

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 2-1
 PERM. NO. : 125-23 INTRO. DATE: 06/26/2023

INTRO. BY : G. Swackhamer SECONDED BY : P. Van Caesele

VOTE:

ROLL CALL	<u> X </u>	YES	<u> 8831 </u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> 0 </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u> 0 </u>	POSTPONED	<u> </u>		<u> </u>
	<u> </u>	ABSENT	<u> 527 </u>	REF'D/COM	<u> </u>		<u> </u>

COMMITTEES:

Y: N: Y: N: Y: N:

TITLE: 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, as to the properties contained in Schedule "A", the Steuben County Commissioner of Finance is authorized and directed to cancel any unpaid taxes against the properties; and to issue a certificate of withdrawal; and to issue a certificate of prospective cancellation, pursuant to Real Property Tax Law §558, as approved by the Steuben County Finance Committee on June 13, 2023; and be it further

RESOLVED, as the Steuben County Land Bank Corporation desires to purchase certain foreclosed properties from the County of Steuben for the purposes of strengthening and revitalizing the economy of the County and to foster the development of such property and promote economic growth, pursuant to Not-For-Profit Corporation Law §1608(c); and the Steuben County Commissioner of Finance having confirmed that the consideration offered is sufficient to make the County whole; and due to the foregoing it is determined to be in the best interest of the County to convey the property(ies) listed on Schedule "B" to the Steuben County Land Bank Corporation for the consideration offered and as approved by the Steuben County Finance Committee on June 13, 2023, pursuant to Not-For-Profit Corporation Law §1608(c). The said grantee(s) must accept the parcel(s) contained in Schedule "B" "as is" together with the obligation of removing any persons, if any, claiming any interest in the parcel(s) if need be; and be it further

RESOLVED, as it appears to be in the best interest of the County to sell the property(ies) listed on Schedule "C" for the consideration offered, the Steuben County Commissioner of Finance is hereby 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 June 13, 2023. The said grantee(s) 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, 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 Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District; 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 Chairman of the Board of Assessors of the appropriate municipality, the Clerk of the Board of Education of the appropriate School District; and certified copies of this resolution contained in Schedule "C" shall be forwarded to the Steuben County Commissioner of Finance, the Director of the Steuben County Real Property Tax Service Agency, the Chairman 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).


STATE OF NEW YORK)

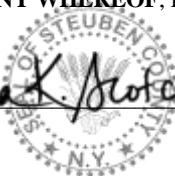
ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.





SCHEDULE "A"

Resolution No.	Parcel No.	Name	Municipality	Tax Yr(s)	Disposition
A-1	559.00-05-007.000	Reliance Globalcom Services	Hornell City	2016-2023 City School, 2017-2023 City, and 2017 & 2019-2024 Town & County Taxes	Cancellation of Void City School, City, and Town & County Taxes; Issue Certificate of Withdrawal & Certificate of Prospective Cancellation

SCHEDULE "B"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
B-1	Barnes, Alan & Philips, Michelle	2021-1173CV, Judgment filed 5/8/2023	224.06-01-021.000	Campbell Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$6,723.33, inclusive of recording fees
B-2	Manwaring, Beverly	2021-1173CV, Judgment filed 5/8/2023	244.01-01-003.000	Campbell Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$4,523.25, inclusive of recording fees
B-3	Glass, Nadine	2021-1173CV, Judgment filed 5/8/2023	318.19-01-014.000	Corning Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$6,146.83, inclusive of recording fees
B-4	Brush, Pamela	2021-1173CV, Judgment filed 5/8/2023	317.00-03-074.000	Corning Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$8,762.74, inclusive of recording fees
B-5	Young, Joseph	2021-1173CV, Judgment filed 5/8/2023	318.11-01-035.000	Corning Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$8,010.08, inclusive of recording fees
B-6	Truesdale, Carlton & Linda	2021-1173CV, Judgment filed 5/8/2023	337.04-01-074.000	Corning Town	Steuben County Land Bank, 3 E Pulteney Sq, Bath, NY 14810	\$17,900.09, inclusive of recording fees

SCHEDULE "C"

Resolution No.	Former Owner	In Rem Index No.	Parcel No.	Municipality	Grantee(s) Name & Address	Consideration
C-1	Radford, Anjela	2021-1173CV, Judgment filed 5/8/2023	299.14-04-005.000	Corning Town	Steuben County Habitat for Humanity, 3412 NY-414 Corning NY 14830	\$11,085.06, plus recording fees

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 3-2
PERM. NO. : 126-23 INTRO. DATE: 06/26/2023

INTRO. BY : S. Van Etten SECONDED BY : J. Malter

VOTE:

ROLL CALL	<u> </u>	YES	<u> </u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> X </u>	ABSTN'D	<u> </u>	POSTPONED	<u> </u>		
		ABSENT	<u> </u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: RECEIVING AND ACCEPTING THE JUNE 26, 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:

May 15, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling granting The Town of Fremont's motion to reconsider evidentiary hearing location on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$78,634; which represents the net revenue for the first quarter of 2023 (\$77,359) combined with the March 2023 surcharge revenues (\$1,275) for Steuben County. *Referred to: Administration and Finance Committees; and Tammy Hurd-Harvey, Commissioner of Finance.*

May 18, 2023

NYS Homes and Community Renewal – Re: Notification of the grant agreement 30 day completion and termination notice for the NYS CDBG Project #1115WS127-20 (Steuben County Wells and Septic Systems) is June 23, 2023. *Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.*

May 19, 2023

Eight Point Wind, LLC – Re: Status of the restoration and clean-up process of the Eight Point Wind site following the turbine malfunction in late March. *Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.*

Federal Energy Regulatory Commission – Re: Notice of the scoping period requesting comments on environmental issues for the proposed Greenwood and North Greenwood storage fields abandonment project need to be received by June 14, 2023 (Docket No. CP23-214-000). *Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.*

May 24, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Notice of the evidentiary hearing on the Baron Wind LLC Project (Case#15-F-0122) is scheduled for 11:00am on Tuesday, June 6 2023 at the Fremont Town Hall located at 8217 Cream Hill Road, in Arkport, NY *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

May 25, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Notice of the ruling on contested issues subject to adjudication and witnesses subject to cross-examination in the evidentiary hearing on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

June 1, 2023

NYS Department of Transportation – Re: Notification of the initiated payment for the 1st quarter 2023 Statewide Mass Transportation Operating Assistance (STOA) program. *Referred to: Marie Myers Shearing, Planning Director; and Brenda Scotchmer, Clerk of the Legislature.*

June 2, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Notice of the ruling establishing the criteria and procedures for admission of evidence to the record at the evidentiary hearing for the phase II project; and denying admission of updated testimony and exhibits for the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

Pandion Optimization Alliance – Re: Annual Disclosure Notice in compliance with the Medicare/Medicaid Fraud and Abuse Law. *Referred to: Darlene Smith, Public Health Director; Kathy Muller; Commissioner of Social Services; Tammy Hurd-Harvey; Commissioner of Finance and Jennifer Prossick, County Attorney.*

June 7, 2023

NYS Board on Electric Generation Siting and the Environment – Re: Ruling finding limited waiver of attorney-client privilege on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,244, which represents the April 2023 surcharge payment for Steuben County. *Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.*

June 9, 2023

Corning Incorporated – Re: Fact sheet on two environmental studies being conducted at the Guthrie Center Way and Guthrie Clinic (North) properties located in Corning, N.Y. (NYSDEC Project #851051 & #851062). *Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.*

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and Eight Point Wind, LLC tax agreement; and RP-412-a form for various properties located in Steuben County. *Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.*

June 12, 2023

NYS Office of Parks, Recreation and Historic Preservation – Re: Notification of the Prattsburgh Commercial Historic District located on Main Street in Prattsburgh, NY 14873 is now listed on the National Register of Historic Places. *Referred to: A.I.P. Committee; Marie Myers Shearing, Planning Director; and Emily Simms, County Historian.*

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 4-3
PERM. NO. : 127-23 INTRO. DATE: 06/26/2023

INTRO. BY : B. Schu SECONDED BY : G. Swackhamer

VOTE:

ROLL CALL	<u> </u>	YES	<u> </u>	AMENDED	<u> X </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> X </u>	ABSTN'D	<u> </u>	POSTPONED	<u> </u>		<u> </u>
		ABSENT	<u> </u>	REF'D/COM	<u> </u>		<u> </u>

COMMITTEES:

Admin. Y: N: Y: N: Y: N:

TITLE: PRESENTING THE REVISED *RULES OF PROCEDURE* OF THE STEUBEN COUNTY LEGISLATURE.

Pursuant to §153 of the County Law of the State of New York.

WHEREAS, a comprehensive proposed revision of the *Rules of Procedure* of the Steuben County Legislature was presented to the Administration Committee on June 13, 2023, for review and the proposed revisions were approved, as amended; and

WHEREAS, said draft has been filed with the Clerk of the Legislature of the County of Steuben and distributed to the individual members of the Legislature, distribution of the same being acknowledged and recorded as a matter of record.

NOW THEREFORE, BE IT

RESOLVED, the revisions and amendments contained in the draft *Rules of Procedure* of the Steuben County Legislature dated June 13, 2023, are hereby presented.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




| ~~(AMENDED 05/19/14)~~

| DRAFT 06/13/23

**RULES OF PROCEDURE
STEUBEN COUNTY
LEGISLATURE**

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STEBEN COUNTY LEGISLATURE

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1. ORGANIZATION OF THE LEGISLATURE

Each even numbered year the Clerk of the Legislature shall take the Chair at the hour to which the members were summoned to meet and organize. Presence of Legislators sufficient to constitute a majority of the voting strength of the entire Legislature shall constitute a quorum and a majority vote of the legislative membership necessary for the election of a chairperson to serve for the period prescribed by law and these Rules of Procedure for two years and for the transaction of business, but a less number may adjourn. The Clerk shall call the meeting to order and open the meeting for the election of one of its members as temporary chairperson by a majority vote of the voting strength. According to the will of such majority, the temporary chairperson, majority or minority leader, shall open the meeting for nominations and elections, or declare an Executive Session or Caucus. After such Caucus or Executive Session, the Legislature shall again meet in open session.

a. The procedure to nominate, vote and declare the result shall be as follows:

(1). Nominations of candidates shall be made from the membership of the Legislature and each nomination shall be seconded.

(2). After nominations have been duly closed, the procedure of voting shall be by roll call vote. The roll will be called for each candidate in alphabetical order. In the event no candidate receives an affirmative vote of the majority of the voting strength of the legislative membership on the first roll call vote and there should be no declared winner after the second roll call vote on the candidates originally voted on then, in such event, the candidate with the fewest votes shall be eliminated after the second roll call vote. If there shall not have been a majority vote for a candidate after the taking of a third roll call vote, the same provision would apply after the fourth roll call vote and any further votes which may be necessary depending upon the number of candidates in nominations, for election of the Chairperson of the Legislature.

If, after any even numbered vote, there is no one candidate with fewer votes, then every candidate shall remain in contention until one person receives fewer votes than all the other candidates. In any event, should there be two (2) Legislators in contention for election as Chairperson, they shall continue to remain in contention until such time as one receives the requisite affirmative vote of the majority of the voting strength of the Legislature.

In the absence of the Clerk of the Legislature, the Deputy Clerk of the Legislature shall perform the duties of the Clerk.

In the event no chairperson is elected, the legislative membership shall have the power by majority vote to name an acting chairperson, who shall preside over meetings until a chairperson is elected by the Legislature. The acting chairperson shall possess no powers nor perform any duties other than to preside over a meeting. In the event a chairperson is not elected before February 1 in an organizational year, or if a vacancy shall occur for more than 30 days, the chairperson shall be appointed by the County Clerk.

b. The election of the Vice-Chairperson of the County Legislature shall follow the same procedure as the election of the Chairperson of the County Legislature, provided above. The Vice Chairperson shall be vested with the powers, duties and responsibilities as provided in County Law Section 151, Subdivision 6-a. and in accordance therewith. In the absence of the Chairperson and Vice Chairperson, the Majority Leader shall preside over a meeting of the Legislature. In the absence of the Chairperson, Vice Chairperson and Majority Leader, the Minority Leader shall preside over a meeting of the Legislature. In the event the Vice-Chairman position is not filled on or before February 1 in an organizational year, or if a vacancy shall occur for more than 30 days, the position shall be filled in the same manner as Chairperson of the Legislature.

c. In the absence of the Chairperson, Vice Chairperson, Majority Leader and the Minority Leader, the Legislature by a majority vote may elect a temporary chairperson to preside over meetings during the absence of the Chairperson, Vice Chairperson, Majority Leader and Minority Leader. The temporary chairperson shall be elected in the same manner as the chairperson to serve for that meeting only.

In the event of a vacancy in the office of Chairperson, the Vice-Chairperson, Majority Leader or Minority Leader, as provided above, of the Legislature shall summon the members of the Legislature to a meeting for the purpose of filling the vacancy. The successor shall be elected in the same manner as at the meeting to organize. In the absence of the Vice-Chairperson, Majority Leader or Minority Leader of the Legislature, the summons shall be given by the Clerk of the Legislature and (s)he shall preside. The Legislator receiving the requisite affirmative vote of the weighted voting strength of the membership of the Legislature shall be declared elected and shall serve for the unexpired term of chairperson.

In the event no successor chairperson is elected, the Legislature by majority vote shall have the power to name an acting chairperson, who shall preside over meetings until a chairperson is elected by the Legislature or appointed by the County Clerk. The acting chairperson shall possess no powers nor perform any duties other than to preside over a meeting.

d. The procedure for designation of majority and minority leaders shall be as follows:

Each even numbered year the political parties having the largest and next to largest membership represented on the County Legislature shall elect from among their members a leader. The leader of the political party having the greatest membership on the Legislature shall be known as the "majority leader", and the leader of the political party having the next greatest membership on the Legislature shall be known as the "minority leader". A resolution appointing the Majority Leader shall be presented and approved by the majority of the members of the political party having the greatest membership on the Legislature. A resolution appointing the Minority Leader shall be presented and approved by the majority of the members of the political party having the next greatest membership on the Legislature. Said resolutions shall be adopted by roll call vote. The appointment of the Majority Leader and Minority Leader must be accomplished before February 1 of the year in which the Legislature is organized.

