

REGULAR MEETING
Morning Session
Monday, August 28, 2023
Legislative Chambers

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 28th day of August, 2023, at 10:10 a.m. and was called to order by the Vice Chairwoman of the Legislature, Kelly H. Fitzpatrick.

Roll Call and all members present except for Legislators Mullen and Van Etten.

Mr. Swackhamer provided the Invocation and Mr. Horton led the Pledge of Allegiance. Following the Pledge of Allegiance, Vice Chairwoman Fitzpatrick asked everyone to remain standing for a moment of silence in recognition of the passing of James Griffin.

Vice Chairwoman Fitzpatrick stated our thoughts and prayers are also with Mr. Van Etten and we send him our wishes for a speedy recovery.

Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public.

Wayne Wells, Cameron, discussed his concerns regarding the spreading of sewage sludge. He noted in particular his concerns regarding Casella bringing in sewage sludge from Nassau County containing forever chemicals.

Mayor Mike Sweet, Village of Bath stated as Mayor he has a responsibility to make sure that everyone feels safe in our downtown. Not many parents will let their children walk on main street by themselves and that is a shame. In June he attended the Public Safety & Corrections Committee and presented data and requested that they have a joint effort to provide law enforcement and no action has been taken. The Village of Bath has more DSS placements than Corning and Hornell. There is a temporary housing structure that is being planned which will be just steps away from the village. The owner of this structure is the same individual who owns the property on Bridge Street in Corning. I have asked that you not put transient housing in our business district. Our data shows that 40 percent of the arrests that are made are DSS recipients and nearly 100 percent of repeat offenders are DSS recipients. Mayor Sweet reviewed the recommendations that he had made to the Public Safety & Committee. He thanked the District Attorney's Office for their efforts to help us. He is convinced that by working together, we can have an impact and make Bath safe once again.

Vice Chairwoman Fitzpatrick thanked everyone for their comments and declared the opportunity for public comment closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting for the Public Hearing Upon Local Law Tentatively No. Four for the Year 2023, Repealing Steuben County Local Law No. Four of 2017, Providing for the Defense and Indemnification of the Sheriff. Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public.

Sheriff Allard provided the following statement:

Because of our public safety functions, Sheriff's operations face some of the most lawsuits – including many of the most frivolous – of any government entity in the County. The County Legislature is considering rescinding a law that it passed itself six years ago, protecting the Office of the Sheriff from these lawsuits by indemnifying the Sheriff, as it does so many other public officers. No one has offered an explanation for why the Legislature is considering reversing itself just six years later, but a recent statement from the Chair of the Legislature suggested that my office has not been complying with the

County in the matter of investigating allegations of harassment and discrimination against County employees.

If that's the reason the County is considering rescinding this law, it's wrong and untrue. I want to talk for a moment about these investigations and why this resolution is really about an attempt – by a few County officials – to politically coerce my office into handing over some of its authority and responsibilities.

The Chair's statement refers to the County's 850 employees as its most important asset and says they deserve an environment that is safe and free of harassment and hostility. I couldn't agree more, and furthermore, approximately 160 of those employees are my own, which means I take very personally the commitment to ensuring that they are not exposed to harassment, discrimination, or other unlawful treatment in the course of their work. To help make that happen, and to carry out other responsibilities of my office – like ensuring good order in my officers' ranks, disciplining members who commit inappropriate or unlawful acts, and protecting employees who are victims of misconduct, my office has a series of internal policies that are specific to our membership. Some of those lay out the ways my office investigates complaints of discrimination and harassment, something we have always done, historically, hand-in-hand with the County's civilian personnel.

In fact, my office has not only regularly shared the outcome of investigations with County officials and legal representatives, but has consistently sought consensus and opinion from members of the County administration and their legal representatives in these matters. This office has frequently been praised by these same entities for its ability to conduct timely, unbiased investigations, and for its decisive and reasonable responses relative to disciplinary matters. This has made the recent turn of events even more frustrating.

Now, suddenly, some officials in the County's management are upset that this office has policies and rules that are specific to its members. They seem to believe that those policies somehow prevent the County from carrying out its anti-discrimination and anti-harassment responsibilities. In recent months there has been ongoing pressure from certain officials for this office to change its policies and give up the ability to investigate complaints from and about its own members.

But these officials haven't given any actual examples of this office failing to work with the County or comply with its policies, because they can't. This office has repeatedly reassured the County and its Legislators that it recognizes the County's policies; it recognizes the County's authority to conduct investigations; and it is not looking to undermine or interfere with either of those things. All this office has sought to do is to continue to apply our own internal requirements in addition to the County's, and to continue to participate in investigations so that we can carry out our own unique responsibilities, like administering discipline and preserving the promises made to our members in collective bargaining agreements. We've repeatedly asked County officials to explain why that should be a concern to them, and we've gotten no explanation. We trust that the Legislature will understand that the position we've taken is a reasonable one, and that the resolution before it to rescind the Sheriff's indemnification is nothing more than political punishment.

Vice Chairwoman Fitzpatrick thanked Sheriff Allard for his comments. There being no further comments, she declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting Upon Local Law Tentatively No. Five for the Year 2023, Creating the Title of Deputy Director of Real Property Tax Service Agency to the Steuben County Charter. Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public. There being none, she declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting Upon Local Law Tentatively No. Six for the Year 2023, Amending Local Law No. Seven for the Year 2022, Establishing a Sustainable Energy Loan Program in Steuben

County. Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public. There being none, she declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting for the Public Hearing on the current Community Development Block Grant Project – Steuben County Well and Septic Replacement Program. Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public. There being none, she declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting for the Public Hearing on the Community Development Block Grant Needs of Steuben County and to Discuss the Possible Submission of One or More Community Development Block Grant (CDBG) Applications for the 2023 Program Year. Vice Chairwoman Fitzpatrick opened the floor for comments by members of the public. There being none, she declared the public hearing closed.

Motion adopting the minutes of the previous meeting made by Mr. Potter, seconded by Mr. Van Caesele and duly carried.

RESOLUTION NO. 162-23

Introduced by G. Swackhamer.

Seconded by C. Ferratella.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND DISPOSITIONS.

Pursuant to Section 2.07 of the Steuben County Charter.

RESOLVED, the Steuben County Commissioner of Finance is further authorized and directed to convey those parcels sold at the Delinquent Tax Auction held on July 5-12, 2023, contained in Schedule "A", and said transfers made pursuant hereto be and the same hereby are ratified; and be it further

RESOLVED, the said grantee(s), recited in Schedule "A" must accept the parcel(s) "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be, and as upon the "Notice to Bidders and Terms of Sale - 2023" as applicable; and be it further

RESOLVED, as it appeared to be in the best interest of the County to sell the property(ies) listed on Schedule "B" for the consideration offered, the Steuben County Commissioner of Finance was authorized and directed to execute the necessary documentation to convey the recited parcel(s) to the grantee(s) upon receipt of the consideration indicated, pursuant to Real Property Tax Law §1166, and approved by the Steuben County Finance Committee on May 9, 2023 and approved by the Steuben County Legislature on May 22, 2023 in Resolution 105-23. The said grantee(s) is unable to accept the property through a quitclaim deed; and be it further

RESOLVED, that the authorization and direction to sell the property(ies) listed on Schedule "B" and approved in Resolution 105-23 on May 22, 2023 is hereby rescinded / cancelled; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chair of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the grantee(s); and certified copies of this resolution contained in Schedule "B" shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chair of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District, and the grantee(s).

