

**SIXTEENTH DAY
 GENESEE COUNTY LEGISLATURE
 Batavia, New York
 Wednesday, September 23, 2020**

The Genesee County Legislature met in Regular Session on Wednesday, September 23, 2020 at 5:30PM in the Legislative Chambers at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Yunker assisted with the audit. Prayer and a moment of silence for the passing of Ruth Bader Ginsburg was offered by Legislator Maha followed by the Pledge to the Flag.

Legislator Young presented Sheriff William Sheron with a Proclamation naming Sheriff's Week September 20-26, 2020. The office of Sheriff has evolved into a full-service law enforcement and public safety agency. Sheriff Sheron was thanked for his commitment and dedicated years of experience.

Minutes of the September 9, 2020 Legislature Meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Maha, carried unanimously.

Legislature Chair Stein commented on the NYSAC Fall Conference which is being held virtually. Workshops are available daily and registration is done on-line.

County Manager Matt Landers reported that COVID-19 numbers remain low in Genesee County and the Finger Lakes Region. There have been no new openings in Phase 4 such as movie theaters. School has been in session for a few weeks now with no increase in positive COVID cases.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 342 REVISED MOU RENEWALS – SHERIFF / SCHOOL RESOURCE OFFICERS FOR BYRON-BERGEN CENTRAL SCHOOL DISTRICT AND GENESEE VALLEY EDUCATIONAL PARTNERSHIP -APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, Memorandums of Understanding were entered into between Genesee County and the Byron-Bergen Central School District and the Genesee Valley Educational Partnership (BOCES) for a School Resource Officer per Resolution 274, dated July 22, 2020, for the following periods, and

School District	Time Period		Original MOU Reimbursement *	Revised MOU Reimbursement *
Byron-Bergen	12 months	9/1/20 – 8/31/21	\$92,040.22	\$96,720.86
Genesee Valley Educational Partnership	10 months each year for 2 years	9/1/20 – 6/30/21	\$95,876.84	\$77,327.79
		9/1/20 – 6/30/22	\$95,905.85	\$78,191.89

* *The Genesee County Deputy Sheriffs' Association 2017-2019 Labor Agreement expired on December 31, 2019. The hourly rate for 2020 and 2021 will not be known until it is ratified; therefore, the rates listed include the current 2019 hourly rates. The yearly retirement and medical rates are not available until late fall; therefore, the rates listed for medical include the *2020 rate and retirement for 2022 includes the 2021 rate.*

Once all the rates have been confirmed, they will be modified; and, if applicable, the difference will be billed under a separate invoice or a credit will be applied.

WHEREAS, Pursuant to section 8.4 of the service agreement, L3 Harris Technologies agrees to extend the maintenance period from July 5, 2021 to December 31, 2021 at no cost to the County, and

WHEREAS, After careful review, the Genesee County Sheriff, County Attorney, and Director of Emergency Communications recommend Genesee County amend the public safety radio system maintenance agreement with L3 Harris Technologies Inc. for the period of July 6, 2021 to December 31, 2021 at no cost, and

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

RESOLVED, the public safety radio system maintenance agreement with L3 Harris Technologies Inc., with offices located at 221 Jefferson Ridge Parkway, Lynchburg, VA 2450, is amended for the period of July 6, 2021 to December 31, 2021 at no cost.

Budget Impact: None.

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

**RESOLUTION NO. 345 2020 BUDGET ITEM TRANSFER – GENESEE JUSTICE -
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, the Genesee Justice Program Coordinator requested transfers within the 2020 Genesee Justice budget, moving funds from Wage & Fringe due to staff turnover in order to purchase needed COVID items and supplies, including permanent glass sneeze guards installed on three desks, additional victim supplies for safety and sanitary reasons, and victim cards to be distributed by police officers per the District Attorney’s request, and

WHEREAS, the Committees on Public Service and Ways & Means did review 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 transfers to the 2020 Genesee Justice budget as follows:

- Transfer funds from:
 - \$1,200.00 in line A 3151 1010 0000 Personal Services
 - \$ 80.00 in line A 3151 8010 0000 Social Security Tax
 - \$6,400.00 in line A 3151 8030 0000 Medical
 - \$ 155.00 in line A 3151 8040 0000 Dental
 - \$ 75.00 in line A 3151 8070 0000 Vision
 - \$ 290.00 in line A 3151 4110 0011 Copier cost/copies
- Transfer funds to:
 - \$1,000.00 in line A 3151 4110 0000 General Office Supplies
 - \$ 825.00 in line A 3151 4150 0000 Printing
 - \$6,375.00 in line A 3151 4800 0000 Program Expense

Budget Impact: There is no impact on the 2020 Genesee County budget and no additional county funding is required by this transfer.

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

**RESOLUTION NO. 346 ACCEPTANCE OF GRANT FUNDS - GENESEE JUSTICE /
NYS OFFICE OF VICTIM SERVICES - APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Program Coordinator of the Genesee Justice Program did receive notification of the award of grant funding from the New York State Office of Victim Services (OVS) for the

continuation of the Victim Assistance Program for a one-year contract term starting October 1, 2020, through September 30, 2021, in the amount of \$130,104.49, and

WHEREAS, The Public Service and Ways & Means Committees did review this request and do recommend acceptance of the grant funding at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to accept grant funding from the New York State Office of Victim Services (OVS) for the continuation of the Victim Assistance Program for a one-year contract term starting October 1, 2020, through September 30, 2021, in the amount of \$130,104.49.

Budget Impact: At this time, there is no impact on the 2020 County Budget and no County funding is affected by this grant.

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

**RESOLUTION NO. 347 2020 BUDGET TRANSFER – PUBLIC DEFENDER/ CONTRACTED
OTHER TO DENTAL BUYBACK-APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, there is currently a deficiency in the Public Defender’s Dental Buyback line to pay for the 2020 Dental Buyback expense necessitating a transfer of funds from the Contracted Other line, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to transfer funds as follows:

Transfer To:	A.1170.8040.0001	Dental Buyback	\$100
Transfer From:	A.1170.4660.0000	Contracted Other	\$100

Budget Impact: Increase in Public Defender’s 2020 Dental Buyback in the amount of \$100 from a transfer in like amount with funds from Contracted Other.

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

RESOLUTION NO. 348 2020 BUDGET AMENDMENT - PUBLIC DEFENDER-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Public Defender is requesting an amendment to the 2020 Public Defender Budget to include expenses incurred for expert services, emergency transportation and Engine House feasibility studies all offset by revenue from Indigent Legal Services Grants, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2020 Genesee County Budget by Increasing Revenue A.1170.3025 Indigent Legal Services in the amount of \$10,896 and Increasing Appropriations A.1170.4660 Contracted Other in a like amount.

Budget Impact: Increase in Public Defenders 2020 Appropriations A.1170.4660 Contracted Other in the amount of \$10,896 offset by revenue in a like amount with funds coming from Indigent Legal Services, Statewide Expansion of Hurrell-Harring Grant, Project # 10000-2200.

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

**RESOLUTION NO. 349 SURPLUS EQUIPMENT-HIGHWAY-ROAD
MACHINERY FUND-APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

WHEREAS, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of at auction, public bid or through inter-municipal purchase.

Road Machinery

#2006 - 2009 Ford F150 Pickup Truck

#2115 – 2001 Dodge 1500 Pickup Truck

#2119 – 2009 Ford F150 Pickup Truck

#2120 – 2009 Ford F150 Pickup Truck

Budget Impact: Revenue for Road Machinery Fund

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

RESOLUTION NO. 350

AWARD OF BID/AMEND CAPITAL

**PROJECT/AMEND 2020 BUDGET – ANIMAL
SHELTER IMPROVEMENTS**

Legislator Dibble offered the following resolution:

WHEREAS, The County was provided a grant from the New York State Department of Agriculture and Markets under the Companion Animal Program for improvements to the Animal Shelter, and

WHEREAS, The County created a capital project for this work and advertised construction specifications for improvements to be made to the Genesee County Animal Shelter, and