If either or both such leader(s) is/are not elected on or before said February 1, then the Clerk of the Legislature shall solicit nominations for same from the Chairperson of the affected party or parties. That nomination shall be placed before the Legislature at the next regular meeting and shall, upon vote of the membership of the members of that party or parties, be elected to said position by a simple majority vote of the Legislators of that party then in attendance. Such nomination shall be of a member of the party so nominated and a member of the Legislature.

2. TIME OF MEETINGS, AGENDA AND PRESENTATION OF RESOLUTIONS

Regular meetings shall be convened on the fourth Monday of each month at 10:00 A. M., in the Legislative Chambers located in the County Office Building, Village of Bath, New York, unless the Legislature or Chairperson of the Legislature specify another meeting day, time or place in a notice mailed at least one week previous to the meeting. At least four days previous to the meeting, the Clerk shall prepare and post on the County website an agenda containing the titles of all resolutions, legalizing acts and local laws or other business contemplated for consideration at such meeting under general orders for the day. Notification of the posting of said agenda shall be made by email to each Legislator, county department official, media and the Presidents of the three bargaining units representing the employees of Steuben County. There shall be at least one regular meeting per calendar month.

Special meetings may be convened at any time in compliance with Section 152 of the County Law of the State of New York.

In order to place a resolution on the Legislature's agenda, each Legislator may submit the same to be approved by the appropriate Standing Committee. In order for a county officer to place a resolution on the Legislature's agenda, each county officer must review the item with the County Manager prior to submitting the resolution to the appropriate Standing Committee for approval. It is recommended that resolutions be in written form when submitted to Committees for approval. A resolution that involves an additional appropriation or a transfer of funds shall also be presented to and approved by the Finance Committee prior to being placed on the agenda. A resolution that involves the salaries and compensation of county employees shall also be presented to and approved by the Administration Committee prior to being placed on the agenda. When requested by a Legislator, the Clerk of the

Legislature shall prepare proposed resolutions. Resolutions shall be written by the Department Head presenting the item in Standing Committee. Any proposed Local Laws shall be written by the County Attorney. All resolutions shall be approved as to form by the County Attorney prior to being presented. All resolutions shall be provided to the County Attorney at least eleven (11) days prior to the regular meeting.

Any resolutions requiring action by the Legislature at such meeting which are not filed as above stated and not on the agenda for such meeting will not be entertained unless of an emergent nature requiring immediate action duly authorized by unanimous, affirmative vote of the Legislators attending such meeting of the Legislature, or the number required pursuant to Rule 168B(7).

3. CALL TO ORDER OF OPEN MEETINGS

The Chairperson shall take the chair at the hour to which the Legislature shall have adjourned, recessed, or called to convene. The statement by him that "the Legislature will come to order" shall open the meeting. Presence of Legislators sufficient to constitute a majority of the voting strength of the entire Legislature shall constitute a quorum and a majority vote of the membership of the Legislature necessary for the transaction of business. A lesser number may recess or adjourn. The Chairperson shall cause the roll to be called of those present. The Clerk shall enter in the minutes "quorum present", and subsequently record late arrivals.

4. USE OF VIDEOCONFERENCING TO CONDUCT OPEN MEETINGS, UNDER EXTRAORDINARY CIRCUMSTANCES

Pursuant to Local Law No. 2 of 2022, members of the Legislature shall be physically present at Legislative meetings, unless allowed remote attendance at locations that do not allow for in-person physical attendance by the public, under extraordinary circumstances. Extraordinary circumstances shall include but not be limited to: disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. Members shall provide notice of their inability to attend a meeting to the Clerk of the Legislature's Office at least 24 hours prior to the meeting, or as soon as practicable. The Chair of the Legislature shall retain discretion over permitted extraordinary circumstances.

45. ORDER AND DECORUM AT OPEN MEETINGS

The Chairperson shall preserve order and decorum at all times. In the event of demonstrations interfering with the orderly conduct of business, the Legislature may recess, or the Chairperson may call upon the office of the Sheriff to restore order.

56. PRESENCE OF PUBLIC AT OPEN MEETINGS

The meeting shall be open to the public and the Chairperson may designate the places where the public and press may be seated.

Members of the public wishing to address the Legislature must sign in at least 5 minutes prior to the start of the meeting and provide their name, address and the subject matter. The Chairperson of the Legislature shall decide if a member of the public shall be entitled to address the Legislature subject to a majority vote of the Legislature to the contrary. In any event, ten (10) minutes of each regular meeting shall be made available to the public to address the Legislature, however, the Legislative Chair has the authority to extend this time. Members of the public may submit comments in writing to the Clerk of the Legislature's Office via email. Written comments must be submitted prior to 8:00 a.m. the day of the scheduled Legislative Meeting for them to be read into the record of the meeting.

In bringing matters before the Legislature for consideration, the Chairperson shall consider the number desiring to speak and its importance, in order that the number and time may be allotted commensurate with courteous recognition of the privilege of the public to attend and be heard. The Chairperson shall determine the order in which

matters shall be presented and those speaking shall confine their remarks to the subject matter and refrain from personal reflections other than to explore an ulterior motive, and shall be of no more than ~~five-three (53)~~ minutes duration. Subject to a majority vote of the Legislature to the contrary, the speaker shall take ~~his-their~~ seat upon request of the Chairperson.

67. PRESENCE OF COUNTY OFFICERS AND EMPLOYEES AT OPEN MEETINGS

Upon request of the Chairperson, or of any Legislator, a designated county officer or employee shall attend the meeting and answer any questions pertinent to ~~his-their~~ office or employment. Any county officer may attend and present upon any matter pertaining to their office under "Reports of County Officers". Subject to a majority vote of the Legislature to the contrary, the Chairperson shall determine the order in which the matters are to be presented. The Clerk shall enter in the minutes the presence of the officer or employee and in brief the subject matter. The County Attorney and County Manager shall be present during all of the meetings, unless excused by the Chairperson. Department Heads need not be in attendance at said meetings unless an item pertaining to their department is contained in the agenda.

78. ORDER OF BUSINESS AT OPEN MEETINGS

Subject to a majority vote of the Legislature to the contrary, the Chairperson shall decide all questions on the order in which business is to be transacted. "I rise to the point of order", or similar statement on the part of a Legislator shall require the Chairperson to decide the question of order and ~~he will~~ assign ~~his-the~~ reasons therefore. Upon a Legislator saying he appeals the decision, the Chairperson shall put the question of order to a vote of the Legislature. The result of a majority vote of the Legislature shall be final. The Clerk shall enter in the minutes that the Chairperson was "sustained" or "reversed", as the case may be.

Unless otherwise determined, the order of business shall be as follows:

- a. INVOCATION shall be offered at the beginning of each and every open meeting of the Steuben County Legislature on a rotating basis of all Legislators wishing to participate.
- b. THE PLEDGE OF ALLEGIANCE to the Flag of the United States of America shall follow the Invocation at each and every open meeting of the Steuben County Legislature on a rotating basis of all Legislators wishing to participate.
- c. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING. The Chairperson shall inquire of the Legislature whether or not there are any errors or omissions in the printed minutes. Correction of any error or omissions shall be made. The Chairperson shall announce that the minutes as printed or as corrected are approved and the Clerk shall enter in the minutes a statement to that effect.
- d. PRESENTATION OF REPORTS OF STANDING COMMITTEES. Written reports shall be signed by a majority of the committee membership. In the event of a divided recommendation, the majority and minority reports shall be signed by the respective committee membership. Written reports shall be received and directed to be printed in the annual proceedings of the Legislature unless it contains slanderous or defamatory statements. The Legislature by majority vote may require oral reports to be reduced to writing.
- e. PRESENTATION OF REPORTS OF SPECIAL COMMITTEES. The foregoing provision relative to standing committees shall apply to the reports of special committees.
- f. PRESENTATION OF REPORTS OF COUNTY OFFICERS AND AUTHORIZED AGENCIES. The foregoing provision relative to reports of standing committees shall apply to the reports of county officers and authorized agencies. Except for the County Manager, all oral reports shall in no event exceed ten (10) minutes duration. However, the Chairman shall have discretion to grant an extension of such time limit, as he deems appropriate. The limitation of ten (10) minutes shall not apply to presentations requested

pursuant to subparagraph "g" herein, "GENERAL ORDERS FOR THE DAY AND INTRODUCTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS".

g. GENERAL ORDERS FOR THE DAY AND INTRODUCTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS. The Chairperson shall call for consideration such matters as are included on the agenda. The Chairperson may call for consideration of any matter included within ~~his~~ the Chair's powers and duties as the administrative head of the county government. The Legislature may consider any matter not included on the agenda, except that any subject matter theretofore laid upon the table shall not be considered under general orders for the day.

h. UNFINISHED BUSINESS. The Chairperson shall call for the reconsideration of any subject matter therefore laid upon the table if in the resolution it was directed to be brought up at the meeting. When, in the previous resolution, no time was specified for its reconsideration, it can be called for reconsideration upon a majority vote of the Legislature.

i. ADJOURNMENT. Adjournments shall be taken to a certain date or to the date of the next regular meeting, except that the last meeting of the year shall be adjourned.

89. PROCEDURE ON ADOPTION OF RESOLUTIONS, LEGALIZING ACTS AND LOCAL LAWS

The reading of the title of a written resolution, legalizing act or local law, together with the name of the sponsoring Legislator shall constitute a motion for its adoption. All motions must be seconded. In proposing an oral resolution, the Legislator shall state the contents of ~~his~~ the resolution, together with a statement in substance, "I offer the resolution and move its adoption". In the absence of a motion to withdraw, to amend, to table or to substitute, the Chairperson shall put the resolution to a vote of the legislative membership.

Except as hereinafter provided, the vote shall be by acclamation, with the Chairperson announcing, "you have considered the resolution, all in favor signify by saying aye, opposed no". The Chairperson shall declare the results and the Clerk shall enter the result in the minutes. Upon request of any Legislator, the Clerk shall enter in the minutes the manner in which he voted.

The ayes and nays shall be taken on all resolutions or questions requiring a roll call vote of the Legislature when required by statute, or demanded by any member of the Legislature. In general the vote of the Legislature shall be taken by roll call on all resolutions or on questions involving appropriation or expenditure of money and on all money or financial matters of the county, and the following types of resolutions or questions:

- a. Final Adoption of Local Laws.
- b. Legalizing acts.
- c. Levying taxes on all tax matters.
- d. Making or confirming appointments, except those in the exclusive discretion of the Chairperson the Legislature and for those which no compensation or salary is made.
- e. Pertaining to any and all real and personal property of the county, now owned or acquired in any manner.
- f. Creating any office or commission, by whatever title known, when not required by local law; or creating a standing committee.
- g. Regulations concerning any and all county officers and employees including the Chairperson of the Legislature and Legislators.
- h. Designating official newspapers and depositories.

- i. Amending County Highway system map.
- j. Proposing legislation requested of the State of New York when it relates to Municipal Home Rule Requests for the benefit of the County of Steuben.
- k. Submission of any proposition to the electors of the county.
- l. Relating to public records.
- m. Amendments, repeal or superseding of these Rules.

Upon a roll call vote the Chairperson shall announce that the Legislature has considered the resolution, legalizing act or local law, as the case may be, and as each name is called, the Legislator shall answer aye-yes or no. The Clerk shall record the vote of each Legislator. The names of absent Legislators need not be called more than once. Any Legislator may decline to vote and shall state his-the reason, subject to a majority vote of the Legislature to the contrary. The Clerk shall use a revolving alphabetical order on all roll call votes.

No Legislator may vote upon a resolution in which he-the Legislator has a personal interest.

Every resolution, legalizing act, local law and proposition for its adoption by the Legislature shall require the affirmative vote of a majority of the voting strength of the entire Legislature. A majority of the voting strength is hereby defined as 4,9374,680 votes of the membership of the Legislature except as otherwise provided by law or these rules. An affirmative vote of 5,9245,615 votes of the membership shall be necessary to adopt a resolution, legalizing act, local law and proposition by a three-fifths vote of the legislative membership; an affirmative vote of 6,5826,232 votes of the membership shall be necessary to adopt a resolution, legalizing act, local law and proposition by a two-thirds vote of the legislative membership; an affirmative vote of 7,4047,019 votes of the membership shall be necessary to adopt a resolution, legalizing act, local law and proposition by a three-fourths vote of the legislative membership; and an affirmative vote of 7,8987,486 votes of the membership shall be necessary to adopt a resolution, legalizing act, local law and proposition by a four-fifths vote of the legislative membership.

The vote shall be counted and the Chairperson shall declare the result. The Clerk shall enter in the minutes and shall cause to be printed in the annual proceedings the vote of each Legislator and the declaration of the Chairperson on the result. When the vote is not unanimous the names of those voting in the minority and the names of absentees will be printed.

While a vote is being taken, no Legislator or person shall leave his-their seat nor engage in conversation.

A resolution duly moved for adoption and seconded may not be withdrawn by the sponsoring Legislator except in conformity with Robert's Rules of Order permitting the withdrawal of a motion. A motion to lay on the table, postpone to a date certain or to refer to a committee or to recess, or to adjourn, which is duly seconded shall be put to a vote of the legislative membership before any further business is transacted and the result of a majority vote of the legislative membership shall be final.

After a resolution has been duly moved for adoption and seconded and before it is put to a vote of the legislative membership, any Legislator may move to modify the terms of the resolution in one or more particulars. If the sponsoring Legislator(s) accept(s) the amendment, the resolution shall be put to a vote of the legislative membership as if the original resolution had been so amended. If an amendment is not accepted by the sponsoring Legislator and it has been seconded, the Chairperson shall first put an amendment to a vote of the legislative membership. In the event of more than one amendment duly made and seconded, the Chairperson shall put the amendments to a vote of the legislative membership in the reverse order thereof. If the amendments are not voted by the required number of the legislative membership, the Chairperson shall then put to a vote the original resolution without amendment.

Resolutions may be amended, repealed or superseded.