SCHEDULE "A"

Resolution No.	Former Owner(s)	In Rem Index No.	Tax Sale Date (Sale No.)	Parcel No.	Municipality	Highest Bidder Name & Address	Consideration
B-1	Costello Brett O	2021-1173CV, Judgment filed 5/8/23	July 5-12, 2023 (9)	129.00-01-053.340	Bath Town	John Drake; 7744 Hickory Hill Rd; Bath, NY 14810	\$ 8,115.00, inclusive of buyer's premium & recording fees
B-2	Graves Scott A	2020-1004CV, Judgment filed 8/1/22	July 5-12, 2023 (32)	244.00-01-014.000	Campbell	Daniel Eaton; 38 Main St; Savona, NY 14879	\$ 5,690.00, inclusive of buyer's premium & recording fees
B-3	GUYPAK MANAGEMENT CORP.	2019-1533CV, Judgment filed 8/1/22	July 5-12, 2023 (77)	151.05-01-037.000	Homellsville	Hoag Property Group LLC; 4195 State Route 14; Rock Stream, NY 14878	\$ 11,740.00, inclusive of buyer's premium & recording fees
B-4	PARKS JAMES	2019-1533CV, Judgment filed 8/1/22	July 5-12, 2023 (110)	054.00-01-015.110	Wayland Tow	Cole Saxton; 1402 Dyer Road; Arkport, NY 14807	\$ 43,640.00, inclusive of buyer's premium & recording fees
B-5	Hill Peggy	2020-1004CV, Judgment filed 5/8/23	July 5-12, 2023 (111)	054.00-01-015.200	Wayland Tow	Debra D. Ciulla; 87 Emberglow Lane; Rochester, NY 14612	\$ 41,440.00, inclusive of buyer's premium & recording fees
B-6	Van Skiver Jeffrey P	2018-1367CV, Judgment filed 5/8/23	July 5-12, 2023 (115)	075.00-01-020.118	Wheeler	Hans PW LLC; 12 Myrtle Avenue; Hammondsport, NY 14840	\$ 17,240.00, inclusive of buyer's premium & recording fees

SCHEDULE "B"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
C-1 & C-2	Ketch Burton	2018-1367CV, Judgment filed 5/08/2023	158.07-01-036.000 & 158.07-01-038.000	Bath Village	NYS DEC; Bath Flood Protection Project; 7291 Coon Rd; Bath, NY 14810	\$1/each, plus recording fees
C-3	Prehoda Richard	2019-1533CV, Judgment filed 5/08/2023	349.08-02-068.000	Addison Village	NYS DEC; Bath Flood Protection Project; 7291 Coon Rd; Bath, NY 14810	\$1, plus recording fees

*Note: Items C-1, C-2, & C-3 are corrections / reversals of items C-2, C-3, & C-4 on Resolution 105-23 dated 5/22/23.

Vote: Roll Call – Adopted.

RESOLUTION NO. 163-23

Introduced by K. Fitzpatrick.

Seconded by R. Nichols.

RECEIVING AND ACCEPTING THE AUGUST 28, 2023 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and **referred to the appropriate Standing Committee and/or Department Head for information and/or action**, to wit:

July 17, 2023

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$2,088, which represents the May 2023 surcharge payment for Steuben County. ***Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.***

July 19, 2023

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and NY Pulteney I, LLC amended tax agreement and RP-412-a form for property located at 8897 Chidsey Hill Road in the Town of Pulteney. ***Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.***

July 24, 2023

Delaware River Solar – Re: Written notification provided per subdivision nine of section four hundred eighty-seven of the Real Property Tax Law (RPTL 487) of the intent to construct a solar project at 11451 Wheaton Road in the County of Steuben. ***Referred to: AIP Committee; Marie Myers Shearing, Planning Director; Wendy Jordan, Real Property Director and Jennifer Prossick, County Attorney.***

July 27, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling denying admission of evidence to the record and reconsideration of suspension of briefing schedule issued July 24, 2023 on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

August 3, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling admitting evidence to the record and issuing final exhibit list issued August 1, 2023 on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

August 7, 2023

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$87,635; which represents the second quarter earnings (\$86,356) for 2023 from all of OTB operations along with the June 2023 (\$1,279) surcharge payment for Steuben County. ***Referred to: Administration Committee; Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.***

August 10, 2023

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-23-003. ***Referred to: Scott Van Etten, Legislature Chairman; and Jack Wheeler, County Manager.***

NYS Office of Children and Family Services – Re: OCFS Fatality Report #RO-23-004. ***Referred to: Scott Van Etten, Legislature Chairman; and Jack Wheeler, County Manager.***

August 14, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling granting additional intervenor funding issued August 9, 2023 on the Baron Wind LLC Project (Case#15-F-0122). ***Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.***

NYS Division of the Budget – Re: Approval of the SFY 2024 Steuben County Raise the Age (RTA) plan. ***Referred to: Human Services/Health & Education Committee; Finance Committee; Public Safety & Corrections Committee; Kathy Muller, Commissioner of Social Services; Cheryl Crocker, Probation Director; Jennifer Prossick, County Attorney; Tammy Hurd-Harvey, Commissioner of Finance; and Jack Wheeler, County Manager.***

August 16, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling establishing the revised post-hearing briefing schedule issued August 11, 2023 on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

Mr. Malter asked with regard to the quarterly statement that we received from Western Regional Off-Track Betting; what is the surcharge payment and how is that calculated? Mr. Wheeler replied we can get that for you. It is a proportional payment based on the members of the WROTB. We can get more detail from Mrs. Hurd-Harvey.

Vote: Acclamation – Adopted.

T A B L E D

RESOLUTION NO. 164-23

Introduced by J. Malter and B. Schu.

Seconded by J. Horton.

ADOPTING LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2023, REPEALING STEUBEN COUNTY LOCAL LAW NO. FOUR OF 2017, PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF THE SHERIFF.

WHEREAS, Steuben County Local Law No. Four for the year 2017 provides for the defense and indemnification of the Sheriff; and

WHEREAS, the County of Steuben now desires to re-evaluate providing for the defense and indemnification of the Sheriff.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Four for the Year 2023, Repealing Steuben County Local Law No. Four of 2017, Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

COUNTY OF STEUBEN

LOCAL LAW TENTATIVELY NO. FOUR FOR THE YEAR 2023

A Local Law repealing Local Law No. Four of 2017, Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

Be it enacted by the Steuben County Legislature, as follows:

SECTION 1. INTENT. Repealing Local Law No. Four of 2017 Providing for the Defense and Indemnification of the Sheriff of the County of Steuben.

SECTION 2. EFFECTIVE DATE. This Local Law shall become effective immediately and upon filing in the Office of the Secretary of State.

AND BE IT FURTHER RESOLVED a Public Hearing on the within Local Law was held on August 28, 2023, at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, had said notice published for one insertion in the two official newspapers of the County, and caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Four for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, County Attorney, Personnel Officer, Commissioner of Finance and County Sheriff.

Motion to table until the September 25, 2023, Legislative Meeting made by Mr. Horton, seconded by Mrs. Lando. Motion carries by acclamation vote with Mr. Maio being opposed.

RESOLUTION NO. 165-23

Introduced by B. Schu.

Seconded by R. Nichols.

ADOPTING LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2023, CREATING THE TITLE OF DEPUTY DIRECTOR OF REAL PROPERTY TAX TO THE STEUBEN COUNTY CHARTER.

WHEREAS, the County's Real Property Tax Service Agency does not have a current position in the department that could fill the role of Real Property Tax Service Agency Director should an emergency exist and the Director could not act in her/his/their official capacity; and

WHEREAS, creating said position would also support the County's overall goal of having internal succession planning for each department.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Five for the Year 2023, creating the title of Deputy Director of Real Property Tax Service Agency to the Steuben County Charter.

COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. FIVE FOR THE YEAR 2023

A Local Law Creating the title of Deputy Director of Real Property Tax Service Agency to the Steuben County Charter.

Be it enacted by the Legislature of the County of Steuben as follows:

SECTION 1. INTENT

It is the intent of this Local Law to create a management, exempt, non-competitive position of Deputy Director of Real Property Tax Service Agency as authorized by New York State County Law Section 204 and New York Civil Service Law Section 41.

SECTION 2. APPOINTMENT

The Deputy Director of Real Property Tax Service Agency shall be appointed by the Director of Real Property Tax Service Agency and shall serve at the Director's pleasure.

