

LOCAL LAW
INTRODUCTORY NO. 10-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

SECTION I. Local Law 3-18 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.

2. "Appear" and "Appear before" mean communicating in whatever form, whether personally or through another person.

3. "County officer or employee" means any officer or employee of the County, whether paid or unpaid, including Public officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.

4. "Dependent" means an individual who will be claimed by the County officer or employee as a dependent on the current year's State or Federal tax return.

5. "Family member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County officer or employee.

6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

7. "Related person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County officer or employee's household, first cousin, aunt, uncle, niece, or nephew.

8. "Public official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County officer or employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:

- a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County officer or employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
- b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County officer or employee knows is considering or has had any transactions with the county that involves any discretionary act by the County officer or employee.
- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:

- (i) himself or herself;
- (ii) a Family member;
- (iii) any partnership or unincorporated association of which the County officer or employee is a member or employee or in which he or she has a proprietary interest;
- (iv) any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- (v) any Person with whom the County officer or employee or his or her Family member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County officer or employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
- (vi) any Person from whom the County officer or employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County officer or employee from performing a purely ministerial act.

Notwithstanding the above, a County officer or employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected officer or employee of the County or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.
- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.

- f. after termination of his or her term of office or employment with the County, Appear before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County officer or employee shall for two years after the termination of employment Appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself of herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County officer or employee shall Appear before any County department or Agency which employs such County officer or employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County officer or employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County officer or employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County officer or employee who is an elected Public official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint an officer or employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County officer or employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County officer or employee.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County officer or employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County officer and employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County officers and employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County officer or employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public officials who are elected or paid shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement utilizing the 2018 disclosure statement form filed with the Clerk of the County Legislature.

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the Public official shall file a signed amendment to the statement indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

2. If a Public official who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Public Officials; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

1. The following Public officials are subject to disclosure requirements:

Administrative Assistant
Assistant Construction & Maintenance Supervisor
Assistant County Attorney
Assistant Deputy Director of Public Facilities (Buildings & Grounds)
Assistant District Attorney
Assistant Public Defender
Assistant Social Services Attorney
Assistant to Commissioner of Social Services
Associate Public Health Engineer
Board of Health Members
Budget Director
Chautauqua County Land Bank Corporation Board Members
Chautauqua Tobacco Asset Securitization Corporation Members
Chief Information Officer
Child Psychiatrist
Clerk of the Legislature
Commissioner of Elections
Commissioner of Health Services
Commissioner of Social Services
Construction & Maintenance Supervisor
Coroner
Corrections Lieutenant
County Attorney
County Clerk
County Executive

County Fire Coordinator
County Historian
Deputy Clerk of the Legislature
Deputy Commissioner of Social Services
Deputy County Clerk
Deputy County Executive
Deputy County Executive for Economic Development
Deputy Director of Central Services (Office Services)
Deputy Director of Central Services (Purchasing)
Deputy Director of Finance
Deputy Director of Planning
Deputy Director of Planning and Economic Development
Deputy Director of Public Facilities (Engineering)
Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)
Deputy Director of Public Facilities (Transportation)
Deputy Probation Director II
Deputy Public Health Director
Deputy Sheriff Captain
Director of Administrative Services
Director of Aging Health Services
Director of Certification
Director of Community Mental Hygiene Services
Director of Economic Development
Director of Emergency Services
Director of Environmental Health Services
Director of Finance
Director of Health & Human Services
Director of Human Resources
Director of Information Services
Director of Intermunicipal Services
Director of North Chautauqua Lake Sewer District
Director of Office for the Aging
Director of Office of Management and Budget
Director of Patient Services
Director of Planning
Director of Planning and Community Development
Director of Planning and Economic Development
Director of Portland-Pomfret-Dunkirk Sewer District
Director of Public Facilities
Director of Real Property Tax Services III
Director of Social Services
Director of South & Center Chautauqua Lake Sewer Districts
Director of Veterans Service Agency
District Attorney
Engineer III

Executive Assistant
Executive Director of the Chautauqua County Land Bank Corporation
Financial Analyst to Legislature
First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
First Assistant Social Services Attorney
First Deputy Director of Finance
Health Administrator
Insurance Administrator
Legal Counsel to the Legislature
Legislator
Manager of Airports
Members of North Chautauqua County Water District
Members of the North Chautauqua Lake Sewer District Board
Members of North County Industrial Water/Sewer District 1
Members of the Portland Pomfret Dunkirk Sewer District Board
Members of South and Center Chautauqua Lake Sewer Districts Board
Members of the Chautauqua County Soil and Water Conservation District
Mental Hygiene Program Coordinator
Personnel Technician
Physician
Planning Board Members
Probation Director II
Probation Supervisor
Public Defender
Public Health Director
Purchasing Agent
Purchasing Manager
Real Property Systems Coordinator/Assistant Director
Sanitation Supervisor
Sealer of Weights and Measures
Second Assistant County Attorney
Second Assistant District Attorney
Second Assistant Public Defender
Senior Personnel Technician
Senior Personnel Technician/Deputy Director of Human Resources
Senior Project Coordinator (Transportation)
Sheriff
Social Services Attorney
Special Assistant for Medicaid
Special Projects Coordinator
Supervising Clinical Psychologist
Undersheriff
Warden

All other officers or employees who are authorized to approve vouchers, purchase orders, contracts and payroll such as purchasing clerks and purchasing agents.