Following presentation of a Local Law to the full Legislature, said Local Law shall be laid upon the desks of members of the Legislature until the next regularly-scheduled meeting where it will be presented for Final Adoption following the holding of a public hearing. If the proposed local law is amended, it shall be rewritten and reproduced

in its amended form. Pursuant to Municipal Home Rule §20(4), said local law, as amended, shall be laid upon the desks of members of the Legislature (proposed Local Laws shall be deemed laid upon the desk of a member of the Legislature when it is either: deposited in the Legislator's mail box maintained by the Steuben County Legislature; sent via email; and/or posted on the County website) at least seven calendar days, exclusive of Sunday, before it may be acted upon.

The Chairman of the Legislature shall have authority to certify as to the necessity for a Local Law's immediate passage. Upon the declaration of a message of necessity, the required waiting time can be waived and such Local Law may be passed by the affirmative vote of two-thirds of the total voting weight of the Legislature, following the holding of a public hearing. Simultaneously with the placement and mailing of the proposed Local Law to members of the Legislature, a public hearing shall be set by the Clerk of the Legislature relative to the adoption of said proposed Local Law for the next scheduled meeting of the Legislature and, in no case, sooner than five calendar days.

910. FORM AND CONTENTS OF RESOLUTIONS

All resolutions required to be voted upon by roll call vote shall be in writing. There shall be a title prefixed concisely stating the contents and a recital of the provision of law authorizing its adoption and whether it amends, repeals, or supersedes a previous resolution.

The contents shall embrace but one subject. A provision therein relative to the manner of financing necessary to make its object effective shall not be deemed another subject.

When a committee resolution sponsored by a Committee Chairperson is introduced to the full Legislature it will include a notation of the vote of each committee to which it has been presented, i.e., 5-0, 4-1, 3-2, 3-0, 3-1, or submitted to the Legislature for their consideration without committee recommendation of any nature.

101. RIGHT OF DEBATE IN OPEN MEETINGS

All motions duly made and seconded are debatable. No debate shall be allowed upon the main question, when the motion is to refer to a committee, go into an executive session or caucus, lay a resolution on the table, postpone a resolution to a date certain, recess, or adjourn. No person other than a Legislator may debate a question without permission of all the Legislators present. The County Attorney shall advise the Legislature on legal questions. No Legislator shall speak more than once on the same question until every member desiring to speak on such question shall have spoken. No Legislator may speak more than twice on any question without permission of a majority vote of the legislative membership. Before speaking, a Legislator must be recognized by the Chairperson and, when two or more Legislators shall rise at the same time, the Chairperson shall determine whom they will recognize. In speaking, the Legislator shall confine his remarks to the question and refrain from personal reflections other than to expose an ulterior motive. While speaking, any other Legislator may rise and ask if the speaking Legislator will yield to a question. If the speaking Legislator yields, the question may be asked and answered without prejudice to the Legislator in continuing his-their remarks. While a Legislator is speaking, no other Legislator or other person shall engage in any conversation nor pass between him and the Chair. If a Legislator rises to the point of order, the Chairperson shall decide and may assign his-the reasons therefore. Upon a Legislator appealing from the decision, the Chairperson shall put the question of a violation to the vote of the Legislature. The majority vote of the legislative membership shall be final and the Clerk shall enter in the minutes that the Chairperson was "sustained" or "reversed", as the case may be. Pending the rising to the point of order, and until the decision or vote is taken and declared, the speaking Legislator shall sit down and refrain from talking.

When the Legislators are ready for the question, the Chairperson shall put the main question to a vote of the legislative membership. When it appears that a question should be divided, a motion may be made dividing the question and such motion shall take precedence.

142. USE OF A GAVEL IN OPEN MEETINGS

The Chairperson shall rap the gavel three times to bring all Legislators to their seats upon [the call to order](#) of the Legislature, or to restore order; two raps for the legislative members to stand and one rap to sit down and in the announcement of the result of a vote by the legislative membership.

~~12. CHAIRPERSON TAKING THE FLOOR IN OPEN MEETINGS~~

~~Whenever the Chairperson desires to make a motion or be recognized in entering into a debate, he shall step down from the chair. The Vice Chairperson of the Legislature shall take the chair and he shall preside as in the case of a temporary chairman. In the absence of the Vice Chairperson, the Chairperson the Legislature shall designate a Legislator to take the chair and he shall preside as in the case of a temporary chairperson.~~

13. CLOSED MEETINGS IN EXECUTIVE SESSIONS

Any Legislator may move to go into Executive Session for matters authorized under Public Officers Law, Section 105. Each motion to go into executive session shall contain a specific statutory reference for the exemption to Open Meetings Law requirements. If the executive session pertains to more than one topic of discussion, the number of topics and the specific statutory exemptions for each topic shall be made a part of the motion to go into executive session. Once the executive session has been convened, the first order of business is to confirm that the subject for which the executive session was called is legal and necessary. The County Attorney will make a decision as to the legality of the executive session.

No official action, except as authorized by statute, shall be transacted and no part shall be construed as limiting the exemptions available under Public Officers Law, Section 108, including, but not limited to, deliberations of political committees, conferences and caucuses.

Whenever practicable, motions pertaining to the outcome of topics discussed in executive session shall be made in open session immediately after the executive session has ended.

NO EXECUTIVE SESSION PARTICIPANT IN OPEN SESSION SHALL DISCLOSE WHAT BUSINESS MAY HAVE BEEN TRANSACTED IN SUCH EXECUTIVE SESSION OR THE REMARKS OF ANY EXECUTIVE SESSION PARTICIPANT. [Disclosure of Executive Session discussion or materials is a violation of the Steuben County Ethics Local Law Section 2. C. 1.](#)

14. GENERAL FUNCTION OF COMMITTEES

All committees shall aid in the performance of the powers and duties of the Legislature.

- a. **HOW CONSTITUTED.** There shall be such standing committees as are authorized by these rules, and special committees as are authorized by the Chairperson of the Legislature. All Legislator members of a committee shall be appointed by the Chairperson of the Legislature and [the Legislative Chair](#) shall be an ex-officio member of each. The first named shall be the chairperson of the committee and in the absence of some other designation by majority vote of the committee itself, the second named shall be the vice chairperson thereof. Any vacancy shall be filled by the Chairperson of the Legislature without delay. A standing committee shall consist of members of the Legislature only.
- b. **TERM OF OFFICE.** Members of a standing committee shall serve until the end of the calendar year unless the committee is abolished or changed by majority vote of the legislative membership. Members of a special committee shall serve until the committee is discharged.
- c. **GENERAL EXERCISE OF JURISDICTION.** Committees shall familiarize themselves with the subject matter over which jurisdiction has been conferred by these Rules of Procedure. Committees having an

office or function in charge shall report any neglect of duty, or failure to comply with rules and directions of the Legislature. They shall render advice and counsel on matters deemed helpful in the performance of the duties of the office or function. Although the Legislature shall always be open for county officers and employees upon any matter involving the office or function, the committee and/or County Manager shall represent them before the Legislature and so far as practical, every county officer and employee shall look to the committee and/or the County Manager for that representation. Criticism and recommendations of State departments or other official bodies shall be considered with the department head or officer. Matters referred to a special committee shall be promptly considered and a report made thereon as soon as practicable.

The Chairperson of the Legislature shall have voting power on a committee. Three Legislators shall constitute a majority of a committee of five; four Legislators shall constitute a majority of a committee of seven; and five Legislators shall constitute a majority of a committee of nine. The affirmative vote of a majority of a committee shall be necessary for any official report; however, a minority report of any committee may be given. The individual voting strength of each member of a committee shall be deemed equal for committee purposes only. Except to the extent as provided by these rules, in the event the committee is authorized or delegated to act on behalf of the entire Legislature, the individual voting strength of each member shall be counted.

All requests for additional appropriations shall be referred by the County Manager to the appropriate Standing Committee and, in turn, such committee shall make its recommendation to the Finance Committee or Administration Committee, as the case may be. Nothing herein shall be deemed to deprive the Finance Committee or Administration Committee of making contrary recommendations to the Legislature. ~~All or changes in the schedule of compensation shall be referred by the County Manager to the appropriate Standing Administration Committee, and, in turn, such committee shall make its recommendation to the Finance Committee or Administration Committee, as the case may be. Nothing herein shall be deemed to deprive the Finance Committee or Administration Committee of making contrary recommendations to the Legislature.~~

The Chairperson of each committee shall have the power:

- (1). to divide the County into districts and assign territory to the members of ~~his-the~~ committee, when deemed necessary for the better performance of duties;
- (2). to designate one or more members to attend meetings with other committees, boards, or other groups, whenever the matter being considered comes within the jurisdiction of ~~his-the~~ committee;
- (3). subject to the approval of the Chairperson of the Legislature, to authorize all or any part of ~~his-the~~ committee to attend a conference or school conducted for the betterment of county government, and
- (4). to require such reports and information from the members of ~~his-the~~ committee ~~the Chairas~~ he deems necessary.

d. MEETINGS OF COMMITTEES GENERALLY. The Chairperson of the committee may call meetings of the committee at such times and places as deemed convenient. The notice ~~may be oral or in writing and shall be made~~ in compliance with Public Officers Law, Section 104. The Chairperson of the committee shall preside. During the absence or inability of the Chairperson, the Vice Chairperson of the committee may call meetings and preside. Upon request of any member of the committee, the Chairperson of the Legislature, the County Manager and the County Attorney shall attend unless the absence is excusable. Performance of other official duties shall be a valid excuse. Upon request of any member of the committee, any county officer or employee, shall attend and furnish any information pertinent to ~~his-their~~ office or employment unless the absence is excusable. Remote attendance by department heads is allowable, if the meeting is being conducted via videoconferencing pursuant to Local Law No. 2 of 2022.

Local Law No. 2 of 2022, states standing committee members shall be physically present at the meeting, unless allowed remote attendance at locations that do not allow for in-person physical attendance by the public, under extraordinary circumstances. Extraordinary circumstances shall include, but not be limited to: disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. Members shall provide notice of their inability to attend a meeting to the Clerk of the Legislature's Office at least 24 hours prior to the meeting, or as soon as practicable. The Chairperson of the committee shall retain discretion over permitted extraordinary circumstances.

Whenever the matter under consideration involves the jurisdiction of more than one committee and the Legislature has not designated any particular committee, the Chairmen of all the committees involved shall be notified and the committees may meet in separate or joint meeting. In a joint meeting, the members of the committees shall, by majority vote, determine the presiding officer.

Meetings are open to the public or to county officers and employees. Members of the public wishing to address a Standing Committee shall submit a request to the Committee Chairperson asking to be placed on the Committee agenda. The Chairperson shall determine the order of business, and, taking into consideration the number of persons desiring to speak and the importance of the subject matter, time may be allotted commensurate with the privilege to appear and be heard.

The Clerk of the Legislature's Office is responsible for ensuring minutes are taken at all committee meetings. If necessary, the Clerk of the Legislature shall make a request to any Department Head to utilize one of their employees for this purpose. Minutes shall consist of a list of all those attending and a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. The minutes shall be filed in the office of the Clerk of the Legislature, and shall be available to the public under the provisions of the Public Officers Law of the State of New York.

e. **ADVICE AND COUNSEL OF CITIZENS AND ORGANIZATIONS.** Each committee is empowered to seek the advice and counsel of citizens and organizations in making a study of any subject matter. Such persons or representatives of organizations shall not be members of the committee nor have any voting power. Authority to pay any such person or organization for services must be granted by resolution of the Legislature.

The Chairperson of any committee shall have the authority to create sub-committees from within ~~his-the~~ committee and assign such duties and studies to be performed as are deemed appropriate.

f. **INVESTIGATION OF CLAIMS.** At the request of the Administration Committee, the County Manager shall have charge of the post-audit of claims and shall have the power to examine a claimant and all other persons on matters relevant to the claim. If a claim requires further action, subpoenas may be issued by the Administration Committee Chairperson and any member may administer the oath. The meeting shall be open to the claimant and ~~his-their~~ attorney and they shall have the right to cross-examine witnesses. Where more than one claimant or more persons other than the county is involved in a claim, the committee may allow all to be present with their attorney and to examine and cross-examine witnesses. Any refusal of a claimant or witness to testify on a relevant matter shall be referred to the County Attorney.

g. **INVESTIGATION OF AUTHORIZED AGENCIES.** Each committee in charge of an authorized agency receiving county funds shall have the power to examine the officers of the agency in any matter relevant to the use of such county money. The Chairperson of the committee may issue subpoenas and any member of the committee may administer the oath. Books, records, documents and other papers pertaining to the use of county money may likewise be subpoenaed. Any refusal of the fiscal officer of the agency to testify or produce the books, records, documents and papers shall be referred to the County Attorney.

h. **INVESTIGATION OF MISCONDUCT IN OFFICE.** Whenever a committee shall report to the Legislature on any misconduct of any county officer or employee, the Legislature may authorize, by resolution, an investigation either by the Steuben County Ethics Board, or by ~~and~~ empowering the Chairperson of the committee to issue subpoenas and administer the oath to witnesses. The meeting shall be

open to the persons involved and their attorney and they shall have the right to examine and cross-examine the witnesses. Any refusal on the part of any witness to testify shall be referred to the District Attorney.

i. **POWERS RELATING TO LEGALIZING ACTS.** The Chairperson of the committee shall have power to issue subpoenas and any member to administer the oath to witnesses. The minutes of all hearings and testimony must be taken and transcribed. All reports and recommendations shall be in writing.

15. **EXPENSES OF LEGISLATORS**

All Steuben County Legislators will be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

NECESSARY EXPENSES:

Necessary expenses include mileage to and from the Legislator's home or place of business to the appointed place of normal or special Legislative or committee meetings, as well as meetings with towns, villages and cities that fall under the responsibility of the Legislators.

Necessary expenses also include meetings with outside authorities or committees, both on-going or special, assigned by the Legislative Chair. Additional expenses for meals and/or lodging may be charged if the location of the meeting requires it. Legislators are requested to use vehicles from the motor pool when travel is required. Meal expenses occurring other than at a conference will be considered taxable.