SECTION 3. QUALIFICATIONS

The Deputy Director of Real Property Tax Service Agency shall be required to have the same qualifications as the Director of Real Property Tax Service Agency, which are set forth in New York State Real Property Tax Law Section 1530 upon being appointed.

SECTION 4. POWERS AND DUTIES

The Deputy Director of Real Property Tax Service Agency shall be responsible for providing accurate, timely information and advice on real property appraisal, equalization, and assessment. They shall exercise the powers and duties of the Director of Real Property Tax Service Agency in the Director's absence from the County or inability to perform the duties of the office.

SECTION 5. SEVERABILITY

If any section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof that can be given effect without the invalid provision, but shall be confined in its operation to the section thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately and upon filing in the Office of the Secretary of State.

AND BE IT FURTHER RESOLVED a Public Hearing on the within Local Law was held on August 28, 2023, at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, had said notice published for one insertion in the two official newspapers of the County, and caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Five for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Personnel Officer, and Director of Real Property Tax Service Agency.

Vote: Roll Call – Adopted.

RESOLUTION NO. 166-23

Introduced by B. Schu.

Seconded by P. Van Caesele.

ADOPTING LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2023, AMENDING LOCAL LAW NO. SEVEN FOR THE YEAR 2022, ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN STEUBEN COUNTY.

WHEREAS, the County adopted the Energize NY Open C-PACE Financing Program on March 27, 2023, to support the increased use in sustainable and clean energy sources; and

WHEREAS, certain items in the existing local law need to be corrected and/or added in order for the Energy Improvement Corporation (“EIC”) to begin administering this program on behalf of the County.

NOW THEREFORE, BE IT

RESOLVED, there is hereby presented to each member of this Steuben County Legislature Local Law Tentatively No. Six for the Year 2023, Amending Local Law No. Seven for the Year 2022, Establishing a Sustainable Energy Loan Program in Steuben County.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SIX FOR THE YEAR 2023**

A LOCAL LAW Amending Local Law No. Seven for the Year 2022, Establishing a Sustainable Energy Loan Program (Open C-Pace) in the County of Steuben.

Be it enacted by the Legislature of the County of Steuben as follows:

OLD MATERIAL TO BE DELETED [] brackets
NEW MATERIAL TO BE ADDED _____ underlined

SECTION 1: LEGISLATIVE INTENT

It is the intent of this Local Law to amend various sections of Local Law No. Seven for the Year 2023, Establishing a Sustainable Energy Loan Program (Open C-PACE) in the County of Steuben.

SECTION 2: AMENDMENT OF ARTICLE I, SECTION 1. B.

§1. **Legislative findings, intent and purpose, authority.**

B. The County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. The County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

SECTION 3: AMENDMENT OF ARTICLE I, SECTION 2. B.

§2. Definitions

B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the [Municipality] County.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the [Municipality] County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

SECTION 4: AMENDMENT OF ARTICLE I, SECTION 4. B. and C.

§4. Procedures for eligibility

- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and [§ 0] § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the [Municipality] County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with [§ 0] § 6 of this local law.

SECTION 5: EFFECTIVE DATE

The within local law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER RESOLVED a Public Hearing on the within Local Law was held on August 28, 2023, at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature has caused a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, had said notice published for one insertion in the two official newspapers of the County, and caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Six for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager and the Energy Improvement Corporation.

Vote: Roll Call – Adopted.

RESOLUTION NO. 167-23

Introduced by H. Lando.

Seconded by R. Nichols.

PRESENTING LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2023, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2021, AUTHORIZING 12 AND 13 YEAR OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF A LICENSED ADULT.

WHEREAS, New York State enacted in its' 2021-2022 New York State Budget, a pilot program, allowing the opportunity for young hunters, ages 12 and 13, to hunt deer with firearms and crossbow through 2023; and if a county authorizes such action within their municipality; and

WHEREAS, the pilot program authorized in 2021 has been extended through December 31, 2025, in the recently adopted 2023-24 New York State Budget; and

WHEREAS, the existing Local Law opting in to the pilot program sunsets on December 31, 2023, and therefore needs to be extended; and

WHEREAS, it has been advised by the NYS Department of Environmental Conservation to remove the sunset date from the existing Local Law.

NOW THEREFORE, BE IT

RESOLVED, a local law extending into the State's Pilot Program is hereby presented to each member of this Steuben County Legislature, Local Law Tentatively No. Two for the Year 2021, authorizing 12 and 13 year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult.

**COUNTY OF STEUBEN
LOCAL LAW TENTATIVELY NO. SEVEN FOR THE YEAR 2023**

A Local Law, amending Local Law No. Two of the year 2021, Authorizing 12 and 13 year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult.

Be it enacted by the Legislature of the County of Steuben as follows:

Section 1. Legislative Intent

The intent of this Local Law is to amend Local Law No. Two of the Year 2021 which authorized Steuben County to permit 12 and 13 year old individuals to participate in the new and safe hunting opportunities in accordance with Environmental Conservation Law § 11-0935 through December 31, 2023, by removing the sunset date of the authorization.

Section 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Steuben County elects to participate in the temporary program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow. [through 2023.]

Section 3. Effective Date

This local law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

NOTE: Old law is in brackets [] and deleted;
New matter is underlined.

AND BE IT FURTHER RESOLVED, before said Local Law is adopted by the County Legislature, a Public Hearing shall be held on September 25, 2023 at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

RESOLVED, the Clerk of the Legislature shall cause a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, have said notice published for one insertion in the two official newspapers of the County, and shall cause such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, County Attorney and Clerk of the Legislature.

Mr. Kuhl asked what is the reasoning for doing this? Mr. Wheeler replied the State extended the sunset date and NYS Department of Environmental Conservation (DEC) recommended we remove the sunset from our local law so we wouldn't have to continually amend it following further State extensions. Mr. Malter asked do we know how many individuals participate in this? Mr. Wheeler replied we can ask NYS DEC.

Vote: Acclamation – Adopted.

RESOLUTION NO. 168-23

Introduced by G. Swackhamer.

Seconded by J. Malter.

EXTENDING THE INCREASE OF THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.

Be it enacted by the Legislature of the County of Steuben, as follows:

Section 1. The first sentence of section two of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after March 1, 1972, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing December 1, 1992 and ending November 30, 2025, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivision (g) of section three of Resolution 321 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing December 1, 1992, and ending November 30, 2025, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to December 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to August 1, 1992, and the reference in said subdivision (b) to the date immediately preceding the effective date shall be read as referring to November 30, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December 1, 1992 any transaction, which may not be subject to the additional tax, imposed effective on that date.

Section 3. Section four of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Impositions of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after December 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025 the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible

personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing December 1, 1992, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (k) of section six of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed, by Sections 2 and 4, respectively, of this resolution for the period commencing December 1, 1992, and ending November 30, 2025.

Section 5. Paragraph (B) of Subdivision one of section eleven of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning December 1, 1992, and ending November 30, 2025, in respect to the use of property used by the purchaser in this County prior to December 1, 1992.

Section 6. Subdivision (d) of section fourteen of Resolution No. 321 as enacted in 1967, as amended, is amended to read as follows:

(d) Notwithstanding any provision of law or this resolution to the contrary, of the net collections received from the additional one percent rate of sales and compensating use taxes imposed, respectively, by sections two and four of this resolution during the period beginning December 1, 2023 and ending November 30, 2025, the County shall annually pay or cause to be paid to the City of Hornell the sum of eight hundred fifty thousand dollars (\$850,000.00), to the City of Corning the sum of eight hundred fifty thousand dollars (\$850,000.00), and the sum of eight hundred fifty thousand dollars (\$850,000.00) to the towns and villages of the County, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. The remainder of the net collections received from such additional one percent rate of sales and compensating use taxes imposed during such period shall be set aside for County purposes and shall be available for any County purpose.