WHEREAS, The bid specifications contained several bid alternatives due to unknown bidding conditions and limited grant funding, and

WHEREAS, The County did receive several competitive bids that County Highway Superintendent reviewed and does recommend an award at this time, and

WHEREAS, The County Highway Superintendent recommends awarding all bid alternatives to be in the best interest of the County, and

WHEREAS, A capital project and budget amendment are necessary to accommodate this recommendation, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to amend the 2020 County Budget by increasing A.1000 1110.1 1% Sales Tax in the amount of \$28,900, increasing A.9950.9 Transfer to Capital Increase H1997.5031 Interfund Transfer in the amount of \$28,900, increasing H1997 2080 Equipment and Capital Outlay Capital Project Expense in the amount of \$28,900, and be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to increase Capital Project Animal Shelter Improvements by \$28,900 using 1% Sales Tax, and be it further

RESOLVED, The Genesee County Legislature does hereby award the base bid and all alternate bids for the Animal Shelter Renovations to Testa Construction, Inc., 12 Industrial Park Circle, Rochester, NY 14624 in an amount not to exceed \$209,900.

Budget Impact: The capital project for the Animal Shelter was funded with a \$200,000 state grant. The remaining balance in the project after architectural costs is \$181,000. The total bid, with all alternates is \$209,900. The project will be increased with an addition of \$28,900 in 1% sales tax.

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

**RESOLUTION NO. 351 CHANGE ORDERS – PHASE 2 WATER SUPPLY –
CONTRACTS 1 & 2 – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County has commenced work on several projects needed to expand water supply capacity under Phase 2 of the Countywide Water Supply Program, and

WHEREAS, These projects have encountered changes in requirements, which have increased costs required to complete the projects, and

WHEREAS, The Genesee County Highway Superintendent has reviewed this change request for need and accuracy of pricing, and

WHEREAS, The Genesee County Highway Superintendent recommends approval of the change order at this time, and

WHEREAS, The Committees on Ways and Means has reviewed this request and does concur at this time. Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to and directed to approve a change order to Contract 1 with Randsco Pipeline, Inc., 672 Frey Rd, Macedon, NY 14502 for a maximum amount of \$125,000 for the installation of reinforcing sleeves on five tangential tee connections along the transmission main on North Rd in the Town of Le Roy, and

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to and directed to approve a change order to Contract 2 with Villager Construction, Inc., 672 Frey Rd, Macedon, NY 14502 to adjust the substantial completion date of the project by 90 days with no associated cost increase due to COVID-19 related delays and extra time dealing with the Contract 3W installation at the Mumford and Churchville Pump stations.

Budget Impact: The total amount for the change orders is \$125,000. The change to Contract #1 brings the total contract amount to \$5,657,030.60. The change order to Contract #2 has no fiscal implications and the contract total remains at \$4,942,165.

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

**RESOLUTION NO. 352 DESIGNATION OF COUNTY SURPLUS PROPERTY –
PURCHASING – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Purchasing Director did request that the attached list of county property, from the Department of Office for the Aging and that is no longer used or needed by that county department or other county departments, be declared surplus property.

WHEREAS, The Committee on Ways and Means did review this request and do so recommend approval at this time, Now, therefore, Be it

RESOLVED, That the Genesee County Purchasing Department is hereby authorized to declare the following items as surplus which are to be disposed of according to the Surplus Property procedures as outlined in the Genesee County Purchasing Policy and Procedures handbook.

Piano
Sewing Machine

Blue, upholstered office chairs (2)
Beige upholstered office chair
Wood frame chairs with blue upholstery and matching end table (4)
Desktop Wooden shelf
Rolling metal cart
Wooden typewriter desk
Dry Erase Board
Assorted Binders
White Upholstered Chairs (2)
Stacking Chairs, Maroon (3)

Budget Impact Statement: Proceeds from any items sold at auction will go back into the County’s General Fund.