OPTIONAL EXPENSES:

Legislators are encouraged to attend conferences or training sessions which ~~he/she~~ Legislators deems desirable or necessary to improve ~~his/her~~their performance as a Legislator. Attendance at conferences should be scheduled ~~by~~ through the Clerk of the Legislature. -Legislators should work with the Clerk of the Legislature to limit the number of attendees, optimize travel expense and make the trip most effective.

The Legislative Chair may appoint a Legislator to attend and authorize additional conference expense which ~~he/she~~the Chair deems necessary for effective management of County government.

AUTHORIZATION FOR LEGISLATIVE EXPENSE:

No such expense under all of the above rules shall be reimbursed unless the voucher for same, together with appropriate documentation, has been submitted to the Clerk of the Legislature on or before the 1st day of February of the year next succeeding that year in which the expense was incurred.

The Clerk of the Legislature will submit any such expense vouchers to the Administration Committee for approval if ~~there is a~~ ~~he/she~~ questions ~~their~~of authenticity.

The Clerk of the Legislature will keep the Administration and the Finance Committees apprised of ongoing Legislative expenses in relation to the budget.

LEGISLATIVE EXCLUSIONS:

While the above definitions of legal expenses which may be charged should be adequate, the following exclusions are identified, which may not be charged:

Home Office Expenses - Legislators may consult with their accountant as to legitimate deductions for income tax purposes.

Newspaper articles, such as newsletters.

Expenses related to political functions.

Expenses related to retirement dinners.

Payment of dues. (The County covers those within which it desires membership.)

Luncheon or dinner expense for any non-related or not-for-profit function for which the Legislator is not the requested speaker.

16. REQUEST FOR NEW POSITIONS, UPGRADINGS, OR DOWNGRADINGS OF CREATED POSITIONS

A. APPLICABILITY:

The provisions of this Rule apply to all new positions of employment as an officer or employee, or upgradings or downgradings of existing positions, or reclassifications of existing positions.

B. PROCEDUREDEFINITIONS:

- (1) **Reclassification:** A reclassification is a change in title resulting from a change in duties. It may or may not result in a change in pay grade.
- (2) **Upgrade or Downgrade:** An upgrade or downgrade is a change in pay grade of a position with no change in title. An upgrade or downgrade of a position affects all positions with the same title.

C. PROCEDURE:

~~(3)~~(1) **Reclassifications not resulting in a higher grade** must be submitted to the Personnel Officer, the County Manager, the proper standing committee, and the Administration Committee for review and approval. Reclassifications may occur at any time during the year as needed.

(2) **Reclassifications resulting in a higher grade** must be submitted to the Personnel Officer, the County Manager, the proper standing committee, and the Administration Committee for review and the Legislature for approval. If additional funding is required, the Finance Committee must review and approve prior to submission to the Legislature for approval. Reclassifications may occur at any time during the year as needed.

~~(4)~~

(3) Position upgrades or downgrades must be submitted to the Personnel Officer for review and to the County Manager for their advice, as upgrades and downgrades of union titles must be negotiated with the corresponding bargaining unit. As the County's Negotiating Team, the Personnel Officer and County Manager shall discuss the palatability of the change with the union leadership. If favorable, the Personnel Officer shall present the recommended upgrade or downgrade to the Administration Committee for review and the Legislature for approval. If additional funding is required, the Finance Committee must review and approve prior to submission to the Legislature for approval. Upgrades and Downgrades may occur at any time during the year as needed.

(4) The request for any new position not funded in the budget must be submitted to the County Personnel Officer for review and to the County Manager for ~~his~~ advice, ~~no later than May 1st~~. Thereafter it shall be submitted by the Personnel Officer to the appropriate Standing Committee, ~~who on or before that committee's regular August meeting. The appropriate Standing Committee~~ must review and act on the request for the position prior to submission to the Administration Committee. If additional funding is required, the Finance Committee must review and approve prior to submission to the Legislature for approval.

~~The Personnel Officer will then consolidate all new position requests into a report for presentation to the Administration Committee not later than their regular September meeting.~~

(5) The request for new positions for inclusion in the tentative annual budget must be submitted by department heads to the County Personnel Officer and the County Manager prior to the annual budget due date set by the County Manager's Office.

(a) ~~The Administration Committee shall review said requests; their review must be completed by the September regular Administration committee. The Personnel Officer must review the duties of the requested position to determine the appropriate title and grade for the position prior to October 1st for inclusion in the tentative budget.~~

(b) The Finance Committee shall act on requests during their annual budget workshops held in October. Said committee shall report its recommendations to the County Manager for inclusion in the tentative budget.

(c) All position requests filed with the tentative budget shall be presented to the County Legislature ~~at the Budget Workshop for discussion and possible revision by the Legislature. Position requests as revised shall be voted on~~ in the form of a resolution at the meeting in which the Budget is formally considered for approval.

(d) Those positions approved shall be effective January 1st of the next fiscal year, unless prior authorization is received by ~~the~~ resolution of the Legislature.

~~(e) This provision does not apply to new positions that are necessitated by State or Federal law, rule, regulation or other mandate.~~

~~(6) The request for a position upgrade or downgrade should follow the same procedure as a request for a new position, as detailed in (5) above.~~

~~(7) Any request for a new position not submitted in a timely fashion may be considered if so authorized by an affirmative vote of fifteen (15) members of the Legislature or the unanimous consent of all members if there are less than fifteen (15) members present.~~

17. BUDGET ADOPTION PROCESS

The Budget Officer shall comply with all statutory provisions relative to the presentation of the Tentative Budget and adoption of the Final Budget. In addition, there shall be filed by the Budget Officer an Annual Budget Message with the filing of the Tentative Budget.

The format for the Budget Workshop shall be as follows:

- (1) Presentation of the Budget Message by the Budget Officer.
- (2) Analysis of the budgetary impact of proposed personnel changes including
 - a) Personnel changes pursuant to Rule 16B.
 - b) Personnel changes due to non-16B activities including retirements, consolidations, position eliminations or other facts.
 - c) An estimate of the net impact on numbers of positions.
 - d) An estimate of the net dollar impact of collective bargaining agreements.

- e) Net dollar impact due to proposed management salary increases (including public officers).
 - f) An estimate of the total budgetary impact of all combined personnel changes.
- (3) Impact of funding for Capital Projects and Debt Service.
 - (4) Discussion of other issues of budgetary concern to legislators.

Any salary of a public officer or officers necessitating the presentation of a local law or laws shall be prepared at the direction of the Administration Committee as soon as practicable, but shall be introduced to the full Legislature no later than at the full meeting of the Legislature that is scheduled for the Presentation of the Budget. Said Local Law or Laws shall be published and posted according to Municipal Home Rule Law §20(4). Presentation for final adoption shall be made no later than the full meeting of the Legislature that is scheduled for public hearing and budget approval, following a public hearing on said local law or laws.

Changes to the proposed budget approved in the budget workshop shall be incorporated into the budget prior to the full meeting of the Legislature scheduled subsequently for public hearing and budget approval.

18. CHANGES IN THE RULES

A. AMENDMENT AND REPEAL OF RULES:

No resolution to amend, repeal or supersede these rules, or any provision thereof, shall be adopted at the same meeting at which it is offered, unless the same follows, by operation of law due to an act of the State Legislature. The Legislature shall postpone action thereon not earlier than the next meeting to which the Legislature shall adjourn.

B. SUSPENSION OF RULES:

Suspension of a provision of these Rules, except as prohibited by law.

These Rules may be suspended if so authorized by an affirmative vote of fifteen (15) members of the Legislature or the by-unanimous affirmative vote of all members if there are less than fifteen (15) members present, or as provided by Rule 16 B (7) herein.

C. LEGISLATIVE INTENT:

All rules or procedures heretofore adopted, together with any amendments or renewals thereof, are hereby repealed and suspended by these Rules.

19. STANDING COMMITTEES

The Steuben County Charter has designated the County Manager as the Chief Executive Officer for the County, implementing policies and administering daily operations at the direction of the County Legislature. —Therefore, all matters requiring action by any Committee should first be approved by the County Manager. As Department Heads are appointed by and responsible to the County Manager, subject to confirmation by the Legislature, —they are expected to obtain the approval of the County Manager prior to submitting or presenting any request to the County Legislature or Committee.

The Committee maintains its right to disagree with the County Manager and, if the disagreement is serious enough, it can still be brought before the full Legislature.

The following is a list of the standing committees of this Legislature together with a description of the areas of responsibility with which each is charged. These committees and their responsibilities are subject to change by resolution of this Legislature.

ADMINISTRATION COMMITTEE - To consist of five (5) members with responsibility for:

Oversight, representation, and as appropriate, to make recommendations to the County Legislature in all matters relating to the activities, programs, duties, responsibilities, personnel, expenses of offices, purchase of equipment, accounts, records or other matters related to the offices, departments and agencies listed below, including those specifically identified as follows:

(1) Clerk of the Legislature: Including all matters relating to the duties and powers of the Clerk of the Legislature, as set forth in Section 475 of the County Law.

(2) County Manager: Including all matters relating to the power and duties of the County Manager as defined in Article III of the County Charter.

(3) County Clerk: Including all matters pertaining to the constitutional responsibilities of the Clerk as registrar, the duties of the Clerk as agent of the New York State Department of Motor Vehicles, and the Clerk of the Supreme Court and County Court.

(4) Commissioner of Finance: Including all matters relating to the powers and duties of the Commissioner of Finance as chief fiscal officer, and in any fiduciary capacity, except unpaid taxes and buildings.

(5) Board of Elections: Including all matters relating to the Election Commissioners and County responsibilities under the Election Law.

(6) Information Technology: Including all matters relating to the study, organization, promotion, coordination, purchase or lease of EDP equipment or systems, and development of the County's electronic data processing system for all of the County's Departments, agencies, or administrative units.

(7) Insurance: Including all matters relating to the procurement of all insurance on County-owned personal property, premises, buildings, and all insurance connected with property acquired for public assistance reimbursement, and recommendations to the County Legislature with relation to the amount of official undertakings and the approval thereof, when the amount is fixed by the County Legislature.

(8) Law Department: Including all matters pertaining to County legal actions, lawsuits, damages, claims, or other legal representation of the County.

(9) Personnel: Personnel administration and policy, including reviewing requests for new positions, setting salary grades, all upgradings, position reclassifications, labor union negotiations, salary schedule adjustments, fringe benefits administration, and Affirmative Action programs and policy and including all matters pertaining to the County's administration of the New York State Civil Service Law.

(10) Purchasing: Including all matters relating to the organization, coordination, and implementation of a uniform system of inventory control and purchasing within the County Departments, agencies, boards, commissions, and administrative units.

(11) Real Property Tax Service Agency: Including all matters relating to the equalization of tax rates for purposes of levying County taxes; representation of the County in all meetings and conferences with local assessors or individuals; and preparation of the assessment and tax rolls.

(12) Risk Management: Including all matters relating to evaluation of Insurance programs for the County and development and implementation of safety programs.

~~(13) Telephonic Communications: Including all matters relating to researching, analyzing, and implementing telephonic communications service plans for County government departments and related agencies.~~

(1413) Workers' Compensation: Including all matters relating to the Steuben County Self-Insurance Plan, including plan administration, claims, expenses for claimants, apportionment of administrative costs, preparation of reports, and duties of Risk Manager, County Attorney, and Commissioner of Finance.

In addition thereto the responsibilities of said committee shall include:

(A) Representation of and, as appropriate, recommendation to the County Legislature on all matters pertaining to proposed local, State, or Federal legislation, matters relating to internal affairs of the County, its Offices, Departments, functions, including the Rules of Procedure and conduct at meetings of the County Legislature, general administration of Offices and Departments, and matters dealing with the County's participation with Off-Track Betting.

(B) Examination, inspection, preservation, storage, maintenance, and representation of the County Legislature in all matters pertaining to the books and records of accounts of County funds, vouchers, orders, warrants, claims and other papers or documents, which the County Legislature or other County officer or employee may have a power or duty to perform.

(C) Representation, examination and hearings in all matters pertaining to the County's Grievance Procedure for County employees.

(D) Vehicle deployment and management of vehicles owned by the County of Steuben.

AGRICULTURE, INDUSTRY & PLANNING COMMITTEE - To consist of five (5) members with responsibility for:

Oversight, representation, and as appropriate, recommendations to the County Legislature regarding all matters pertaining to the activities, programs, duties, responsibilities, personnel, expenses of offices, purchase of equipment, maintenance of records or accounts, or other matters related to the offices, departments, agencies or programs listed below, including those specifically identified as follows:

(1) Agriculture: Including all matters related to the Agriculture ~~at~~ and Farmland Protection Board, Agricultural Districts Advisory Committee, Cooperative Extension Association and Board of Directors, Fish & Wildlife Management Act Board, Soil & Water Conservation District, Water Resources, and Wildlife and Conservation.

(2) Buildings & Grounds: Including all matters relating to the maintenance and repair of County buildings and grounds, including the former County farm buildings and grounds, allocation of space, and supervision of the construction, reconstruction or remodeling of County buildings. The planning of any construction or reconstruction of County buildings shall be the responsibility of the Agriculture, Industry and Planning Committee, unless delegated to the Ad Hoc Office Space Committee.

(3) Planning: Including all matters relating to the promotion of economic and community development, environmental management, efficiency of public service, planning of all new construction, reconstruction or remodeling of County offices and buildings, including the supervision of all phases of the construction, cooperation with all Town, Village and City Planning Boards or Commissions, in relation to local development and preparation of plans, and assisting other Committees of the County Legislature in gathering data, conducting research, and preparing reports and analyses.

(4) Public Relations: Including all matters relating to the cooperation and coordination with any Federal, State or local officials and agencies or Boards, Chambers of Commerce, industrial development agencies, tourism agencies and any other group in the promotion of improved public relations, including but not

limited to the retention of existing industry, business, agriculture, dairy, vineyards, recreation, housing, product marketing, civic and educational projects and their expansion and improvement for the benefit of County residents; publicizing the County's locational advantages and resources; and the County exhibit at the annual Steuben County Fair.

(5) County Historian: Including all matters related to the powers and duties of the County Historian and matters relating to the Steuben County Hall of Fame.

(6) Consumer Affairs/Weights & Measures: Including all matters relating to the duties and powers of the County Sealer, consumer affairs and education.