Section 7. This resolution shall take effect December 1, 2023.

Section 8. Certified copies of this resolution shall be forwarded to Amanda Hiller, Esq., Deputy Commissioner and Counsel, New York State Dept. of Taxation and Finance, W. A. Harriman Campus, Building 9, Room 123, Albany, NY 12227-0125; Robert J. Rodriguez, Secretary of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231; Thomas P. DiNapoli, Comptroller, Office of the State Comptroller, 110 State St., Albany, NY 12236; Judith M. Hunter, County Clerk; Jack K. Wheeler, County Manager; Tammy Hurd-Harvey, Commissioner of Finance; and Jennifer Prossick, County Attorney.

Vote: Roll Call – Adopted.

RESOLUTION NO. 169-23

Introduced by R. Nichols.

Seconded by H. Lando.

AUTHORIZING THE EXECUTION OF PERMANENT EASEMENTS TO CORNING NATURAL GAS CORPORATION.

WHEREAS, the County owns real property in the Town of Bath, 5632 Turnpike Road, identified as Tax Map No.: 172.00-01-008.200; and

WHEREAS, Corning Natural Gas Corporation (“CNG”) has notified the County that in order for the County and WAGA Energy to proceed with the renewable natural gas (RNG) facility, CNG needs to utilize the existing site access road to maintain the equipment and appurtenances installed to support the RNG facility at the aforementioned location identified as lands at Tax Map No.: 172.00-01-008.200; and

WHEREAS, after review of said request by CNG it has been determined that the amount of real property requested by CNG from the County is not needed by the County for a public purpose.

NOW THEREFORE, BE IT

RESOLVED, the County Manager shall and is hereby authorized and directed to execute the Permanent Easements to CNG as set forth herein; and be it further

RESOLVED, a certified copy of the resolution shall be forwarded to the County Manager, County Attorney, and Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 170-23

Introduced by J. Malter.

Seconded by F. Potter.

AWARDING THE BID FOR ELECTRIC FOR THE REMOTE SITE DC POWER REPLACEMENT.

WHEREAS, Steuben County has a County-wide Radio Communications System to support emergency response; and

WHEREAS, the County emergency responders are dependent on the County-wide Communications System; and

WHEREAS, the County has identified the need to upgrade and install new DC and UPS Power systems at nine of the County radio tower sites; and

WHEREAS, the County issued bid #GC-23-021-P and opened proposals on July 27, 2023; and

WHEREAS, the Public Safety and Corrections Committee and Finance Committee recommended the bid be awarded to Schuler-Haas Electric of Painted Post, NY.

NOW THEREFORE, BE IT

RESOLVED, the bid to upgrade and install new DC and UPS power systems to County radio tower sites is hereby awarded to Schuler-Haas Electric of Painted Post, NY; and be it further

RESOLVED, this Legislature authorizes the Director of Public Safety to enter into a contract with Schuler-Haas Electric Corporation in the amount of \$269,728 for the purchase, removal, installation and testing of new DC and UPS Power Systems at nine county tower sites; and be it further

RESOLVED, funding for this project will come from the New York State Department of Homeland Security and Emergency Services Statewide Interoperable Communications Grant Funding; and be it further

RESOLVED, a certified copy of this resolution will be forwarded to the Director of Public Safety and James Boyles, Service Division Manager, Schuler-Haas Electric Corporation, 598 Rita's Way, Painted Post, NY 14870.

Vote: Roll Call – Adopted.

RESOLUTION NO. 171-23

Introduced by C. Ferratella and G. Swackhamer.

Seconded by J. Kuhl.

ACCEPTING THE WEGMANS GRANT.

WHEREAS, Steuben County Office for the Aging is promoting the safety and well-being of older adults; and

WHEREAS, the accessibility of pertinent personal medical information is critical to the provision of timely and appropriate medical care; and

WHEREAS, the Steuben County Office for the Aging has been awarded Wegmans Grant funding in the amount of \$2,000, to be used for the Files of Life and Health Files project as a recognized industry standard for the safekeeping of this medical information.

NOW THEREFORE, BE IT

RESOLVED, the Director of the Office of the Aging is hereby authorized and directed to accept \$2,000 as follows:

Expenses: 677400 5 40300 \$2,000; and be it further

RESOLVED, the Commissioner of Finance is hereby authorized to appropriate the award as follows:

\$2,000 as revenue in account number 677300 427050.
\$2,000 to be allocated to the OFA 2023 budget as follows:
\$2,000 to account 540300 Printing

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of the Office for the Aging and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 172-23

Introduced by B. Schu.

Seconded by J. Horton.

AUTHORIZING THE ANNUAL RPS V4 CHARGEBACK TO THE TOWNS AND CITIES FOR LICENSE AND SUPPORT FEES.

Pursuant to County Law, Section 233a.

WHEREAS, the Administration Committee has approved the report of RPS V4 charges by Assessing unit which includes an annual charge for the New York State Office of Real Property Tax Services License Fee and a fee for County support of this system; and

WHEREAS, the Administration Committee has approved the invoicing of the fees to the Cities and Towns; and

WHEREAS, the Real Property Tax Service Agency has paid the assessing units' annual license fee charge to the State for this fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Real Property Tax Office will invoice each City and Town for their share of the Real Property System Version 4 (RPS V4) License and Support Charge; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, the Director of the Real Property Tax Service Agency, and to each Town and City.

RPS V4 TO BE BILLED FOR 1/1/24 LEVY					
Swis	Municipality	Parcel Count	ORPS License Fee	County Support Fee	Total Chargeback
4603	Corning City	4,245	\$1,500	\$200	\$1,700
4606	Hornell City	3,693	\$1,300	\$200	\$1,500
4620	Addison	1,308	\$1,000	\$200	\$1,200
4622	Avoca	1,346	\$1,000	\$200	\$1,200
4624	Bath	5,224	\$1,500	\$200	\$1,700
4626	Bradford	585	\$850	\$200	\$1,050
4628	Cameron	776	\$850	\$200	\$1,050
4630	Campbell	1,645	\$1,000	\$200	\$1,200
4632	Canisteo	2,060	\$1,200	\$200	\$1,400
4634	Caton	1,311	\$1,000	\$200	\$1,200
4636	Cohocton	1,898	\$1,000	\$200	\$1,200
4638	Corning Town	3,238	\$1,300	\$200	\$1,500
4640	Dansville	1,324	\$1,000	\$200	\$1,200
4642	Erwin	3,221	\$1,300	\$200	\$1,500
4644	Fremont	824	\$850	\$200	\$1,050
4646	Greenwood	755	\$850	\$200	\$1,050
4648	Hartsville	586	\$850	\$200	\$1,050
4650	Hornby	1,006	\$1,000	\$200	\$1,200
4652	Hornellsville	2,401	\$1,200	\$200	\$1,400
4654	Howard	1,259	\$1,000	\$200	\$1,200
4656	Jasper	904	\$850	\$200	\$1,050
4658	Lindley	1,066	\$1,000	\$200	\$1,200
4660	Prattsburgh	1,898	\$1,000	\$200	\$1,200
4662	Pulteney	1,746	\$1,000	\$200	\$1,200
4664	Rathbone	793	\$850	\$200	\$1,050
4666	Thurston	1,009	\$1,000	\$200	\$1,200
4668	Troupsburg	992	\$850	\$200	\$1,050
4670	Tuscarora	908	\$850	\$200	\$1,050
4672	Urbana	2,060	\$1,200	\$200	\$1,400
4674	Wayland	2,362	\$1,200	\$200	\$1,400
4676	Wayne	1,587	\$1,000	\$200	\$1,200
4678	West Union	557	\$850	\$200	\$1,050
4680	Wheeler	1,006	\$1,000	\$200	\$1,200
4682	Woodhull	1,193	\$1,000	\$200	\$1,200
		56,786	\$35,200	\$6,800	\$42,000

ORPS License Fee Schedule	
Number of Parcels	Fee
0-500	\$750
501-1000	\$850
1001-2000	\$1,000
2001-3000	\$1,200
3001-4000	\$1,300
4001-6000	\$1,500

Steuben County Real Property Tax Service Agency 3 E. Pulteney Square Bath, New York 14810 Wendy Jordan, Director
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Vote: Roll Call – Adopted.