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

RESOLUTION NO. 353 AUTHORIZING THE AMENDMENT TO THE POLICY FOR DISPOSITION OF SURPLUS PROPERTY IN THE GENESEE COUNTY PURCHASING POLICY & PROCEDURE MANUAL- APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, the method currently used for disposition of small value surplus items is costly and time consuming; and

WHEREAS, the potential income of selling these items via auction is minimal; and

WHEREAS, legislative approval is required for the Purchasing Department to adopt a modification to the Purchasing Policy and Procedure Manual; Now, therefore be it

RESOLVED, the Purchasing Department is hereby authorized to update the Purchasing Policy & Procedure Manual to include policy changes allowing for the donation of surplus items that are estimated to have a fair market value of less than \$100 to local charities after establishing that they are not needed or desired by other municipalities.

Budget Impact: Minimal. Exact income and expenses for this line item are not tracked at that detail, but it is estimated that the potential costs of selling the low value items are higher than the expected income.

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

RESOLUTION NO. 354 CONTRACT RENEWAL-ONE-YEAR EXTENSION/ RFP 2019-111 TELEPHONE SYSTEM MAINTENACE - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Information Technology Director is recommending Genesee County extent for one-year RFP2019-111 Telephone System Maintenance to MeridianIT to provide 24x7 monitoring, remote and on-site service of all equipment including handsets and incremental software upgrades for the IP Office servers installed at every County location, and

WHEREAS, The Ways and Means Committee did review this request and recommend the approval of the Telephone System Maintenance contract, Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a one-year extension of the Telephone System Maintenance contract with MeridianIT, 2110 S. Clinton Ave Rochester NY 14168 with an amount not to exceed \$24,943

BUDGET IMPACT STATEMENT: The contract cost of \$24,943 for Telephone Systems Maintenance is within the 2020 Adopted Budget in line item A.1680.4290.0100 PBX /

Telephone Systems Maintenance and is included in the 5-year projected budget. The Telephone Systems Maintenance services provided by MeridianIT supplement the I.T. staff and provide a level of expertise that in-house staff do not have. The telephone system is a critical component to supporting County Departments and this outsourced service is necessary to ensure its availability and reliability.

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

**RESOLUTION NO. 355 CONTRACT RENEWAL- INFORMATION TECHNOLOGY/
TOSHIBA BUSINESS SOLUTIONS DOCUWARE CLOUD
PROFESSIONAL - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Information Technology Deputy Director is recommending Genesee County enter into a 36-month contract agreement with Toshiba Business Solutions to continue providing DocuWare Cloud Professional Software as a Service, and

WHEREAS, The County Attorney did review the contract and the Ways and Means Committee did review this request and recommend the approval of the new contract with Toshiba Business Solutions for DocuWare Cloud Professional Software. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement for DocuWare Cloud Professional Software with Toshiba Business Solutions, 100 Colvin Wood Pkwy, Tonawanda, NY 14150.

BUDGET IMPACT STATEMENT: DocuWare Cloud Service is a Software as Service (SAS) that provides the county with document management. The 2020 Budget A.1680 4600.0000 Contracted Services has the funds to support this request. The costs have been kept at \$705.00 month/\$8,460.00 annually, the same as the last previous contracted months without the predicted increase. In the 2021 Proposed budget \$8,802.00 was included, and \$8978.00 will be included in the 2022 Proposed budget and \$9157.00 for the 2023 Proposed budget under account A.1680 4600.0000 Contracted Services.

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

**RESOLUTION NO. 356 AWARD OF CONTRACT – FLEXIBLE SPENDING
BENEFITS PLAN MANAGEMENT/ ADMINISTRATOR –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did issue a Request for Proposals, 2020-109 for administration services for the County's Flexible Spending Benefits Plan, and

WHEREAS, The Genesee County Flexible Spending Benefits Review committee in conjunction with the County's Health Plan Consultants reviewed and analyzed the proposal for continuation of the County's Flexible Benefits Plan and it is the recommendation of the County Manager and Human Resources Director to award the contract to P & A Group, and

WHEREAS, The Committee on Ways and Means 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 enter into contract with P & A Group, 17 Court Street, Buffalo, NY 14202, provision of Flexible Spending Benefits Plan Administration effective January 1, 2021 through December 31, 2021, with the option of three additional one-year periods of renewal under the same terms and conditions.