Representation, oversight, and as appropriate, recommendations to the County Legislature regarding the following Boards, Commissions, agencies or organizations:

Environmental Management Council
Workforce Development Board
Steuben County Conference and Visitors Bureau
Steuben County Industrial Development Agency
Resource Conservation and Development Board
Southern Tier Central Regional Planning & Development Board
Finger Lakes Association, Inc.
Steuben County Agricultural Society
Steuben County Dairy Festival
Soil & Water Conservation
Watershed Protection Districts

FINANCE COMMITTEE - To consist of five (5) members with responsibility for:

(1) The consideration of office and departmental estimates and recommendation to this County Legislature of a tentative Budget for the ensuing fiscal year, including estimated expenditures and revenues, according to object and purpose.

(2) Consideration and recommendations to this County Legislature on all applications for additional appropriations, and transfer of funds when authorization is required by the County Legislature.

(3) Representation of this County Legislature in all matters or meetings relating to unpaid taxes, tax sales, collection, and recommendations regarding the disposition thereof, in which the Commissioner of Finance, or the Clerk of this County Legislature, or this County Legislature, may have a duty or power to perform, with the exception of the refund of erroneous taxes.

(4) Make recommendations to this County Legislature with relation to redemptions, compromises, sales, leases, repair, fencing, or other disposition of County-owned property by virtue of tax sale.

(5) Authorization to assign amounts to specific purposes in the assigned fund balance, with the participation of the County Manager and Commissioner of Finance. (Res#181-11)

HUMAN SERVICES, HEALTH & EDUCATION COMMITTEE - To consist of five (5) members with responsibility for:

Oversight, representation, and as appropriate, to make recommendations to the County Legislature, with regards to all matters pertaining to the activities, programs, duties, responsibilities, personnel, expenses of offices, purchase of equipment, maintenance of records and accounts or other matters relating to the offices, departments, agencies or programs listed below, including those specifically identified as follows:

(1) Social Services: Including all matters relating to the duties, powers, and responsibilities of the County Commissioner of Social Services, as defined in Article VIII of the County Charter, in the administration of

public assistance and care, or other matters which relate specifically to the administration of the County's Social Services Programs, excluding the Health Care Facility.

(2) Veterans' Services: Including all matters relating to the County Veterans' Service Director or officer, Steuben County War Memorial, claims for soldiers' burial and headstones, and representation of the County Legislature in all matters pertaining to veterans or veterans' affairs.

(3) Youth Bureau: Including all matters relating to the administration of the Steuben County Youth Board and Programs.

(4) Office for the Aging: Including all matters relating to the County-sponsored programs and services for senior citizens, including fiscal and programmatic planning, the Retired Senior Volunteer Program, outreach, information and referral; administration, coordination, and monitoring of contracts for legal, nutrition, home and health care, transportation, senior employment, HEAP, etc; and representation of the County Legislature in all matters pertaining to services for senior citizens provided through the Office for the Aging.

(5) Education: Including the education of handicapped children and requests for educational assistance.

(6) Public Health: Including all matters pertaining to the Steuben County Public Health and Nursing Services, the Special Children's Services Program, the Steuben County Community Services Clinic, the Steuben County Alcohol Abuse Program, and all matters relating to the Developmental Disabilities Programs, and Steuben ARC.

~~(7) Health Care Facility: Including all matters relating to the operation, maintenance, and administration of the Steuben County Health Care Facility.~~

Representation, oversight, and recommendations to the County Legislature on matters pertaining to the following

Pro-Action of Steuben and Yates
STC Steuben Human Services Committee
Family Service Society, Inc.
Community Services Board
Finger Lakes Health Systems Agency
Health Services Advisory Board
Joint Committee on Health Affairs
Southern Tier Sub-Area Council of the Finger Lakes Health Systems Agency
Corning Community College
Southern Tier Association for the Blind, Inc.
Southern Tier Library System
~~Southern Tier Regional Emergency Medical Services Council~~

PUBLIC SAFETY & CORRECTIONS COMMITTEE - To consist of five (5) members with responsibility for:

Oversight, representation, and as appropriate, to make recommendations to the County Legislature, with regards to all matters pertaining to the activities, programs, duties, responsibilities, personnel, expenses of offices, purchase of equipment, maintenance of records and accounts, or other matters relating to the offices, departments, agencies or programs listed below, including those specifically identified as follows:

(1) Emergency Management: Including all matters relating to the management and preparedness for catastrophe, natural disaster and other serious emergencies which would require coordination and mutual response. Such emergencies may require the involvement of multiple townships, County or Counties, the State of New York and/or FEMA. All matters pertaining to the powers and duties of the Energy Coordinator in regards to the coordination of fuel supplies, as well as the allocation of

these resources with Steuben County.

- (2) Fire Coordination, Training and Mutual Aid: Including all matters relating to the Steuben County Fire Advisory Board, coordination of all fire departments, guidance and direction for the administration of local fire departments, all fire training schools. All matters pertaining to the establishment, maintenance, and administration of the county fire mutual aid program, response to emergencies involving fire and emergency rescue situation, as well as cause and origin determination of all fires within Steuben County.
- (3) Emergency Medical Services and Mutual Aid: Including all matters relating to the delivery of emergency response to medical situations within Steuben County. To include the coordination of emergency medical response, oversight of emergency medical training, administration of the county mutual aid program, coordination with the Southern Tier Regional Emergency Medical Council (EMSTAR).
- (4) Coroner and Coroner Transport Services: Including all matters relating to the establishment and election of the Coroners Office, the coordination of services provided between the various county Coroners, the establishment of means for the determination of cause of death, and all matters pertaining to the transportation of the deceased to a center for determination.
- (5) Radio Communications: Including all matters relating to the operation of the County-wide radio system, the interaction and operation of the radio system and the county users, the maintenance of the system, to include contractual agreements and operations for the radio shop. Also to include the planning necessary for improvements to the county-wide radio system.
- (6) Judges, District Attorney and Public Defender: Including all matters relating to the powers, duties and responsibilities or offices of the County Judges, Family Court Judge, Surrogate Judge, District Attorney, and Public Defender.
- (7) Probation and Community Corrections: Including all matters relating to the powers, duties and offices of any and all Probation Officers, and their appointment or removal by a County Judge.
- (8) Sheriff: Including all matters relating to the Sheriff, Undersheriff, Jail Superintendent, Deputies, Correction Officers, Court AttendantsSecurity, and all other personnel; matters concerning the Jail, maintenance of prisoners; post audit of court orders, paying jurors, witnesses, and Court Attendants as soon after each term of County Court, Supreme Court or Surrogate's Court with a jury, as is practicable.
- (9) 9-1-1 Department (Enhanced): Organization, implementation and operation of the County's emergency 9-1-1 system.

Representation, oversight and/or recommendations to the County Legislature on matters relating to the following Offices, Boards, Commissions, agencies, individuals or Committees:

Justices and Constables
Coroners
Traffic Safety Board
Fire Advisory Board
Local Emergency Planning Committee
E-911 Advisory Board
Southern Tier Emergency Medical Services Council
Environmental Emergency Services, Inc.

PUBLIC WORKS COMMITTEE - To consist of five (5) members with responsibility for:

Oversight, representation, and as appropriate, to make recommendations to the County Legislature, with regards to all matters pertaining to the activities, programs, duties, responsibilities, personnel, expenses of offices, purchase of equipment, maintenance of records or other matters relating to the offices, departments, agencies, or programs, listed below, including those specifically identified as follows:

- (1) Public Works: Including inspection, construction, reconstruction, maintenance, and general supervision of the County roads and bridges, including bridges having a span over twenty-five (25) feet on Town roads, as well as all matters pertaining to the duties, powers, and responsibilities of the County Commissioner of Public Works.
- (2) Solid Waste Division: Including all matters relating to the operation, administration, site selection and acquisition, and other related activities of the Solid Waste Division of the County Department of Public Works.
- (3) Parks: Including all matters relating to the supervision and management of all County parks and recreation areas.
- (4) Reforestation: Including all matters relating to reforestation, including purchase, maintenance, fencing, fire line, cutting of and sale of trees, disposition of such lands and all other matters relating thereto, which the County Legislature may have a power or duty to perform, such as representation on the District Forest Practice Board.

20. ROBERT'S RULES OF ORDER

Except as otherwise specifically provided [hereby within](#), Roberts Rules of Order shall be applicable to all meetings of the Steuben County Legislature and the Committees thereof.

21. COUNTY MANAGER

Consistent with the Steuben County Charter, the County Manager is recognized as the Chief Executive Officer for Steuben County, having direct supervision of all County Departments, Board, etc. All department and agency heads shall be responsible [to](#), and report to and through the County Manager.

All department and agency heads requesting action of a Legislative Committee or the full Legislature shall obtain the approval of the County Manager prior to making such request. An evaluation of such proposed action shall be provided to the Committee or Legislature by the County Manager. As to such request by a department or agency head:

- A. Any request by a department or agency head which, under the Administrative Code, requires the County Manager's approval, shall not be placed upon a Committee Agenda prior to receipt of such approval.
- B. Any request by a department or agency head, which shall or is likely to result in a motion by the Committee, and/or the full Legislature, shall be reviewed and approved by the County Manager prior to being placed on the agenda unless waived by the County Manager. If a department or agency head misses the deadline for agenda item submission, they must receive the approval of the County Manager to be placed on the agenda.

County Legislators requesting action by a Committee or the full Legislature are encouraged to adhere to the above procedure. Nothing contained herein shall be construed to prohibit or otherwise limit a County Legislator from introducing a resolution or legalizing act to the County Legislature for consideration at a meeting thereof.

Disputes or differences of opinion which arise between department or agency heads shall be referred to the County Manager for resolution. The determination of the County Manager shall be binding unless review of that determination is referred to the Administration Committee. That committee shall have the authority to render a determination, which determination may be reviewed by appropriate action of the full Legislature. Said action of the Legislature shall be final and binding.

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 5-4
PERM. NO. : 128-23 INTRO. DATE: 06/26/2023

INTRO. BY : G. Swackhamer SECONDED BY : A. Mullen

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

Finance Y: 5 N: 0 Y: N: Y: N:

TITLE: AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH THE NEW YORK ENVIRONMENTAL PROTECTION, SPILL COMPENSATION FUND REGARDING CERTAIN TAX DELINQUENT PROPERTIES IN STEUBEN COUNTY.

WHEREAS, Steuben County has one (1) current tax delinquent property that tax foreclosure proceedings have been commenced against identified as follows:

1. Owner: Karen B. Dolliver
11998 State Route 63
Wayland, NY 14572
TM #: 014.00-02-003.00

; and

WHEREAS, in order to facilitate redevelopment of the Site, the County desires to enter into an agreement with the Fund wherein the Fund would release its potential claims against the County, for past and future cleanup and removal costs incurred by the State, including interest thereon and applicable penalties prior to the County taking title to the Sites through tax foreclosure in consideration for fifty percent (50%) of any sale price at the foreclosure auction; and

WHEREAS, any release provided by the Fund to the County shall extend to the County's eligible successors or assigns with respect to each of the Sites, however, such release shall not extend, nor can it be transferred to any successors or assigns of the County at the Sites, if such successors in title are persons deemed legally responsible for the discharge of petroleum at the Sites, respectively.

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chairman to sign an agreement with the New York Environmental Protection and Spill Compensation Fund, and any other agreements necessary, for these tax delinquent properties in Steuben County, upon approval of the County Attorney; and be it further

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

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




In the Matter of the Investigation and
Remediation of Real Property Pursuant to
Article 12 of the Navigation Law, by the

**AGREEMENT FOR
DISTRIBUTION OF
PROCEEDS FROM TAX
FORECLOSURE SALE**

COUNTY OF STEUBEN

WHEREAS:

1. The New York Environmental Protection and Spill Compensation Fund (the "Fund") was created by Navigation Law § 179. The Administrator of the Fund is authorized to settle claims on behalf of the Fund. (Navigation Law §180).

2. The County of Steuben ("County") is a county, as defined in County Law § 3, with its principal place of business located at Steuben County Office Building, 3 East Pulteney Sq., Bath NY 14810

3. Pursuant to Navigation Law Article 12, the Fund has expended cleanup and removal costs at the following property located in Steuben County:

"Dolliver Site"

- Owner: Karen B. Dolliver
- Address: 11998 State Route 63, Wayland, New York 14572
- Tax Map #: 014.00-02-003.000
- DEC Spill No: 16-03133 Fund PIN #: 08265
- Fund cleanup and removal costs: \$19,275.34
- Spill Cleanup Status: Closed

4. Navigation Law § 173 prohibits the discharge of petroleum, and Navigation Law § 181 provides that any person who discharges petroleum shall be strictly liable, without regard to fault, for all cleanup and removal costs.

5. The County is owed real property and school taxes, together with, as applicable, accrued interest and penalties, as of June 30, 2023, with respect to the Dolliver Site in the amount \$101,858.14.

6. The County has commenced and desires to complete an In Rem Tax Foreclosure proceeding ("Foreclosure Proceeding") pursuant to Real Property Tax Law ("RPTL") Article 11 with respect to the Dolliver Site.

7. The County is desirous of completing the Foreclosure Proceeding in order to return the Dolliver Site to the active tax rolls and obtain payment of some or all of the amounts owed for back taxes, fees, interest and penalties, but is concerned that, should the County take title to the Dolliver Site, the County may be deemed a responsible party under the strict liability provisions of Navigation Law Article 12.

8. To date, the Fund has no knowledge of any fact which indicates that the County is a responsible party under the strict liability provisions of Navigation Law Article 12 with respect to the Dolliver Site.

9. The Fund and the County, therefore, agree that this Agreement is warranted in order to achieve the following goals:

- a. Pursuant to Section III of this Agreement, Release of the County and its eligible successors and assigns, as defined in Section III from any and all liability relating to the Dolliver Site; and
- b. Distribution of auction sale proceeds obtained pursuant to the Foreclosure Proceeding conducted pursuant to RPTL Article 11 in consideration of a release of liability in accordance with Section III of this Agreement.

