of subdivision 3 of Section 810 of the General Municipal law.
- 3. Powers and Duties:** The Board of Ethics shall render advisory opinions to officers and employees of municipalities wholly or partly within the County of Genesee with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant thereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee. The Board of Ethics shall have the advice of Counsel employed by the Board or if none, the County Attorney. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto, upon the request of the County of Genesee Legislature; provided further that the Board of Ethics shall review the Code at least every five (5) years starting in 2026.
- 4. Procedures:**
 - (a) Every five (5) years commencing in 2026, the Board of Ethics shall elect the following officers;
 - (1) The President shall schedule the date for any meetings and preside at such meetings
 - (2) The Vice President shall act when the President is not available.
 - (3) The Secretary shall keep minutes of any meetings and submit any communications as needed to the Clerk of the Legislature or others.

- (b) The Board of Ethics shall meet at least once every year on or before August 31 and at such other times as necessary to complete its duties.
- (c) At the annual meeting, the Board of Ethics shall receive and review all completed Annual Statements of Financial Disclosure together with any other written instruments, affidavits, and disclosures as required under this Local Law.
- (d) Prior to its annual meeting, the Board of Ethics will be provided with information from the Treasurer's Office listing all vendors that are currently doing business with the County of Genesee.
- (e) The Board of Ethics shall compare this listing with interests disclosed in the Annual Statement of Financial Disclosure to determine potential conflicts of interest.
- (f) Within fifteen (15) days of its annual meeting, the Board of Ethics shall provide to the Clerk of the Legislature for transmittal to the County Legislature, a list of all individuals that have either not completed the requires Annual Statements of Financial Disclosure or have not answered all of the questions as required. This will be done for the purpose of allowing the County of Genesee Legislature to consider remedial, enforcement or punitive measures.
- (g) Within fifteen (15) days of the annual meeting of the Board of Ethics, it shall provide to the Clerk of the Legislature for forwarding to the Legislature a listing of any potential conflicts appearing from its review of the Annual Statements of Financial Disclosure by comparison to the list of vendors.

Section 4. FINANCIAL DISCLOSURE AND ANNUAL STATEMENTS OF DISCLOSURE

- 1. Definitions:** Unless otherwise indicated, the following terms shall be defined for the purposes of financial disclosure in this Section 3 only, as follows; "Agency" means any of the subdivisions of County Government, referred to in subdivision (d) of this section except the Legislature
 - (a) "Agency" means any of the subdivisions of County Government, referred to in subdivision (d) of this section except the Legislature.
 - (b) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Genesee.
 - (c) "Child" means any son, daughter, step-son or step-daughter of a County officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152(a)(1) and (2) and any amendments thereto.
 - (d) "County" means the County of Genesee or any department, board, executive division, Institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
 - (e) "Officer" or employee" means any officer or employee of the County of Genesee and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Genesee, whether paid or unpaid.
 - (f) "County elected official" means a County Legislator, the County Clerk, the District Attorney, the County Treasurer, or the Sheriff.

- (g) “Appointed official” means any individual who is appointed by the County Legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether unpaid or paid.
- (h) “Relative” means a spouse or child of a County officer, employee or appointed official.
- (i) “Reporting officer, employee or appointed official” means an officer, employee or appointed official who is required to complete and file an Annual Statements of Financial Disclosure pursuant to this Local Law.
- (j) “Spouse” means the husband or wife of an officer, employee or appointed official, subject to the provisions of this Local Law, unless legally separated from such officer, employee or appointed official.
- (k) “Jurisdiction” shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the County agency in which she/he is an officer, employee or appointed official.
- (l) “Policy-making position” means an officer or employee whose majority duties are not ministerial in nature, as designated to be “policy making” by the County of Genesee Legislature.
- (m) “Reporting Category” for the purpose of completing the Annual Statements of Financial Disclosure report pursuant to this Section 4, means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the Annual Statements of Financial Disclosure; rather all amounts are to be indicated using the following categories:
 - “A”, Under \$5,000
 - “B”, \$5,001 - \$10,000
 - “C”, \$10,001 - \$25,000
 - “D”, \$25,001 - \$50,000
 - “E”, \$50,000 - \$100,000
 - “F”, Over \$100,000
- (n) “Reporting Period” when referenced on the Annual Statements of Financial Disclosure shall mean the entire calendar year immediately preceding the calendar year in which the Annual Statement of Financial Disclosure is completed.

2. Obligation to file Annual Statement of Financial Disclosure:

- (a) An Annual Statement of Financial Disclosure shall be completed and filed with the Clerk of the Legislature on or before May 31 of each year,
- (b) The Annual Statement of Financial Disclosure shall contain the information and shall be in the form set forth and attached to this Local Law which may be amended by resolution or by Local Law.
- (c) The Annual Statement of Financial Disclosure shall be filed by the following;
 - (i) County Elected Officials
 - (ii) County Department Heads and their Deputies
 - (iii) County Officers and Employees holding policy-making positions
- (d) On or before February 28 of each year, the County of Genesee Legislature shall pass a resolution that sets forth an all-inclusive list of all of the

individuals by their titles or by the names of the agency of the County, upon which they serve, that need to complete and file an Annual Statement of Financial Disclosure by May 31st of that year.