Flexible Benefits Program Administration Fee Per Member Per Month: \$3.25

Budget Impact Statement: Flex Plan Administration costs are paid utilizing the County's FICA savings generated by employee participation in the flexible benefits program.

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

RESOLUTION NO. 357 RENEWAL OF CONTRACT – HEALTH BENEFITS/THIRD PARTY ADMINISTRATOR/DENTAL – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Resolution No. 482 duly adopted on November 26, 2019 did award a contract to Health Economics Group, Inc. for third party administration services for the County's self-funded dental benefits plan, and

WHEREAS, The RFP issued in 2019 and 2019 Resolution No. 482 did allow for four one year renewals under the same terms and conditions, and the Genesee County Human Resources Director has recommended the renewal of this contract for 2021, and

WHEREAS, The Committee on Ways and Means 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 enter into the first of four one-year renewal contracts with Health Economics Group, 1050 University Avenue, Rochester, NY for the provision of third party administration services for the County's self-funded dental benefits plan at the following rates effective January 1, 2021 through December 31, 2021:

Summary Plan Document Production Fee at County cost and

Dental Administration Fee Per Member Per Month: \$2.40

COBRA Administration Per COBRA Participant Per Month: \$2.40 + 2% of premium

Budget Impact Statement: No increase in the Administration Fee. Annual cost estimated to be \$21,000.

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

RESOLUTION NO. 358 AWARD OF CONTRACT – THIRD PARTY ADMINISTRATOR OF SELF-FUNDED PHARMACY BENEFIT MANAGER/KEENAN PHARMACY PURCHASING COALITION (KPPC) – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did issue a Request for Proposals, 2020-106 for Pharmacy Benefit Manager services for the County's Self-Funded Prescription Drug plan, and

WHEREAS, The Genesee County Health Benefits Review committee, in conjunction with the County's Health Plan Consultants, reviewed and analyzed the proposals for Pharmacy Benefit Manager Services for continuation of the County's Self-Funded Prescription Drug Plan, and

WHEREAS, The Genesee County Health Benefits Review committee does recommend that Keenan Pharmacy Purchasing Coalition (KPPC) be awarded the contract to provide Pharmacy Benefit Manager services for the Genesee County self-funded Prescription Drug plan, and

WHEREAS, The Committee on Ways and Means 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 enter into a contract with Keenan Pharmacy Purchasing Coalition (KPPC), 2355 Crenshaw Blvd, Suite 200, Torrance, CA 90501, for the provision of Pharmacy Benefit Manager

services for the County's Self-Funded Health Plan effective January 1, 2021 through December 31, 2022.

Administrative Service Fee:	\$1.35 Per Member Per Month
Capital BOCES Consortium Fee:	\$1.13 Per Member Per Month
Account Management, Pharmacist Overview, Reconciliation and Shared Services filing:	\$1.00 Per Prescription
Pharmacy Clinical Management	\$3.00 Per Member Per Month (includes 100% ROI Performance Guarantee)

Budget Impact Statement: Projected plan savings of approximately 29.1% through decreased dispensing fees and increased rebates.

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

RESOLUTION NO. 359 AWARD OF CONTRACT – THIRD PARTY ADMINISTRATOR OF SELF-FUNDED HEALTH PLAN/INDEPENDENT HEALTH/NOVA HEALTHCARE ADMINISTRATORS – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did issue a Request for Proposals, 2020-107 for Third-Party Administrators for the County's Self-Funded Health Plan, and

WHEREAS, The Genesee County Health Benefits Review Committee, in conjunction with the County's Health Plan Consultants, reviewed and analyzed third-party administrator proposals for continuation of the County's Self-Funded Health Plan, and

WHEREAS, The Genesee County Health Benefits Review Committee does recommend that Independent Health/Nova Healthcare be awarded the contract to provide third party administration for the Genesee County self-funded medical benefits plan, and

WHEREAS, The Committee on Ways and Means 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 enter into a contract with Independent Health/Nova Healthcare Administrators, 511 Farber Lakes Drive, Buffalo, New York for the provision of third-party administration services for the County's Self-Funded Health Plan effective January 1, 2021 through December 31, 2021 with a provision of two additional one-year periods.