NOW THEREFORE, the Fund and the County agree as follows:

I. Payment

In consideration of this Agreement, the County shall pay to the Fund, with respect to each of the Spill Sites, a non-refundable payment of fifty percent (50%) of the auction sale price, at the time of the tax auction sale for the Dolliver Site, after taking title to the Dolliver Site in the Foreclosure Proceeding. Said payments will be made by the County within sixty (60) days following the County's tax auction sale and the completion of the sale of the Dolliver Site. Such payment shall be made payable to "Comptroller, State of New York" and the check memo line shall reference the Spill No. 16-03133, associated with the Dolliver Site. Said payment shall be delivered to the Fund in accordance with Section VI of this Agreement.

II. Foreclosure Proceedings

- A. To the extent allowed under Law and provided the County does not determine it should withdraw the Dolliver Site from the foreclosure pursuant to RPTL 1138, the County will complete an arm's length Foreclosure Proceeding pursuant to RPTL Article 11 as to the Dolliver Site. If the County does not complete the foreclosure proceeding and take title to the Dolliver Site, this Agreement shall terminate and there shall be no further obligation or liability to either party by reason of this Agreement with respect to the Dolliver Site.
- B. The County will, if title the Dolliver Site is acquired, hold a Public Auction by public outcry to the highest bidder on or about July 12, 2023 or at a subsequent date or by private sale with respect to the Dolliver Site. There will be no minimum bid required and the County may auction other properties, if any, at the same time, the proceeds of

which will not be subject to this Agreement. Unless sold by private sale, the County agrees that it will include the Dolliver Site in each of its Public Auctions until the Dolliver Site is sold.

- C. The County Board of Legislators has declared by local law that upon the final sale of any property at the Public Auction or by private sale, no further approval by the County is required.
- D. The purchaser of the Dolliver Site shall be required to execute a sworn affidavit attesting to the fact that said purchaser has no relationship, whether a business, contractual, familial or agency, with any of the parties deemed responsible according to applicable principles of statutory or common law for the discharge of petroleum on or at the Dolliver Site.
- E. Any release to the purchaser of the Dolliver Site, as specified in Section III of this Agreement, is conditioned on the purchaser of the Dolliver Site cleaning up and removing all solid waste.
- F. The County shall not deliver the tax deed to the purchaser of the Dolliver Site until the proceeds of the sale have been paid to the Fund pursuant to the terms of this Agreement.

III. Release of Liability

- A. Upon completion of the Foreclosure Proceeding and after compliance by the County with Sections I and II.D of this Agreement, the Fund hereby, acquits, and forever discharges the County, its officers, employees, or agents from any legal or equitable rights, claims, actions, proceedings, suits, causes of action, liabilities or demands

which the State asserted or could have asserted against the County, for the cleanup and removal costs incurred by the State through the date of this Agreement, including interest thereon and applicable penalties, which specifically relate to the discharges of petroleum product known as Spill No. 16-03133.

- B. The releases set forth in Paragraphs 1 and 4 of this Section III of this Agreement shall extend to the successors or assigns of the County (hereinafter, “eligible successors and assigns”); provided, however, that it shall not extend, nor can it be transferred to any successors or assigns of the County who are persons deemed responsible according to applicable principles of statutory or common law or to a person with interest by either a business, contractual, familial or agency, relationship for the discharges of petroleum at the Dolliver Site.
- C. The Fund makes no agreements, promises, covenants, representations, or warranties regarding the past, present or future condition of the Dolliver Site, including but not limited to any contamination, or other effects, resulting either directly or indirectly from discharges at the Dolliver Site.
- D. By this Agreement, the Fund releases the County and any eligible successors and assigns from any and all claims, losses, costs and expenses, and liabilities, direct or indirect, that can be made by the State now or in the future under Article 12 of the Navigation Law or under any other State law, rule or regulation for clean-up costs associated with, arising out of, and/or relating to the condition of the Dolliver Site, including but not limited to any and all discharges occurring at or on or which existed at the Dolliver Site, prior to the date the County becomes the owner of the Dolliver

Site by reason of the Foreclosure Proceeding.

- E. The County and any eligible successors and assigns shall not have any responsibility for payment of any environmental liens which may have been filed against the Dolliver Site and the Fund agrees to issue a release of any environmental lien which has been filed against the Dolliver Site.
- F. The Fund further agrees that it shall not file any additional environmental liens against the Dolliver Site after the NYSDEC performs future remediation at the Dolliver Site or, if necessary, on adjacent properties.

IV. Reservation of Rights

- A. Except as provided in Section III of this Agreement, nothing contained in this Agreement shall be construed as barring, diminishing, adjudicating, or in any way affecting the rights of the Fund with respect to any party other than the County and its eligible successors and assigns with respect to the petroleum discharges at or migrating from the Dolliver Site.
- B. The Fund explicitly reserves all rights with respect to any person, including the County and its successors or assigns, who is responsible according to applicable principles of statutory or common law for any discharge of petroleum occurring at or on the Dolliver Site after the date upon which the County takes title to the Dolliver Site.

V. Miscellaneous

- A. By entering into this Agreement, the County certifies that, to the best of its knowledge and belief, it has not caused or contributed to a discharge of petroleum

the Dolliver Site.

- B. If the Fund determines that the information provided by the County is not materially accurate or complete or if the County otherwise fails to carry out its obligations under this Agreement, then this Agreement may be declared null and void and all rights that the Fund may have against the County shall thereby be reinstated.
- C. The County, for itself and its employees, agents, lessees, successors and assigns, affirmatively waives any right to make a claim against the Fund pursuant to Navigation Law Article 12 with respect to discharges at the Dolliver Site and hereby releases the State of New York from any and all present or future claims, with respect to discharges at the Dolliver Site.
- D. The provisions of this Agreement do not constitute and shall not be deemed a waiver of any right the County otherwise may have to seek and obtain contribution and/or indemnification from other potentially responsible parties or their insurers, or the County's insurers, for payments made previously or in the future for cleanup and removal costs.
- E. If any party to this Agreement desires that any provision of the Agreement be changed, that party shall make timely written application to all other parties to the Agreement, which application shall set forth the grounds for the relief sought.
- F. No term, condition, understanding or agreement purporting to modify or vary any term of this Agreement shall be binding unless made in writing and subscribed by all parties to the Agreement. No informal advice, guidance, suggestion or comment by the Fund regarding any report, proposal, plan, specification, schedule or any other

submittal shall be construed as relieving the County of the County's obligation to obtain such formal approvals as may be required by this Agreement.

G. The effective date of this Agreement shall be the date that the signature of the duly designated representative of the last of the parties thereto is affixed.

VI. Communications

All written communications required by this Agreement shall be transmitted by United States Postal Service, by private courier service, or hand delivered to the following and may, in addition, be made by electronic means:

To the Fund:

Patrick J. Holloway, Manager
New York Environmental Protection and
Spill Compensation Fund
Office of the State Comptroller
110 State Street
Albany, New York 12236

To the County:

Jennifer Prossick
County Attorney
County Attorney's Office
Steuben County Office Building
3 East Pulteney Square
Bath, NY 14810

NEW YORK ENVIRONMENTAL
PROTECTION AND SPILL
COMPENSATION FUND
Office of the New York State Comptroller
110 State Street, 8th Floor
Albany, New York 12236

By: _____
Suzette Baker

Dated: June ____, 2023
Albany, New York

CONSENT BY COUNTY

The County of Steuben hereby consents to the entering of this Agreement and agrees to be bound by the terms and conditions of this Agreement.

By: _____

Title: Scott VanEtten, Chair
County of Steuben Board of Legislators

Dated: June ___, 2023

STATE OF NEW YORK
COUNTY OF STEUBEN

On this ___ day of June ___, 2023, before me the undersigned, a Notary Public in and for said State, personally appeared Scott VanEtten, Chair of the Board of Legislators of Steuben County, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person or entity upon behalf of which the individual acted, executed this instrument.

NOTARY PUBLIC

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 6-5
PERM. NO. : 129-23 INTRO. DATE: 06/26/2023

INTRO. BY : R. Nichols SECONDED BY : F. Potter

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: 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 install a metering and regulating station 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 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.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 7-6
PERM. NO. : 130-23 INTRO. DATE: 06/26/2023

INTRO. BY : R. Nichols SECONDED BY : J. Malter

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: AMENDING RESOLUTION 007-23 AUTHORIZING THE SALE OF REAL PROPERTY OWNED BY THE COUNTY IN THE TOWN OF CAMERON.

WHEREAS, Resolution 007-23 deemed the surplus lands along County Route 25 to be no longer necessary for public use; and

WHEREAS, Resolution 007-23 authorized the surplus lands to be sold at the County Tax Auction; and

WHEREAS, the successor in title to the persons the County purchased these lands from wishes to buy the lands back; and

WHEREAS, the Public Works Committee has recommended amending Resolution 007-23 to authorize the sale of the surplus lands to Timothy Hargrave for \$2,500.00.

NOW THEREFORE, BE IT

RESOLVED, this Legislature does hereby amend Resolution 007-23 to sell the surplus lands to Timothy Hargrave for the sum of \$2,500.00; and be it further

RESOLVED, the County Manager is authorized to execute the necessary transfer documents for this sale; and be it further

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


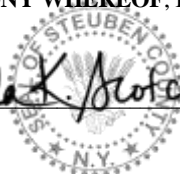
STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 8-7
PERM. NO. : 131-23 INTRO. DATE: 06/26/2023

INTRO. BY : J. Malter / G. Swackhamer SECONDED BY : K. Fitzpatrick

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: APPROPRIATING \$6,000 FROM THE JAIL AIR HANDLING SYSTEMS PROJECT TO JAIL MAJOR EQUIPMENT.

WHEREAS, the Sheriff's Office is in need of a mini-split air handler; and

WHEREAS, the Sheriff's Office's budget for 2023 allotted \$11,000 for such purchase; and

WHEREAS, the cost of the mini-split air handler has increased to \$17,000 since the 2023 budget was adopted; and

WHEREAS, the Jail Air Handling Systems Project has sufficient unspent funds to cover the \$6,000 increase; and

WHEREAS, the Public Safety and Correction Committee and Finance Committee have approved the appropriation of \$6,000 from the Jail Air Handling Systems Project for this purpose.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to transfer \$6,000 from Project 315000-6232 (Air Handling Systems) to the Jail Major Equipment budget (315000-6290); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Sheriff.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 9-8
PERM. NO. : 132-23 INTRO. DATE: 06/26/2023

INTRO. BY : J. Malter / G. Swackhamer SECONDED BY : K. Fitzpatrick

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: APPROPRIATING \$5,000 FROM THE JAIL AIR HANDLING SYSTEMS PROJECT TO JAIL MINOR EQUIPMENT.

WHEREAS, the Sheriff's Office is in need of a water control valves; and

WHEREAS, the Sheriff's Office's budget for 2023 allotted \$4,000 for such purchase; and

WHEREAS, the cost of the mini-split air handler has increased to \$9,000 since the 2023 budget was adopted; and

WHEREAS, the Public Safety and Correction Committee and Finance Committee have approved the appropriation of \$5,000 from the Jail Air Handling Systems Project for this purpose.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance is hereby authorized and directed to transfer \$5,000 from Project 315000-6232(Air Handling Systems) to the Jail Minor Equipment budget (315000-6291); and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Sheriff.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 10-9
PERM. NO. : 133-23 INTRO. DATE: 06/26/2023

INTRO. BY : J. Malter / G. Swackhamer SECONDED BY : C. Ferratella

VOTE:

ROLL CALL	<u> X </u>	YES	<u> 8831 </u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> 0 </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u> 0 </u>	POSTPONED	<u> </u>		
		ABSENT	<u> 527 </u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

**TITLE: AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT AND APPROPRIATE
 BYRNE MEMORIAL GRANT FUNDING.**

WHEREAS, the New York State Division of Criminal Justice Services is awarding Steuben County \$6,000.00 under the Byrne Memorial Justice Assistance Grant; and

WHEREAS, the \$6,000.00 grant is totally funded with no County cost; and

WHEREAS, it has been established that these funds would be used to aid in the prosecution of domestic violence cases.

NOW THEREFORE, BE IT

RESOLVED, the Commissioner of Finance be and the same hereby is authorized and directed to accept \$6,000.00 and direct the funding to the District Attorney's Office Budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Treasurer and the Steuben County District Attorney.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 11-10
PERM. NO. : 134-23 INTRO. DATE: 06/26/2023

INTRO. BY : B. Schu SECONDED BY : J. Malter

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8290</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>541</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: AUTHORIZING THE STEUBEN COUNTY ATTORNEY TO INVESTIGATE, ENGAGE COUNSEL, AND COMMENCE ANY AND ALL LITIGATION TO ENJOIN IMPLEMENTATION AND ENFORCEMENT OF THE 2023 MODIFICATION AND AMENDMENT OF §502 OF THE NYS RACING PARI-MUTUAL WAGERING & BREEDING LAW.