RESOLUTION NO. 173-23

Introduced by C. Ferratella.

Seconded by F. Potter.

AUTHORIZING THE COUNTY MANAGER TO APPROVE A CHANGE ORDER FOR THE CAPITAL PROJECT HIGHWAY SHOP CONSTRUCTION - ARPA.

WHEREAS, on August 22, 2022 the Steuben County Legislature authorized contracts to perform construction services at three DPW shops located at Mt. Washington Shop in Bath, Curtis Shop in Campbell, and the Prattsburgh Shop; and

WHEREAS, during the initial construction phase of the Prattsburgh Shop it was revealed that the main structural steel vertical beams have deteriorated past their useful life; and

WHEREAS, the cost for the associated repair or replacement of the structural steel vertical beams being completed by Building Innovation Group (General Contractor) will cost up to \$65,000.00; and

WHEREAS, the contract between Building Innovation Group and the County does not provide compensation for the scope of this change order; and

WHEREAS, the Ad Hoc Office Space Committee approved this change order on August 8, 2023.

NOW THEREFORE, BE IT

RESOLVED, the total amount of the change order not to exceed \$65,000.00 payable to Building Innovation Group is hereby approved; and be it further

RESOLVED, the County Manager is hereby authorized to increase the contract amount with Building Innovation Group for the amount of the change order and sign all necessary documents; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, the Commissioner of Finance, and the Commissioner of Public Works.

Vote: Roll Call – Adopted.

RESOLUTION NO. 174-23

Introduced by B. Schu.

Seconded by C. Ferratella.

AUTHORIZING THE RECLASSIFICATION OF AN ASSISTANT TAX MAP TECHNICIAN, CSEA GRADE G TO TAX MAP TECHNICIAN, CSEA GRADE I.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, the Tax Map Technician position will be handling the more complicated and involved problems and questions; and

WHEREAS, a Tax Map Technician position more appropriately performs these duties; and

WHEREAS, the Personnel Officer and Administration Committee have reviewed said position within the Department of Real Property Tax Service Agency that requires a job title change and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position in the Real Property Tax Service Agency is hereby reclassified as follows:

One (1) Assistant Tax Map Technician Position, CSEA Grade G (\$37,523- \$55,504), to
One (1) Tax Map Technician Position, CSEA Grade I, (\$41,369 - \$61,194).

AND BE IT FURTHER RESOLVED, that the 2023 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Personnel Officer, Director of Real Property Tax Service Agency, and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 175-23

Introduced by J. Malter and B. Schu.

Seconded by H. Lando.

AUTHORIZING THE CREATION OF ONE (1) ASSISTANT DISTRICT ATTORNEY, PART-TIME, MANAGEMENT GRADE J.

WHEREAS, the District Attorney’s Office is in need of one (1) Part-time, Assistant District Attorney to meet the needs of the department; and

WHEREAS, this position’s salary is capped at \$25,000 to perform tasks for the Traffic Diversion Program; and

WHEREAS, Rule 16C(4) of the *Rules of Procedure* of the County Legislature requires approval by the appropriate Standing Committee and the Administration Committee for requests for any new position not funded in the budget.

NOW THEREFORE, BE IT

RESOLVED, the following position is hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<u>District Attorney</u>			
Assistant District Attorney Part-time	1	J	\$71,642 - \$112,048 (Management)

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the District Attorney, the Personnel Officer and the Commissioner of Finance.

**Vote: Roll Call – Adopted. Yes – 7804, No – 527, Absent – 1027
(No – Legislator Maio; Absent – Legislators Mullen and Van Etten)**

RESOLUTION NO. 176-23

Introduced by C. Ferratella and B. Schu.

Seconded by H. Lando.

AUTHORIZING THE RECLASSIFICATION OF FOUR ZERO-BASED SOCIAL WELFARE EXAMINER POSITIONS, CSEA GRADE F TO FOUR CASEWORKER POSITIONS, CSEA GRADE J, WITHIN THE DEPARTMENT OF SOCIAL SERVICES.

Pursuant to Section 204 of the County Law of the State of New York.

WHEREAS, there is a need for Caseworker positions in the Department of Social Services; and

WHEREAS, the Personnel Officer, Human Services, Health & Education Committee, and Administration Committee have reviewed said positions within the Department of Social Services and have approved the recommended change.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following positions in the Department of Social Services are hereby funded and reclassified as follows:

Four Zero-Based Social Welfare Examiners, CSEA Grade F (\$35,736 - \$52,861), to Four Caseworker Positions, CSEA Grade J, (\$43,437 - \$64,253).

AND BE IT FURTHER RESOLVED, that the 2023 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Commissioner of Finance, Commissioner of Social Services and the Personnel Officer.

Vote: Roll Call – Adopted.

A M E N D E D

RESOLUTION NO. 177-23

Introduced by B. Schu.

Seconded by S. Maio.

AUTHORIZING THE UPGRADE OF THE DESK CLERK POSITION IN THE OFFICE OF THE COUNTY CLERK.

WHEREAS, these positions within the Office of the County Clerk are inappropriately graded due to market demands for the position and not consistent with the duties for said position; and

WHEREAS, the Administration Committee, the Personnel Officer, and the County Manager have approved the adjustments in grades; and

WHEREAS, the Union has signed a Memorandum of Agreement in approval of the upgrades.

NOW THEREFORE, BE IT

RESOLVED, with the adoption of this resolution, the following position within the Office of the County Clerk is hereby upgraded as follows:

Desk Clerk, Grade F (\$35,736 - \$52,861) to Grade H (\$39,399 - \$58,280)

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the County Clerk, the Personnel Officer, and the Commissioner of Finance.

Mrs. Scotchmer stated the maximum salary for Grade H should read \$58,280, not \$52,280.

Motion amending the resolution to reflect the maximum salary for Grade H to read \$58,280 made by Mr. Horton, seconded by Mrs. Lando and duly carried.

Vote: Roll Call – Adopted.

RESOLUTION NO. 178-23

Introduced by B. Schu.

Seconded by R. Nichols.

AUTHORIZING THE UPGRADE OF THE TRANSFER STATION OPERATOR POSITION IN THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, these positions within the Department of Public Works are inappropriately graded due to market demands for the position and not consistent with the duties for said position; and

WHEREAS, the Administration Committee, Personnel Officer, and the County Manager have approved the adjustments in grades; and

WHEREAS, the Union has signed a Memorandum of Agreement in approval of the upgrade; and

NOW THEREFORE, BE IT

RESOLVED, with the adoption of this resolution, the following position within the Public Works Department is hereby upgraded as follows:

Transfer Station Operator, Grade H (\$39,399 - \$58,280) to Grade I (\$41,369 - \$61,194)

AND BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Personnel Officer, and the Commissioner of Finance.

Mr. Malter asked which Transfer Station will this affect? Mr. Wheeler replied this will be applied to all.

Vote: Roll Call – Adopted.

RESOLUTION NO. 179-23

Introduced by B. Schu.

Seconded by J. Malter.

AMENDING THE ADMINISTRATIVE CODE RELATIVE TO THE POLICY ON SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT.

WHEREAS, the Steuben County *Administrative Code* requires modifications to accommodate required changes mandated by New York State Law, to Part XVII – Personnel Policy at Section 11 – Policy Against Sex Discrimination & Sexual Harassment; and

WHEREAS, the Administration Committee has approved the recommended changes to the Personnel Policy of the *Administrative Code*.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County *Administrative Code* is hereby amended as attached; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Personnel Director and County Attorney.