- (e) On or before January 31 of every year, each appointed authority or department head shall determine if there are any other individuals, officers or employees within their department that hold policy-making positions or that no longer hold policy-making positions. On or before January 31 of every year, the County Attorney shall determine if there are any other agencies of the County that render policy-making decisions or no longer render policy-making decisions. These lists shall be provided to the Clerk of the County Legislature as recommendations to be added to, or subtracted from, the list of the County Legislature for reporting individuals for that year.
- (f) A person who is subject to the filing requirements of this Local Law from more than one County may satisfy the requirements by filing only one Annual Statement of Financial Disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
- (g) Any person who is subject to the reporting requirements of this Local Law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year, shall be required to submit an Annual Statement of Financial Disclosure on or before March 31 of the year in which employment is in effect. Such person shall file a supplementary statement for any item as so noted on the Annual Statement of Financial Disclosure, without liability under Section 4 of this Local Law, if said supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
- (h) Any person who is required to file an Annual Statement of Financial Disclosure may request, prior to May 31, of the year for which the employment is in effect, an extension of filing for an additional specific periods of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
- (i) Any person required to file an Annual Statement of Financial Disclosure who becomes so required, or experience a change in reporting levels after May 15, of the year for which the employment is in effect, shall file the appropriate annually statement within thirty (30) days.

Section 5. WHISTLEBLOWER PROTECTIONS

1. **Policy:** It is the policy of the County of Genesee that illegal or unethical activity, including but not limited to corruption, fraud, criminal activity, abuse and conflict of interest by members, officers or employees of any County Department, or any person having dealing with any County Department, will not be permitted, tolerated, or condoned.

2. **Retaliation prohibited:** An employee may not be discharged, or discriminated against, in retaliation for making a complaint, instituting a proceeding, providing evidence or testifying at a proceeding concerning a violation of any law, rule regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Any employee or employees who, in good faith, report a false claim are protected against discharge, demotion, suspension, threats, harassment, and other discrimination by their employer.

Section 6. PENALTIES:

1. **Violations:** The County of Genesee Legislature, upon a determination that a reporting individual knowingly and willfully failed to file an Annual Statement of Financial Disclosure or who knowingly and willfully with intent to deceive, made a false statement or gives information, which such individual knows to be false, on such Annual Statement of Financial Disclosure, that has been filed pursuant to this Local Law; may take in its sole discretion any of the following actions:
 - (a) Assess a civil penalty in an amount not to exceed Ten Thousand dollars (\$10,000).
 - (b) Other than for conduct which constitutes a violation of Section 73(12) of the Public Officers Law, in lieu of the civil penalty, may refer a violation to the appropriate prosecutor, and upon such conviction, but only after such referral, such violation shall be punishable as a Class A Misdemeanor.
 - (c) Terminate any individual who sits on a reporting Agency of the County.
 - (d) Impose disciplinary action as otherwise provided by law.
 - (e) A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported pursuant to this Local Law, is incorrect, unless such reported information is falsely understated.
2. **APPEALS:**
 - (a) An appeal may be taken to the Board of Ethics in opposition to any designation made by the County of Genesee Legislature, which requires an individual to file an Annual Statement of Financial Disclosure or in opposition to any penalty determination made by the County of Genesee Legislature.
 - (b) Any appeal must be made in writing to the Board of Ethics within thirty (30) days of the designation determination or the assessment of a penalty.
 - (c) Upon receipt of the appeal document, the Board of Ethics shall make a determination upon the merits of the application within forty-five (45) days.
 - (d) Prior to this determination, the Board of Ethics shall conduct a hearing, at which time the individual shall have an opportunity to be heard.
 - (e) The Secretary of the Board of Ethics shall make an audio recording of this hearing.
 - (f) If the Party decides to appeal the determination of the Board of Ethics, it must be done pursuant to Article 78 of the Civil Practice Law and R

Section 7. EFFECTIVE DATE:

This Local Law shall take effect upon proper filing with the Office of the Secretary of State. **WHEREAS**, The Clerk of the Genesee County Legislature did post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and **WHEREAS**, The Clerk of the Genesee County Legislature did cause to be published in the

Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number 2, Year 2021, and **WHEREAS**, a Public Hearing was held at 5:30 on June 23, 2021 in the Legislature Chambers of the Old Courthouse and via Zoom, Batavia, New York, at which time all interested persons who wished to speak were heard, Now therefore Be it

RESOLVED, that “LOCAL LAW INTRODUCTORY NO. 2, YEAR 2021 GENESEE COUNTY NY, TO REPEAL AND REPLACE THE COUNTY OF GENESEE ETHICS AND DISCLOSURE LAW” be known as Local Law No. 4 Year 2021, for the County of Genesee as introduced June 9, 2021, be and hereby is adopted.

See attached Annual Statement of Financial Disclosure Form.

Legislator Maha seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 279 COUNTY AUDIT –JUNE 23- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Hawley, did review the following claims:

General Fund	\$	718,807.40
Highway		115,044.17
Voluntary Distribution		833,335.00
Water Fund		164,540.56
DSS Abstracts		65,051.74
Capital Projects		
Highway-Large Span Culverts		41,623.69
Highway-Large Format Printer		24,786.00
Highway-S Lyons Street Bridge Over Tonawanda Creek		76,527.88
Highway-Highway Chipseal		1,208.00
Highway-Highway Recycling		303,665.81
Sheriff's/Jail-Jail Construction		2,000.00
Sheriff's- Firing Range Upgrades		6,901.00
Facilities Management-Animal Shelter Improvements		32,137.41
GCC-GCC Backup Power Improvements		42,863.00
Payroll – General		
June 18, 2021		1,744,079.21
Medicaid		
June 15, 2021		165,091.00
June 22, 2021		<u>165,091.00</u>
Total Audit	\$	4,502,752.87

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Hawley seconded the resolution which was adopted by 326 votes.

At 6:05 pm the meeting adjourned upon motion of Legislator Klotzbach seconded by Legislator Yunker, carried unanimously.