WHEREAS, in July 1973, the State of New York (the "State") enacted Chapter 346 of the Laws of 1973 to create regional off-track betting corporations with the purpose to: (i) create legal venues in which off-track horse race wagering could take place, with the goal of curbing unlawful bookmaking and other illegal wagering; and (ii) provide an added source of revenue for participating local governments, the State's horse racing industry and the State itself. Pursuant to the authorizing legislation, in order for a regional off-track betting corporation to file a certificate with the secretary of state, at least 3 participating jurisdictions within the region representing at least 30% of the applicable region's population had to pass local enabling legislation to participate in the regional off-track betting corporation. Once a region satisfied the above mentioned requirements, it was then able to legally form, and thereafter affect certain organizational steps to commence operations; and

WHEREAS, a fundamental consideration of the local jurisdictions [i.e. County or City] prior to participating in a regional off-track betting corporation impacting their communities was their ability to appoint their own member to the board of directors of such gaming entity to ensure their community interests and concerns were represented in the management and administration of such gaming entity; and

WHEREAS, in passing Chapter 346 of the Laws of 1973, the New York State legislature recognized the need for local governmental oversight, and explicitly provided for such oversight in Section 172, when it authorized that each participating jurisdiction of a regional off-track betting corporation to appoint one member to the board of directors of the regional off-track betting corporation; and

WHEREAS, in 1973, pursuant to such enabling legislation, the Steuben County Legislature passed companion legislation that authorized and empowered Steuben County to participate in the Western Region Off-Track Betting Corporation (WROTB) as had been created by the state and signed into law by then Governor Nelson Rockefeller; and

WHEREAS, such 1973 legislation of the Steuben County Legislature specifically provided that it was "subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York"; and

WHEREAS, WROTB was established in September 1973 as "a body corporate and politic constituting a public benefit corporation," with headquarters in Batavia, New York, to operate a system of off-track horse racing pari-mutuel betting facilities in a region of Western New York. Eleven counties and two cities initially chose to participate in the management and administration of WROTB with the understanding that each would have the ability to appoint a single member to its board of directors. Four additional counties elected to participate in WROTB between 1976 and 1979 under the same understanding. Each of the participating jurisdictions joined

WROTB pursuant to local enabling legislation pursuant to the Home Rule Law [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law §502 and 1988 N.Y. Op. Att'y Gen. (Inf.) 147 (1988)]; and

WHEREAS, WROTB is administered by a board of directors consisting of one member appointed by each of the fifteen [15] participating counties (i.e. Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne and Wyoming), as well as directors for the cities of Rochester and Buffalo [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law §502 (McKinney)]; and

WHEREAS, when originally enacted, §502 of the Racing, Pari-Mutuel Wagering and Breeding Law (the "PML") directed that the operations of regional off-track betting corporations "be administered by a board of directors . . . one member from each . . . participating county." (PML §502). Members to the board of directors were to be appointed by the county governing body. (Id.). Similarly, the mayors of Rochester and Buffalo each appointed a single member to the board of directors of WROTB with the approval of the city's legislative body. (Id.). Each Director had one vote, such votes were all of equal weight; and

WHEREAS for the past nearly 50 years, all New York State regional off-track betting corporations have operated under local administration and management but also with general state oversight. Each participating local jurisdiction of the WROTB Corporation elected to join WROTB with the understanding that it would have the ability to participate in the administration and management of the same. In addition, each participating jurisdiction had equal control of the operations of WROTB

WHEREAS, WROTB owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming, a standardbred racetrack and gaming facility; and

WHEREAS, since its inception, WROTB has generated **over \$250 million** in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the enabling legislation provided that the Board of Directors of WROTB would be comprised of one representative from each of the 17 affected municipalities [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney)]; and

WHEREAS, in 2021 and 2022, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million in that year alone, leading to record earnings distributions for the 17 municipalities that have come to rely on their WROTB distributions to contribute to their local budgets thereby reducing the property tax burden for businesses and homeowners; and

WHEREAS, WROTB's financial success and stable leadership enabled it to secure a \$30 million loan for multiple improvements, upgrades and restructuring of debt, as well as the purchase of an 84-room hotel; and

WHEREAS, commencing in January 2022, New York State Senator Timothy M. Kennedy (D – Buffalo) proposed New York State Senate bills to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation and thereby seize control of WROTB from the founding municipalities; and

WHEREAS, in January 2023 New York State Senator Timothy M. Kennedy (D – Buffalo) again proposed a Senate Bill to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation; and

WHEREAS, Sen. Kennedy's proposals would have violated nearly 50 years of statutory precedent in the statutory formation of WROTB and attempted to destroy the equal representation held by the local municipalities who have contributed to the success of WROTB; and

WHEREAS, Sen. Kennedy did not consult with the local municipalities who comprise the Board of Directors of WROTB before introducing his legislation, that sought to destroy the equal representation held by the local municipalities who contributed to the success of WROTB; and

WHEREAS, Sen. Kennedy's proposal violated N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 [5][[a] which provided that the present corporate existence of WROTB shall continue until terminated by law; provided, however, that no such law shall take effect so long as the corporation shall have bonds, notes or other obligations outstanding. The Kennedy Senate Bills not only violated the enabling legislation for WROTB but would have destabilizing the organizational structure of WROTB and harming WROTB's credit worthiness in the eyes of lenders and thereby harm to its member counties; and

WHEREAS, both of Sen. Kennedy's proposals, that sought to change the nearly 50 years of statutory precedent in the statutory formation of WROTB, failed; and

WHEREAS, on May 2, 2023 as a part of the New York State Budget, changes were effected through the 2023 Budget process and amendments to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 and control of WROTB was taken from the founding counties and given to Erie County, Monroe County and the City of Buffalo through weighted voting by all of the WROTB members; and

WHEREAS, Article IX, Section 2(b)(2) of the Constitution (the "Home Rule Law") restricts the State legislature's ability to act in relation to the "property, affairs or government" of any local government, the Municipal Home Rule Clause (NY Const, art IX, § 2 [b] [2]) allows the legislature to

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b), except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature; and

WHEREAS, it is unknown whether the Governor's message of necessity comported with the New York State Constitution, in particular, article III, § 14. That provision requires that bills be "printed and upon the desks of the members" of the Legislature at least three calendar legislative days before final passage (N.Y. Const., art. III, § 14; Although, this mandate may be circumvented if the Governor "certifie[s] ... the facts which in his or her opinion necessitate an immediate vote" on the bill (N.Y. Const., art. III, §14. It is unknown whether any facts are stated by the Governor in a certificate of necessity that form the basis in her opinion that necessitated an immediate vote; and

WHEREAS, the New York State Court of Appeals recognized in *Matter of Moran v. La Guardia*, 270 N.Y. 450, 452 that "To repeal or modify a statute requires a legislative act of equal dignity and import." Nothing less than a Home Rule Message from a majority of the founding counties will suffice. [i.e. the doctrine of Legislative Equivalency"] The doctrine of legislative equivalency has uniformly been applied with respect to the modification and or amendment of prior legislation; and

WHEREAS, none of the founding counties, especially Steuben County, enacted Home Rule Messages requesting that N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, be modified and/or amended, especially a relinquishment of control of WROTB to Erie County, Monroe County and/or the City of Buffalo;

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Attorney is hereby authorized to commence all necessary litigation to enjoin implementation and enforcement of the 2023 modification and or amendment to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, passed on May 2, 2023 and name the following as potential Defendants in such legal action, The State of New York, The Governor of the State of New York, The Assembly of the State of New York, and

The Senate of the State of New York, and any other party deemed necessary to bring full relief to the residents of Steuben County.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.





**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 12-11
PERM. NO. : 135-23 INTRO. DATE: _____

INTRO. BY : A. Mullen SECONDED BY : P. Van Caesele

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	_____	LOST	_____
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	_____	W/DRWN	_____
ACCLAMATION	_____	ABSENT	<u>0</u>	POSTPONED	_____		
		ABSTN'D	<u>527</u>	REF'D/COM	_____		

COMMITTEES:

_____ Y: _____ N: _____ Y: _____ N: _____ Y: _____ N: _____

TITLE: AUTHORIZING THE COUNTY MANAGER TO APPLY FOR AND ACCEPT GRANTS FROM THE UPPER SUSQUEHANNA COALITION.

WHEREAS, the Upper Susquehanna Coalition has informed the County of the availability of grants for remediation of certain sites, specifically the former Public Works shop in Cameron Mills and Call Hill; and

WHEREAS, the Upper Susquehanna Coalition has grant funding available to cover the entire cost of these projects, with the exception of the potential use of County-owned equipment and personnel; and

WHEREAS, work at the Cameron Mills site would include the removal of blacktop, concrete, a fuel storage tank, topographic leveling, and planting of native trees and brush; and

WHEREAS, the work at the Call Hill site would include the construction of three vernal pool complexes to improve storm water runoff.

NOW THEREFORE, BE IT

RESOLVED, the County Manager is hereby authorized to apply for and accept grants from the Upper Susquehanna Coalition for the completion of these two projects; and be it further

RESOLVED, the County Manager is hereby authorized to execute necessary agreements to complete the projects, subject to review and approval of the County Attorney; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to Jeremy Waddell, Upper Susquehanna Coalition, 183 Corporate Drive, Owego, NY 13827; and Jeff Parker, Steuben County Soil & Water Conservation District, 415 West Morris Street, Bath, NY 14810.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.





**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 13-12
PERM. NO. : 136-23 INTRO. DATE: 06/26/2023

INTRO. BY : A. Mullen SECONDED BY : F. Potter

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: APPROVING THE ADDITION OF AGRICULTURAL LANDS TO CERTIFIED AGRICULTURAL DISTRICTS.

Pursuant to Article 25-AA and Section 303-b of the Agriculture and Markets Law of the State of New York.

WHEREAS, this County Legislature established a required annual period from February 15 to March 17 for landowners to submit requests to add agricultural land to certified Agricultural Districts; and

WHEREAS, landowners submitted requests to add land and said requests were forwarded to the County Agriculture and Farmland Protection Board for their review; and

WHEREAS, the County Agriculture and Farmland Protection Board has reviewed the matter, found the land to be viable for agricultural production, and submitted a report to this Legislature; and

WHEREAS, inclusion of these viable agricultural lands in certified agricultural districts will serve the public interest by helping to maintain the agricultural industry of Steuben County; and

WHEREAS, the Steuben County Legislature gave legal notice of and held the required public hearing of this matter on the 26th day of June, 2023 at 10:00 a.m., and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the addition of these parcels to existing agricultural districts is considered an Unlisted Action and an Environmental Assessment Form has been completed,

NOW THEREFORE, BE IT

RESOLVED, the proposed action will not result in any significant adverse environmental impacts,

AND BE IT FURTHER RESOLVED, the following tax parcels shall be added to Agricultural District No. 6:

467000 368.00-01-035.115
467000 368.00-01-021.200

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of the County Planning Department; and Richard A. Ball, Commissioner, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.





**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 15-14
PERM. NO. : 138-23 INTRO. DATE: 06/26/2023

INTRO. BY : B. Schu SECONDED BY : K. Fitzpatrick

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

Admin. Y: N: Y: N: Y: N:

TITLE: AMENDING THE MANAGEMENT SALARY PLAN TO INCLUDE THE TITLE OF ACCOUNTING MANAGER, GRADE H.

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

WHEREAS, the Accounting Manager position in the Finance Department shall be added to the Management Salary Plan; and

WHEREAS, the Personnel Officer, County Manager and standing committees have approved the adjustment in said title.

NOW THEREFORE, BE IT

RESOLVED, effective with the adoption of this resolution, the following position is hereby added to the Management Salary Plan as follows:

Accounting Manager, Grade H (\$59,216 – \$92,595)

AND BE IT FURTHER RESOLVED, a certified copy of this resolution shall be forwarded to the County Manager, County Attorney, Personnel Officer, Clerk of the Legislature, and the Commissioner of Finance.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 16-15
 PERM. NO. : 139-23 INTRO. DATE: 06/26/2023

INTRO. BY : C. Ferratella / B. Schu SECONDED BY : P. Van Caesele

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: WAIVING RULE 16B AND AUTHORIZING THE CREATION OF TWO STAFF SOCIAL WORKER POSITIONS, CSEA GRADE L, IN THE OFFICE OF COMMUNITY SERVICES.

WHEREAS, the Office of Community Services is in need of two unbudgeted Staff Social Workers to meet with professionals of agencies in or outside of the community to obtain assistance and guidance for patients while under the direction of the Clinic Director; and

WHEREAS, the funding for said position is available through Opioid Settlement Funding.

NOW THEREFORE, BE IT

RESOLVED, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

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>Office of Community Services</u>			
Staff Social Worker, Full-time	2	L	\$47,890 - \$70,839 (CSEA Main Unit)

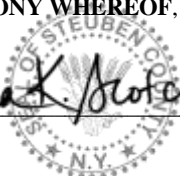
AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of Community Services, the Personnel Officer and the Commissioner of Finance.

STATE OF NEW YORK)
 ss.:
 COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.


 Brenda K. Stotchner



MEMORANDUM OF AGREEMENT

By and Between the

*County of Steuben
(hereinafter referred to as "County")*

And the

*Steuben County Sheriff
(Hereinafter referred to as the "Sheriff")*

And the

*The Deputies Association of the County of Steuben
(Hereinafter referred to as the "Association")*

WHEREAS, the County, the Sheriff's Office (collectively referred to as the "Employer"), and the Deputies Association desire to memorialize and implement a change to the CBA; and

WHEREAS, both the County and Association believe it is in the best interests to ratify this Memorandum of Agreement; and

WHEREAS, the County adopted the changes set forth herein by Resolution ___-___ dated _____, 2023; and

WHEREAS, the CBA effective January 1, 2017 - December 31, 2020 allows, per Article XXXV, Section 1.

NOW, THEREFORE, the parties agree to this Memorandum of Agreement for the purpose of modifying the CBA as follows:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. Article XVIII, Section 2. B. of the CBA shall be amended as follows:

Any new full-time, permanent appointments, as Deputy Sheriff or Building Security Deputy, from a valid competitive civil service list or lateral transfer, will be credited with one (1) year on the salary grid for each year of previous full time police or deputy sheriff service. The new hire will continue progression up the salary grid, as outlined in accordance with the provisions of the current collective bargaining agreement.

Section 3. All other terms and conditions in the CBA shall remain in full force and effect.

Section 4. Should any part, term or provision of this Memorandum of Agreement be by the Courts decided to be illegal or in conflict with any law of the State, the validity of the remaining portions or provisions shall not be affected thereby.

Section 5. This agreement shall be effective _____, 20__.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed by their duly authorized representatives on this ____ day of _____, 20__.

COUNTY OF STEUBEN

DEPUTIES ASSOCIATION

By: _____
Jack Wheeler, County Manager

By: _____
Dan DeBolt, LRS

By: _____
James Allard, Steuben County Sheriff

By: _____
Matthew Sorge, Unit President

By: _____
Nathan Alderman, Personnel Officer

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023
PERM. NO. : 141-23

INTRO. NO. : 18-17
INTRO. DATE: 06/26/2023

INTRO. BY : C. Ferratella SECONDED BY : J. Kuhl

VOTE:

ROLL CALL	<u> X </u>	YES	<u> 8260 </u>	AMENDED	<u> X </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> 571 </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u> 0 </u>	POSTPONED	<u> </u>		
		ABSENT	<u> 527 </u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: AUTHORIZING THE COUNTY MANAGER TO APPROVE A CHANGE ORDER.