SECTION 11. POLICY AGAINST SEX DISCRIMINATION & SEXUAL HARASSMENT

A. **PURPOSE**

Steuben County believes in the dignity of the individual and recognizes the rights of all people to equal

employment opportunities in the workplace. In this regard, the County is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to sexual harassment or discrimination of any kind in the workplace. It is the County's policy to provide an employment environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications which have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. In New York, harassment does not need to be severe or pervasive to be illegal.

1. Scope of Policy. This Policy applies to all County employees and all personnel in a contractual or other business relationship with the County including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the County's exercise of control, this Policy may be applied to the conduct of non-employees with respect to sexual harassment and/or sex discrimination of County employees in the workplace. This Policy applies with equal force on County property as it does at County-sponsored events, programs, and activities which take place off County premises.
2. Policy Objectives. By adopting and publishing this Policy, it is the intention of the County to:
 - (a) Notify employees about the types of conduct which constitute sex discrimination or sexual harassment based on gender, gender identity or expression, sex or sexual orientation prohibited by this Policy;
 - (b) Inform employees about the complaint procedures established by the County which enable any employee who believes (s)he is the victim of sex discrimination or sexual harassment to submit a complaint which will be investigated by the County;
 - (c) Clearly advise all managers and supervisory staff and employees that discriminatory treatment based on gender, gender identity, gender expression, sex, or sexual orientation, or sexual harassment of employees is strictly prohibited and no such person possesses the authority to harass or discriminate; and
 - (d) Notify all employees that the County has appointed Compliance Officers who are specifically designated to receive complaints of discrimination based on gender, gender identity, gender expression, sex, or sexual orientation or sexual harassment and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below at the end of this Policy (Paragraph H). Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted on the County's intranet Bulletin Board.

B. DEFINITIONS

"Prohibited Discrimination of Employees" Prohibited discrimination of employees can take the form of any negative treatment of an employee, by either a County employee or official, or a third party engaged in County-sponsored activities which: (a) negatively impacts an employee's employment opportunities and/or employment benefits; *and* (b) is based upon the employee's gender, gender identity, gender expression, sex or sexual orientation. Prohibited discrimination of employees can also take the form of harassment even where there is no tangible impact upon the

employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of "sexual harassment" (defined below).

"Sexual harassment" is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role

stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the County's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or

- Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with

certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

While a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits, such conduct constitutes prohibited sexual harassment.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

C. POLICY

As with discrimination involving race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, arrest record, status as a victim of domestic violence, and veteran, familial or marital status (and all other classifications as protected by Federal, State or Local law), the County prohibits discrimination on the basis of gender, gender identity, gender expression, sex or sexual orientation and will not tolerate any form of sexual harassment. The County will take all steps necessary to prevent and stop the occurrence of sexual harassment and/or sex discrimination in the workplace.

While the overwhelming majority of unlawful sexual harassment is directed at women by men, the law equally protects men from sexual harassment by women, and same-sex harassment.

All employees, including but not limited to, County officials, managers and supervisory personnel, are responsible for ensuring a work environment free from sexual harassment and sex discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of sexual harassment or sex discrimination. Employees and/or non-employees are encouraged to report violations to one of the Compliance Officers listed in paragraph H of this Policy and the County's intranet Bulletin Board, in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when instances of sexual harassment and/or sex discrimination come to their attention to assure compliance with this Policy.

Each employee is assured pursuant to paragraph F of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in paragraph H of this Policy.

D. POLICY ENFORCEMENT

1. Complaint Procedure for Employees

- a. **Notification Procedure:** Prompt reporting of complaints or concerns is encouraged so

that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of sexual harassment and/or sex discrimination is encouraged, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of sexual harassment or sex discrimination has several ways to make his/ her concerns known:

- (1) An aggrieved person who feels comfortable doing so should directly inform the person[s] engaging in the harassment or discrimination that such conduct or communication is offensive and must stop.

NOTE: Confronting the offender is NOT required. All employees have the right to file a good faith complaint without first communicating with the offender.

- (2) An aggrieved person who does not wish to communicate directly with the individual whose conduct or communication is offensive, or if direct communication with the offending party has been unavailing, shall contact a supervisor or a Compliance Officer listed in Section 8 of this Policy.
- (3) An aggrieved person alleging sexual harassment or discrimination by anyone with supervisory authority, or alleging failure of supervision to take immediate action on the individual's complaint, shall contact another supervisor or one of the Compliance Officers.

- b. **Making a Complaint:** Complaints are accepted orally and in writing. All employees are encouraged to use the County's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination, the County encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, (s)he can obtain assistance from any one of the Compliance Officers.

All complaints should include: the name of the complaining party, the name of the alleged offender(s), date of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the County's Compliance Officers, the written complaint should be personally delivered to one of the County's Compliance Officers.

Complainants are expected to cooperate with the County's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

2. **Time for Reporting a Complaint:** Prompt reporting of all complaints is strongly encouraged. Appropriate resolution of discrimination complaints and effective remedial action oftentimes is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

NOTE: NOTHING IN THIS POLICY PROHIBITS THE FILING OF A COMPLAINT WITH EITHER THE NEW YORK STATE DIVISION OF HUMAN RIGHTS OR THE FEDERAL EEOC, OR THE PURSUIT OF ANY OTHER REMEDY PERMITTED BY LAW (See paragraph J of this policy for further information).

3. **Confidentiality and Privacy:** In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the County shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the County may be required by law to contact and cooperate with the appropriate law enforcement authorities.
4. **Acknowledgment of Complaints:** Upon receipt of a written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the written complaint has been received. If the complainant does not receive such confirmation promptly, (s)he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all written complaints are received by authorized individuals, carefully processed and promptly investigated.

E. INVESTIGATION PROCEDURES

1. Timing of Investigations: The County will promptly investigate all allegations of sex discrimination and sexual harassment. The County will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.
2. Method of Investigation: Investigations will be conducted by the County's Compliance Officers, the County's legal counsel, and/or other impartial persons designated by the County. The primary purposes of all investigations under this Policy will be to determine:
 - (a) Did the conduct complained of occur?
 - (b) Did the conduct complained of violate this Policy? and
 - (c) What remedial or preventative steps, if any, are recommended?

Investigations may include: fact-finding interviews, document review, depositions, observations or other reasonable methods. The County's investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by the County employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

The County's investigators will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- (a) A list of all documents reviewed, along with a detailed summary of relevant documents;
 - (b) A list of names of those interviewed, along with a detailed summary of their statements;
 - (c) A timeline of events;
 - (d) A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - (e) The basis for the decision and final resolution of the complaint, together with any corrective action(s).
3. Notification to Complainant Party and the Accused Party: The Compliance Officer or his/ her designee, shall notify the complainant of the outcome of the investigation promptly. Such notification shall be in writing.

While reasonable efforts will be made to inform the complaining party about the outcome of investigations, the County will nonetheless consider the privacy rights of all parties involved in disseminating information obtained during and through the investigation.

The Compliance Officer or his/ her designee, shall promptly notify the person accused of violating this Policy whether a violation of this Policy was found and what remedial measures, if any, will be taken by the County.

4. Remedial Measures: The County's primary goal in responding to complaints of prohibited discrimination under this Policy is prevention. This Policy is intended to prevent all forms of sex discrimination and sexual harassment in the County and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary. Any individual who is found to have engaged in prohibited discrimination or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment. Any third party found to have engaged in sexual discrimination of an employee may be barred from County property.

F. PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Retaliation is strictly prohibited by this Policy and by law against anyone who in good faith reports a suspected violation of this Policy, who assists in making such a complaint, or who cooperates in a harassment or discrimination investigation. Please also refer to the "Non-Retaliation Policy". Retaliation means taking any adverse action in response to a complaint being made. Complaints of retaliation should be brought directly to a Compliance Officer or a supervisor. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

G. QUESTIONS

Any questions by employees of the County about this Policy or potential discrimination should be brought to the attention of one of the County's Compliance Officers. The names, addresses, and telephone numbers of the County's Compliance Officers are listed in paragraph H of this Policy.