	<u>Per Member Per Month</u>
2021 Medical/Vision and COBRA Administration Fee:	\$42.00
Prescription Drug Coordination with Outside Vendor	<u>2.00</u>
	\$44.00

Budget Impact Statement: \$394,000 is included in the 2021 budget for the Self Funded Health Plan
Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 360 RESOLUTION OF THE GENESEE COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF GENESEE COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE MONROE COUNTY INDUSTRIAL DEVELOPMENT CORPORATION OF UP TO \$373,000,000 PRINCIPAL AMOUNT OF REVENUE BONDS (ROCHESTER REGIONAL HEALTH

PROJECT), SERIES 2020 OF WHICH UP TO \$42,000,000 PRINCIPAL AMOUNT SHALL BE USED TO FINANCE THE UMMC PROJECT (AS DEFINED HEREIN)

Legislator Young offered the following resolution:

WHEREAS, the Genesee County Legislature (the "Legislature"), as the elected legislative body of Genesee County, New York (the "County") has been advised by the Monroe County Industrial Development Corporation (the "Issuer") that, in order to assist in the financing of a certain UMMC Project (as defined below) for the benefit of Rochester Regional Health, a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Code, its successors or designees (collectively, "Rochester Regional"), on behalf of itself and as the sole member of The Rochester General Hospital and its successors or designees (collectively, "RGH"), The Unity Hospital of Rochester and its successors or designees (collectively, "Unity"), Newark-Wayne Community Hospital and its successors or designees (collectively, "NWCH"), United Memorial Medical Center and its successors or designees (collectively, "UMMC") and The Clifton Springs Sanitarium Company and its successors or designees (collectively, "Clifton Springs"; and, together with Rochester Regional, RGH, Unity, NWCH and UMMC, the "Institution"), each a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Code (the "Institution"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Revenue Bonds (Rochester Regional Health Project), Series 2020 in the aggregate principal amount not to exceed \$373,000,000 (the "Series 2020 Bonds"), for which up to \$42,000,000 in Series 2020 Bonds are to be issued to finance certain costs in connection with the UMMC Project (defined below); and

WHEREAS, the UMMC Project consists of: (A) (i) the acquisition and installation in and around the existing 170,000 square-foot, 131-bed hospital (the "UMMC Hospital") located on the UMMC Campus, of certain equipment, including (a) the acquisition and implementation of system-wide integrated electronic medical record software system, to replace existing software systems, (b) equipment to increase chiller capacity, generators, morgue facility and patient access improvements, (c) magnetic resonance imaging, computerized tomography and other imagery equipment and (d) certain items of routine capital equipment and other tangible personal property (collectively, the "UMMC Facility"); (B) the refunding or refinancing of all or a portion of the outstanding principal amounts of, and the associated redemption or prepayment premiums or penalty on (i) The Genesee County Funding Corporation's Tax-Exempt Revenue Bonds (United Memorial Medical Center Project), Series 2015, issued in the original principal amount of \$5,850,000 (the "Series 2015 Bonds"), (ii) a certain term loan from the United States Department of Agriculture, incurred in the original principal amount of \$1,383,390 (the "USDA Term Loan"); (iii) a certain term loan, incurred in the original principal amount of \$11,500,000 (the "2010 Term Loan") and (iv) the Genesee County Industrial Development Agency Civic Facility Revenue Bonds (United Memorial Medical Center Project), Series 2007, issued in the original principal amount of \$14,800,000 (the "Series 2007 Bonds"); and

WHEREAS, the Series 2015 Bonds were used to finance the construction and equipping of an approximately 10,000 square-foot cancer treatment center and related site work improvements at 127 North Street in the City of Batavia, New York 14020 (the "UMMC Campus"); and