WHEREAS, on 08/22/2022 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 of the Mt. Washington and Curtis DPW shops it was noted that contract documents did not contain details and specifications to address architectural fire-rating systems, support details and mechanical fire-rating systems; and

WHEREAS, the cost for the associated fire-rated walls and fire-rated damper system total \$28,208.00 being attributed to Building Innovation Group (General Contractor); and

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

WHEREAS, the Ad Hoc Office Space Committee approved this change order on June 26th, 2023.

NOW THEREFORE, BE IT

RESOLVED, the total amount of the change order is not to exceed \$28,208.00 payable to Building Innovation Group; and be it further

RESOLVED, the County Manager is hereby authorized to increase the contract amount with Building Innovation Group and Frey & Campbell 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.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 19-18
PERM. NO. : 142-23 INTRO. DATE: 06/26/2023

INTRO. BY : B. Schu SECONDED BY : S. Maio

VOTE:

ROLL CALL	<u>X</u>	YES	<u>8831</u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u>X</u>	NO	<u>0</u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> </u>	ABSTN'D	<u>0</u>	POSTPONED	<u> </u>		
		ABSENT	<u>527</u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: AUTHORIZING THE STEUBEN COUNTY ATTORNEY TO RETAIN COUNSEL TO REPRESENT THE COUNTY IN A DIABETIC DRUG MANUFACTURING PRICE FIXING LAWSUIT.

WHEREAS, the County has a self-insured healthcare plan which includes pharmacy benefits; and

WHEREAS, it is alleged that the primary insulin and diabetic drug manufacturers have violated anti-trust and other laws that resulted in price fixing for these medications since 2003; and

WHEREAS, since the County of Steuben directly purchases, indirectly reimburses for, or otherwise pays for these prescribe drugs at issue, the County of Steuben should join the legal action that other self- insured entities are contemplating now against the manufacturers that controlled the diabetic drug market; and

WHEREAS, the County Attorney has received a proposal for retaining counsel regarding the aforementioned legal action and after review has recommended to this body a retainer proposal providing reasonable compensation for counsel from any proceeds of an award out of this action.

NOW THEREFORE, BE IT

RESOLVED, that the County of Steuben be, and hereby is authorized to enter into civil litigation alleging price fixing and other antitrust violations against diabetic drug manufacturers and any other related causes of action; and be it further

RESOLVED, that the County of Steuben accepts the proposed Legal Service Agreement from the law firm of Napoli Shkolnik PLLC, and the County Attorney is authorized to execute the same on behalf of the County of Steuben; and be it further

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

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.




LEGAL SERVICES CONTRACT

THIS CONTRACT IS SUBJECT TO ARBITRATION UNDER THE FEDERAL ARBITRATION ACT

E-Mail or Fax to: NSPR Law Services d/b/a Napoli Shkolnik
 pnapoli@nsprlaw.com

WHEREAS, the undersigned, _____ (“Client”) agrees to retain the law office of NS PR Law Services LLC d/b/a Napoli Shkolnik PLLC (“Law Firm”) (collectively, “Parties”) as Client’s attorneys in the prosecution of any legal claim against manufacturers of insulins and other diabetic medication, pharmacy benefit managers (“PBMs”) and/or their executives based upon their actions in fixing prices, engineering kickbacks, and engaging in other antitrust violations or other wrongdoing with respect to insulin and other diabetic medication. The Parties specifically agree as follows:

1. **FEE PERCENTAGE:** As consideration for legal services rendered and to be rendered by the Attorneys in carrying out the purpose hereof, Client agrees to pay Law Firm 33.33% (thirty-three and one third percent) of all gross amounts recovered, including the value of any injunctive or non-monetary relief. If the non-monetary relief has a concrete value, the contingency fee of 33.33% will be based on that amount. If there is no concrete value on the non-monetary relief then the Law Firm’s fee will be based on an agreed upon value between the Client and Law Firm. Further, if the action is certified as a class action, the law firm shall request an award of common benefit fees and compensation to be award within the discretion of the court irrespective of the stated retainer amount. Client assigns, and the Law Firm accepts and acquires as its fee, a proportionate interest in the subject matter of any claim, action, or suit instituted or asserted under the provisions of this agreement. All expenses and costs will be deducted after the contingent fee calculation. Any liens and subrogation are to be deducted after the contingent fee is calculated.

2. **DISBURSEMENTS:** The Law Firm shall be reimbursed all reasonable expenses associated with the legal services being rendered including, but not limited to, legal research, long distance telephone calls, fax, postage, copying, travel, litigation, and expert expenses. Costs shall also include, but not be limited to, any “MDL Assessment” imposed by any Multi-District Litigation (“MDL”) Court or withheld from any settlement or favorable judgment by any defendant. In addition to the above listed individual costs, there may be common benefit costs. Common benefit costs are costs expended for the common benefit of a group of clients. For example, if a deposition of a defendant expert witness is taken in one case, and this deposition can be used for and/or benefits the claims of many other clients, these costs will be classified as common benefit costs. By using this common benefit cost system, no one client has to solely bear the costs which actually benefit the group as a whole, and many of the most substantial costs of litigation can be shared equally by all. Client grants a special privilege to the Law Firm for their professional fees, expenses, costs, interest, and loans, on all

monies and properties recovered or obtained for Client. Client's repayment of costs and expenses is contingent on the outcome from any funds received on the claim in question.

3. **FINANCING OF CASE:** If the firm borrows money from any lending institution to finance the cost of the client's case, the amounts advanced by this firm to pay the cost of prosecuting or defending a claim or action or otherwise protecting or promoting the client's interest will bear interest at the highest lawful rate allowed by applicable law. In no event will the interest be greater than the amount paid by the firm to the lending institution.

4. **TAX ADVICE:** The Client understands that the Law Firm will not provide any advice regarding the tax consequences of accepting money from a settlement or award. CLIENT SHOULD CONTACT A TAX PROFESSIONAL REGARDING ANY TAX CONCERNS REGARDING ANY SETTLEMENT PRIOR TO THE SETTLEMENT.

5. **TERMINATION:** The Law Firm expressly reserves the right to withdraw its representation at any time upon reasonable notification to the Client, subject to applicable ethical rules, if any. Should the Client terminate the Law Firm, the Law Firm shall continue to be entitled to its legal fees on any and all sums recovered as a result of the claims.

6. **APPEALS:** The above contingency fee does not contemplate any appeal. The Law Firm is under no duty to perfect or prosecute any such appeal until a satisfactory fee arrangement is made between the Parties and is reduced to writing regarding costs and attorneys' fees.

7. **COUNTERCLAIMS:** The above contingency fee does not contemplate the Law Firm's representation of Client against any claims made by a person against the Clients. The Law Firm is under no duty to defend or prosecute any such claim or counterclaim until a satisfactory fee arrangement is made between the Parties and is reduced to writing regarding costs and attorneys' fees.

8. **STATUTE OF LIMITATIONS:** Client understands that the Statute of Limitations period for the case must be investigated and that this Agreement is made subject to that investigation as well as an investigation of the entire case. Client understands that statutes of limitation may have run on the case and agrees to hold the Law Firm harmless in the event the applicable statutes of limitation have run for any reason.

9. **NO GUARANTEE OF FINAL OUTCOME:** No attorney can accurately predict the outcome of any legal matter. Accordingly, the Law Firm makes no express or implied representations as to the final outcome of the matter(s) contemplated by this Agreement. Client further understands that Client must immediately report any changes in Client's address or telephone number to the Law Firm.

10. **APPROVAL NECESSARY FOR SETTLEMENT:** Client hereby grants the Law Firm power of attorney so that the Law Firm may have full authority to prepare, sign and file all legal instruments, pleadings, drafts, authorizations, and papers as shall be reasonably necessary to conclude the representation including settlement and/or reducing to possession any and all monies or other things of value due to Client under its claim as fully as the Client

could do so. The Law Firm is also authorized and empowered to act as Client's sole negotiator in any and all negotiations concerning the subject of this Agreement. To be clear, all decisions regarding final resolution of the litigation, including settlement, are within the sole power of the Client. The decision regarding settlement shall always be held and remain with the Client.

11. **ASSOCIATION OF OTHER ATTORNEYS:** The Law Firm may, at its own expense, use or associate with other attorneys in the representation of the Client. Client understands that the Law Firm is a Professional Limited Liability Company with a number of attorneys. Several of those attorneys may work on Client's case.

12. **ASSOCIATE COUNSEL:** Another attorney may participate in the division of fees in this case and assume joint responsibility for the representation of Client, either in the event that the Law Firm retains associate counsel or in the event that Client later chooses new counsel, provided that the total fee to Client does not decrease as a result of the division of fees and that the attorneys involved have agreed to the division of fees and assumption of joint responsibility.

13. **CLASS ACTION:** Client understands that Attorneys may pursue a class action on behalf of Client and all others similarly situated and client specifically authorizes attorneys to do so. Client understands that Client may serve as a class representative and may be called upon to act in a representative capacity for those who are similarly situated. Client knows of no conflict that would cause Client to be inadequate representative and agrees to vigorously defend the interests of the class if called upon to do so.

14. **NEW YORK STATE LAW TO APPLY:** This Agreement shall be construed under and in accordance with the laws of the State of New York and the rights, duties and obligations of Client and of the Law Firm's representation of Client and the laws of the State of New York shall govern regarding anything covered by this Agreement.

15. **ARBITRATION:** Any and all disputes, controversies, claims or demands arising out of or relating to (i) this Agreement; (ii) any provision of this Agreement; (iii) the provision of services by the Law Firm to Client; and (iv) the relationship between the Parties, whether in contract, tort or otherwise, at law or in equity, for damages or any other relief, shall be resolved by binding arbitration pursuant to the Federal Arbitration Act in accordance with the Commercial Arbitration Rules then in effect with the American Arbitration Association. Client shall not file a class action against at the Law Firm or seek to assert any claims or demands against the Law Firm by or through a class action, either as the named plaintiff or as a member of the class, but rather shall submit his/her claims or demands to binding arbitration. Any such arbitration proceeding shall be conducted in New York. This arbitration provision shall be enforceable in either federal or state court in New York, pursuant to the substantive federal laws established by the Federal Arbitration Act. Any party to any award rendered in such arbitration proceeding may seek a judgment upon the award and any Court in New York having jurisdiction may enter that judgment.

16. **PARTIES BOUND:** This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, executors, administrators, legal representative, successors and assigns.

17. **LEGAL CONSTRUCTION:** In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable, such invalidity, herein illegality, or unenforceability shall not affect any other provisions hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained.

18. **PRIOR AGREEMENTS SUPERSEDED:** This Agreement constitutes the sole and only agreement of the Parties hereto and supersedes all prior understandings or written or oral agreement between the Parties respecting the within subject matter, if any.

Client certifies and acknowledges that Client has had the opportunity to read this Agreement. Client further affirms that Client has voluntarily entered into this Agreement, that Client has been advised that Client may seek legal counsel to review this Agreement before signing, and that Client is fully aware of the terms and conditions contained in this Agreement.

SIGNED AND ACCEPTED ON THIS _____ day of _____, 2023

THIS CONTRACT IS SUBJECT TO ARBITRATION UNDER THE FEDERAL ARBITRATION ACT	
	NSPR Law Services LLC d/b/a Napoli Shkolnik
Signature:	By: Salvatore C. Badala
Address:	Salvatore C. Badala
	By:

**RESOLUTION
STEUBEN COUNTY LEGISLATURE
BATH, NEW YORK**

DATE APPROVED : 06/26/2023 INTRO. NO. : 20-19
PERM. NO. : 143-23 INTRO. DATE: 06/26/2023

INTRO. BY : A. Mullen SECONDED BY : R. Nichols

VOTE:

ROLL CALL	<u> </u>	YES	<u> </u>	AMENDED	<u> </u>	LOST	<u> </u>
ADOPTED	<u> X </u>	NO	<u> </u>	TABLED	<u> </u>	W/DRWN	<u> </u>
ACCLAMATION	<u> X </u>	ABSTN'D	<u> </u>	POSTPONED	<u> </u>		
		ABSENT	<u> </u>	REF'D/COM	<u> </u>		

COMMITTEES:

 Y: N: Y: N: Y: N:

TITLE: URGING GOVERNOR HOCHUL TO VETO S1725A/A4601A, IN RELATION TO THE PROTECTION OF CERTAIN STREAMS.

WHEREAS, the New York State Senate and Assembly have recently passed S1725A/A4601A, which significantly changes the Protection of Water Regulatory program by requiring the NYS Department of Environmental Conservation (DEC) to issue permits for all Class C streams; and

WHEREAS, this new regulation would add 40,000 miles of stream Class C and 36,000 miles of Class A&B to DEC permitting authority; and

WHEREAS, these stream classes are currently well managed by the State's Soil & Water Conservation Districts (SWCD); and

WHEREAS, the addition of all Class C streams to the existing permit program will be an overwhelming burden upon DEC, Soil & Water Conservation Districts, landowners, and municipalities; and

WHEREAS, DEC does not have the staff or resources available to manage current permit applications on a timely basis, let alone the addition of hundreds of projects annually in Class C streams; and

WHEREAS, the allowance for a Memorandum of Understanding with DEC and SWCD's is untenable due to the same staffing and resource issues; and

WHEREAS, the proposed changes could significantly impact the design and cost of bridges over these streams, placing significant fiscal burden upon municipalities; and

WHEREAS, both Governors Hochul and Cuomo have vetoed previous version of this bill for the above-stated reasons.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Legislature urges Governor Hochul to veto S1725A/A4601A; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; and NYSDEC Commissioner Basil Seggos, 625 Broadway, Albany, NY 1223.

STATE OF NEW YORK)

ss.:

COUNTY OF STEUBEN)

I, the undersigned, Clerk of the Steuben County Legislature, **DO HEREBY CERTIFY**, that the foregoing is a copy of a resolution duly adopted by said County Legislature while in session in the Legislative Chambers in the Village of Bath, New York, June 26, 2023; that it is a correct transcript therefrom and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said County Legislature at Bath, New York, June 29, 2023.