H. COMPLIANCE OFFICERS

<u>Name</u>	<u>Title</u>	<u>Location</u>	<u>Phone Number</u>
Nathan Alderman	Personnel Officer	County Building	607-664-2345
Jennifer Demonstoy	Deputy Personnel Officer	County Building	607-664-2345

I. POLICY DISSEMINATION

The effective date of this Policy shall be August 28, 2023. Steuben County shall ensure that this Policy is adequately disseminated and made available to all employees of the County. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Compliance Officer.

J. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the County. but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

1. **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the County does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

2. The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

3. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law

4. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

SECTION 12. POLICY AGAINST HARASSMENT AND DISCRIMINATION

A. PURPOSE

Steuben County believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the County is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. As with discrimination based on gender, gender identity, gender expression, sex, or sexual orientation, and sexual harassment, it is the County's policy to provide an employment environment free from discrimination and harassment based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, , arrest record, status as a victim of domestic violence, and veteran, familial or marital status.

1. Scope of Policy: This Policy applies to all County employees and all personnel in a contractual or other business relationship with the County including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the County's exercise of control, this Policy may be applied to the conduct of non-employees with respect to unlawful harassment and/or discrimination against County employees in the workplace. This Policy applies with equal force on County property as it does at County-sponsored events, programs, and activities which take place off County premises.
2. Policy Objectives: By adopting and publishing this Policy, it is the intention of the County to:
 - (a) Notify employees about the types of conduct which constitute discrimination or harassment prohibited by this Policy;
 - (b) Inform employees about the complaint procedures established by the County which enable any employee who believes (s)he is the victim of discrimination or harassment to submit a complaint which will be investigated by the County;
 - (c) Clearly advise all supervisory staff and employees that discriminatory treatment based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status of employees is strictly prohibited and no such person possesses the authority to harass or discriminate; and
 - (d) Notify all employees that the County has appointed Compliance Officers who are specifically designated to receive complaints of discrimination based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status, and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed at the end of this Policy (Paragraph H). Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted on the County's intranet Bulletin Board.

B. DEFINITIONS

"Prohibited Discrimination": Prohibited discrimination of employees can take the form of any negative treatment of an employee, by either a County employee, supervisor or manager, or a third party engaged in County-sponsored activities which: (a) negatively impacts an employee's employment opportunities and/or employment benefits; and (b) is based upon the employee's race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status. Prohibited discrimination of employees can also take the form of harassment even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of "prohibited harassment" (defined below).

"Prohibited Harassment": Harassment can constitute a form of prohibited discrimination under this Policy if it is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based upon race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

"Prohibited Behavior": While it is impossible to list all of the possible forms of unlawful harassment, the following is a list of examples of conduct that may constitute harassment:

- Using slurs or derogatory terms based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status
- Telling derogatory jokes or stories based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status
- Displaying graffiti or other derogatory or insulting writings based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status
- Making degrading comments about a person and/or his/ her appearance based on race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status
- Demeaning or criticizing an individual because of his/ her race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status
- Sabotaging, damaging, or interfering with an individual's work because of that individual's race,

color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence, and veteran, familial or marital status

- Threatening or intimidating an individual because of his/ her race, color, creed, religion, national origin, disability, pre-disposing genetic characteristics, political affiliation, age, gender, gender identity, gender expression, sex, sexual orientation, arrest record, status as a victim of domestic violence and veteran, familial or marital status

As set forth above, this list is not intended to be all-inclusive. Furthermore, while a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits, such conduct constitutes prohibited discrimination and/or harassment.

C. POLICY

As with discrimination based on gender, gender identity, gender expression, sex, or sexual orientation, and sexual harassment, the County prohibits discrimination based on race, color, creed, religion, national origin, disability, pre disposing genetic characteristics, political affiliation, age, arrest record, status as a victim of domestic violence, and veteran, familial or marital status and will not tolerate any form of unlawful discrimination or harassment. The County will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace.

All employees, including but not limited to, County officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited discrimination and harassment. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to one of the Compliance Officers listed in Paragraph H of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this Policy.

Each employee is assured pursuant to Paragraph F of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in Paragraph H of this Policy.

D. POLICY ENFORCEMENT

1. Complaint Procedure for Employees

- a. **Notification Procedure:** Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination has several ways to make his/ her concerns known:

- (1) An aggrieved person who feels comfortable doing so should directly inform the person[s] engaging in the harassment or discrimination that such conduct or communication is offensive and must stop.

NOTE: Confronting the offender is NOT required. All employees have the right to file a good faith complaint without first communicating with the offender.

- (2) An aggrieved person who does not wish to communicate directly with the individual whose conduct or communication is offensive, or if direct communication with the offending party has been unavailing, shall contact a supervisor or a Compliance Officer listed in Section 8 of this Policy.
- (3) An aggrieved person alleging harassment or discrimination by anyone with supervisory authority, or alleging failure of supervision to take immediate action on the individual's complaint, shall contact another supervisor or one of the Compliance Officers.

- b. **Making a Complaint:** Complaints are accepted orally and in writing. All employees are encouraged to use the County's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination, the County encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, (s)he can obtain assistance from any one of the Compliance Officers or his/ her supervisor. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the County's Compliance Officers or a supervisor, the written complaint should be personally delivered to one of the County's Compliance Officers.

Complainants are expected to cooperate with the County's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

2. **Time for Reporting a Complaint:** Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of discrimination complaints and effective remedial action oftentimes is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

3. **Confidentiality and Privacy:** In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, the County shall keep complaints as confidential as is consistent with a thorough investigation and other laws and regulations regarding employees. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, the County may be required by law to contact and cooperate with the

appropriate law enforcement authorities.

4. **Acknowledgment of Complaints:** Upon receipt of a written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the written complaint has been received. If the complainant does not receive such confirmation promptly, (s)he is encouraged to contact a Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all written complaints are received by authorized individuals, carefully processed and promptly investigated.

E. INVESTIGATION PROCEDURES

1. Timing of Investigations: The County will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The County will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.
2. Method of Investigation: Investigations will be conducted by the County's Compliance Officers, the County's legal counsel, and/or other impartial persons designated by the County. The primary purposes of all investigations under this Policy will be to determine:
 - (a) Did the conduct complained of occur?
 - (b) Did the conduct complained of violate this Policy? and
 - (c) What remedial or preventative steps, if any, are recommended?

Investigations may include: fact-finding interviews, document review, depositions, observations, or other reasonable methods. The County's investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by the County employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

3. Notification to Complainant Party and the Accused Party: The Compliance Officer or his/ her designee shall notify the complainant of the outcome of the investigation promptly. Such notification shall be in writing.

While reasonable efforts will be made to inform the complaining party about the outcome of investigations, the County will nonetheless consider the privacy rights of all parties involved in disseminating information obtained during and through the investigation.

The Compliance Officer or his/ her designee shall promptly notify the person accused of violating this Policy whether a violation of this Policy was found and what remedial measures, if any, will be taken by the County.

4. Remedial Measures: The County's primary goal in responding to complaints of prohibited discrimination under this Policy is prevention. This Policy is intended to prevent all forms of unlawful discrimination and harassment in the County and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may

include: warnings, suspension, or discharge from employment. Any third party found to have engaged in discrimination or harassment of an employee may be barred from County property.

E. PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Purpose

Steuben County is committed to protecting all people from interference with making a protected disclosure or retaliation for having made a protected disclosure or for having refused an illegal order. Any County employee, including elected or appointed officials, may not retaliate against anyone who has made a protected disclosure or who has refused to obey an illegal order, nor directly or indirectly use or attempt to use the official authority or influence of his/ her position or office for the purpose of interfering with the right of a person to make a protected disclosure to the employee's immediate supervisor, department head, elected official or the Personnel Department. Retaliatory conduct will not be tolerated and may result in disciplinary action up to and including termination. Please also refer to the "Non-Retaliation Policy".