WHEREAS, the USDA Term Loan was used to finance the construction and equipping of a six-story addition to the UMMC Hospital, including, a surgical area, wound care area, sterile processing department, supply distribution center and print shop; and

WHEREAS, the 2010 Term Loan was used to finance the construction of a new surgical center and related improvements on the UMMC Campus; and

WHEREAS, the Series 2007 Bonds were used to (A) refinance certain taxable indebtedness of UMMC, the proceeds of which were used to finance or refinance improvements to the UMMC Facility; (B) the construction of an outpatient diagnostic center, consisting of outpatient radiology, laboratory and cardiology services and the primary care, corporate health services units; and (C) the acquisition and installation of certain items of machinery, equipment, furniture and other tangible personal property; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the UMMC Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Series 2020 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2020 Bonds and the portion thereof to be applied to finance the UMMC Project is approved by the County Legislature after a public hearing to consider both the issuance of the Series 2020 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice; and

WHEREAS, on September 8, 2020, the Issuer held such a public hearing upon proper notice in compliance with the Code, with access to the general public being provided by toll-free telephone number (in accordance with Executive Order 202.15 of the New York State Governor and Internal Revenue Service Revenue Procedure 2020-21); and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Institution's application to the Issuer for financial assistance; (b) the notice of public hearing posted by the County on August 31, 2020, on the County's website, together with a certificate of the Executive Assistant to the County Manager of the County attesting to the posting thereof on the County's website, (c) the minutes of such public hearing held on September 8, 2020; and (d) the Issuer's Bond Resolution, adopted on September 9, 2020, with respect to the proposed issuance of the Series 2020 Bonds; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Genesee County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2020 Bonds and the application of up to \$42,000,000 principal amount thereof to finance or refinance the UMMC Project, provided the principal, premium, if any, and interest on the Series 2020 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Genesee County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code and on the recommendation of the Genesee County Ways and Means Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2020 Bonds, and the application of up to \$42,000,000 principal amount of the Series 2020 Bonds to finance or refinance the UMMC Project; *provided* that, the Series 2020 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Genesee County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2020 Bonds.

Section 3. This Resolution shall take effect immediately.
 Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 361 STANDARD WORK DAY AND REPORTING
 RESOLUTION FOR ELECTED AND APPOINTED
 OFFICIALS-NEW YORK STATE RETIREMENT SYSTEM-
 APPROVAL OF**

Legislator Maha offered the following resolution:

RESOLVED, That the County of Genesee hereby establishes the following as standard work day for this title and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA not submitted
Legislator	6 hrs	Chad Klotzbach	No	6/10/20-12/31/20	5.80	

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

RESOLUTION NO. 362 COUNTY AUDIT –SEPTEMBER 23- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Yunker, did review the following claims:

General Fund	\$	721,075.20
Highway		38,725.78
Water Fund		1,523,589.57
Self Insurance		407.51
DSS Abstracts		92,090.94

Capital Projects

Highway- Highway CR #51, Colby Road	143,315.94
Highway-McClernon Road Bridge Over Black Creek	2,712.57
Highway-Sharrick Road Bridge Over Murder Creek	30,450.91
Highway-Tower Hill Road Bridge Over Spring Creek	27,876.65
Highway-Meadville Road Bridge Over Canal Creek	18,909.42
Highway-Upton Road Bridge Over Bowen Creek	5,413.25
Highway-Hundredmark Road Bridge	25,391.32
Highway-Highway CR #5	70,973.14
Co. Park-County Park Comprehensive Recreation Plan	5,100.00

Sheriff/Jail-Public Safety Communications Tower	7,438.25
GCC-GCC Power Backup Improvements	25,587.94
Payroll – General	
September 11, 2020	1,123,806.64
Medicaid	
September 15, 2020	153,807.00
September 22, 2020	<u>153,807.00</u>
Total Audit	\$ 4,170,479.03

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 Yunker seconded the resolution which was adopted by 326 votes.

T 5:50 PM the meeting adjourned upon motion of Legislator Torrey seconded by Legislator Clattenburg, carried unanimously.