Scope of Policy

This Policy applies to all County employees and all personnel in a contractual or other business relationship with the County including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the County's exercise of control, this Policy may be applied to the conduct of non-employees with respect to unlawful harassment and/or discrimination against County employees in the workplace. Additionally, this policy will serve to address retaliation issues in relation to County policies on Harassment, Discrimination, Sexual Harassment, and Sexual Discrimination and Workplace Violence. This Policy applies with equal force on County property as it does at County-sponsored events, programs, and activities which take place off County premises. Reports of alleged County-related misconduct that are not made in good faith or an employee who intentionally files a false report of wrongdoing are not protected under this policy.

Policy Objectives: By adopting and publishing this Policy, it is the intention of the County to:

1. Ensure no hardship, no loss or benefit, and no penalty may be imposed on a person as punishment for:
 - a. Filing or responding to a bona fide complaint of discrimination or harassment;
 - b. Appearing as a witness in the investigation of a complaint; or
 - c. Serving as an investigator.
2. Ensure that all employees, including elected or appointed officials, know and understand that the County prohibits retaliation of any kind.
3. Ensure that employees, including elected or appointed officials, know what measures will be taken when retaliation is observed or reported.
4. Ensure that employees who make complaints of retaliation or provide information related to such complaints is aware this action is considered a protected activity.

Definitions

Retaliation — taking any adverse action against a person because that person has engaged in some form of "protected activity."

Protected Activity — a good faith disclosure opposing an unlawful practice prohibited by employment discrimination laws; participating in any way in an investigation, proceeding or Hearing of an Equal Employment Opportunity Charge.

Good Faith Disclosure — means disclosure of County-related misconduct made with a belief in the truth of the disclosure based upon facts. A disclosure is not in good faith if made with reckless disregard for or willful ignorance of facts that would disprove the disclosure.

County-Related Misconduct — includes any activity by a County department or by an employee that is undertaken in the performance of the employee's official duties, whether or not such action is within the scope of the individual's employment, and that is in violation of any state or federal law or regulation or County policy, including but not limited to corruption, bribery, theft of County property, fraudulent claims, fraud, coercion, conversion, discrimination, sexual harassment, civil rights violations, misuse of County property and facilities, or willful failure to perform duty.

Policy

No employee, including elected or appointed officials, of the County shall engage in retaliation in response to a protected disclosure or to the filing of a complaint. Actions are considered retaliatory if they are in response to a good faith disclosure or real or perceived County-related misconduct and the actions have a materially adverse effect on the working conditions of the employee, or if the employee can no longer carry out his/ her County responsibilities. The County will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to appropriately counsel/discipline the perpetrators of retaliation. The act of a good faith disclosure of County-related misconduct shall not be used to make any decision to the employee's detriment, or to subject the employee to harassment such that it creates a hostile work environment. To encourage and protect employees, it is County policy that no reference to the good faith disclosure of County-related misconduct shall be made in personnel files, letters of recommendation, performance appraisals, or any other permanent evaluative documents without the concurrence of the employee. Those who make disclosures not in good faith may be disciplined up to and including termination. Irrespective of the origin or the intent of the allegations, in the event the allegations are not substantiated, the County in consultation with the accused shall take all reasonable steps within the control of the County to restore the reputation of the accused to the extent that it was damaged by the investigation and proceedings, for example, expunging all references to the allegations in the personnel records of the accused.

Examples of Retaliation/Adverse Employment Actions Includes but may not be limited to:

1. Promotion or denial of promotion;
2. Refusal to hire;
3. Threats or reprimands;
4. Negative job performance evaluations;
5. Harassment;
6. Adverse treatment, suspension, or a discharge;
7. Poor work assignments.

Examples of Protected Activity Includes but may not be limited to:

1. Complained/reported a problem with discrimination, including sexual harassment and all other categories (race and national origin, age, gender, pregnancy, disability, and religion)
2. Complained/reported safety issues
3. Requested accommodations of a disability
4. Filed workers compensation claim
5. Served as a witness at an unemployment hearing

6. Were a whistleblower
7. Refused to violate the law or a code of ethics
8. Sued the County under certain laws such as the discrimination laws, whistleblower laws and benefit-related laws
9. Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either 1) an improper governmental activity or 2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

Counseling/Discipline

Anyone who violates the non-retaliation policy may be subject to disciplinary action. Following an appropriate investigation and subject to the procedures which are part of the policies governing the County, an employee, supervisor, department head, may be subject to counseling/discipline, including but not limited to:

1. Counseling
2. Reprimand
3. Fine
4. Suspension
5. Demotion
6. Termination

Procedures

Note that the confidentiality of the employee making the good faith disclosure will be maintained, unless it becomes necessary to disclose the identity to conduct a thorough investigation, to comply with the laws and to provide the accused individual(s) their legal rights of defense. All reports of illegal and dishonest activities should be promptly submitted to the supervisor, department head, elected official or Personnel Department. At any time before the complaint is fully resolved, the complainant may submit a request to the responsible supervisor, department head, elected official, or the Personnel department to take interim actions to protect the complainant against any adverse action. The Personnel Department is responsible for investigating and coordinating any Corrective action.

G. QUESTIONS

Any questions by employees of the County about this Policy or potential discrimination should be brought to the attention of one of the County's Compliance Officers. The names, addresses, and telephone numbers of the County's Compliance Officers are listed in paragraph H of this Policy.

H. COMPLIANCE OFFICERS

<u>Name</u>	<u>Title</u>	<u>Location</u>	<u>Phone Number</u>
Nathan Alderman	Personnel Officer	County Building	607-664-2345
Jennifer Demonstoy	Deputy Personnel Officer	County Building	607 664-2345

I. EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy shall be August 28, 2023. Steuben County shall ensure that this Policy is adequately disseminated and made available to all employees of the County. In addition, copies of this

Policy and Complaint Form shall be maintained in the office of each Compliance Officer.

Vote: Roll Call – Adopted.

A M E N D E D

RESOLUTION NO. 180-23

Introduced by H. Lando.

Seconded by P. Van Caesele.

DESIGNATING THE STEUBEN COUNTY CONFERENCE & VISITORS' BUREAU AS THE OFFICIAL TOURISM PROMOTION AGENCY FOR THE COUNTY OF STEUBEN.

Pursuant to Article 5 of the County Law of the State of New York.

WHEREAS, the Steuben County Agriculture, Industry & Planning Committee (AIP) in its administrative function for tourism matters is qualified to recommend the appropriate agency for official Tourism Promotion Agency (TPA) designation; and

WHEREAS, the State of New York has made available to its counties “matching funds” for the promotion of tourism; and

WHEREAS, the New York State Tourist Promotion Act requires the legislature of each county to designate a Tourism Promotion Agency as the applicant for, and the recipient of such funds; and

WHEREAS, the Steuben County Conference & Visitors' Bureau is charged with the duty to promote tourism within Steuben County.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature hereby designates the Steuben County Conference & Visitors' Bureau as the official Tourism Promotion Agency for the County of Steuben; and be it further

RESOLVED, the President of the Steuben County Conference and Visitors' Bureau shall report any changes that may occur in State tourism funding requirements to the Steuben County Manager; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Kevin Peterson, President, Steuben County Conference and Visitors' Bureau, Inc., 1 West Market Street, Suite 201, Corning, New York 14830.

Mr. Wheeler noted that during the AIP Committee, Mr. Kuhl had asked if there needed to be a time requirement for this designation. After speaking with Mrs. Scotchmer and Ms. Prossick, we have determined that there does not need to be a time frame. You can adopt the resolution as is, or you can remove the time period and not have to bring it back for approval each year.

Motion amending the resolution by removing the text in the first Resolved, “...for the period January 1, 2024 through December 31, 2024...” made by Mr. Kuhl, seconded by Mr. Van Caesele and duly carried.

Vote: Roll Call – Adopted.

Motion to Adjourn made by Mr. Potter, seconded by Mr. Horton and duly carried.