2. Before May 15th of each year, the County Executive shall verify that every affected Public official has filed his or her annual disclosure statement.

3. Failure of the County Executive or the elected officer to comply with this section shall not relieve any Public official who is elected or paid from his or her duty to file an annual disclosure statement pursuant to this Code of Ethics.

4. All officials and employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code. The training will include either a paper copy of the Code or information about where the Code can be found online. Training will be administered as follows:

- a. The County Department of Human Resources will provide a paper copy of the training materials to new employees as part of the new employee orientation process, and will secure written confirmation of receipt.
- b. The County Department of Human Resources will administer annual training for all existing County employees between January 1st and March 31st. Supervisors must ensure that each employee under his/her purview signs off on a form confirming review of the training.
- c. For County boards and commissions, the appointing authorities or their designees will provide a copy of the training materials to each board member upon first appointing such board member, and will secure written or electronic confirmation of receipt.
- d. For County boards and commissions, the appointing authorities or their designees will administer annual training for all existing board members between January 1st and March 31st. Appointing authorities or their designees must ensure that each board member under their purview acknowledges receipt of the training materials, either electronically or by signing off on a form confirming receipt of the training materials.
- e. The Director of the Department of Human Resources will notify the County Ethics Board when all employees have completed their annual training, and appointing authorities or their designees will notify the County Ethics Board when all board members have acknowledged receipt of the annual training materials.

Section 10. Reporting Violations.

All County officers and employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false is a violation of this Code and may result in penalties as provided herein.

Section 11 . Inducement of Violations

Any Person, whether or not a County officer or employee, who intentionally induces any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County officer or employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County officer or employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County officer or employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms, with three terms expiring in odd years and two terms expiring in even years. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with Public officials the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County officer or employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- g. Prepare an annual report and recommend changes or improvements to the Code of Ethics;
- h. Perform such other related duties as requested by the County Executive;
- i. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and
- j. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

SECTION II. This Local Law shall become effective upon filing with the Secretary of State.

CHAUTAUQUA COUNTY
RESOLUTION NO. 263-18

DWM 11/16/18
ABC 11/16/18
KMD 11/16/18
KLC 11/16/18
GMB 11/16/18

TITLE: Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake

AT THE REQUEST OF: County Executive George M. Borrello and Legislators Mark Odell, Lisa Vanstrom, and Pierre Chagnon:

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, excessive amounts of aquatic vegetation, high water levels, and wind conditions have resulted in a large deposit of aquatic vegetation and a fish kill in Burtis Bay on Chautauqua Lake; and

WHEREAS, Chautauqua County recommends a remedy whereby the aquatic vegetation and dead fish are removed and disposed in the Chautauqua County's Ellery Landfill, thereby mitigating potential environmental degradation and human health concerns if the aquatic vegetation and dead fish were allowed to remain and decay in Chautauqua Lake; and

WHEREAS, the Chautauqua Lake Association has the capacity to remobilize its fleet of specialized lake maintenance equipment and the manpower to implement the County's recommended remedy, and has provided a proposal to effectuate the remedy at an estimated cost of \$25,000; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$229,882; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$25,000 from the 2% Occupancy Tax Reserve to the Chautauqua Lake Association for removal and disposal of aquatic vegetation and dead fish from Burtis Bay on Chautauqua Lake; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$25,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$25,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Tabled in Legislature 11/28/2018

CHAUTAUQUA COUNTY LEGISLATURE

12/19/18

RES. NO. 275-18

Confirm Re-Appointments – South & Center Chautauqua Lake Sewer District Board

By Public Facilities Committee:

At the Request of Chairman Paul M. Wendel:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following re-appointments; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following re-appointments to the South & Center Chautauqua Lake Sewer Districts Board:

Pierre Chagnon
3714 Westman Road
Bemus Point, NY 14712
Term Expires: 12/31/2024

Karen Rine
87 Longview Ave. WE
Jamestown, N.Y. 14701
Term Expires: 12/31/2024

William Chandler
207 W. Summit Avenue
Lakewood, NY 14750
Term Expires: 12/31/2024
Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

RES. NO. 276-18

Authorize Agreement for Purchase and Removal of Standing Timber From County Airport Property at the Chautauqua County Jamestown Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua is authorized by General Municipal Law §72-a and County Law §219 to maintain forest lands and sell trees and timber from such lands; and

WHEREAS, the County contracted with Forecon, Inc. to provide forest management services which include independent quantity surveys and estimates of standing timber value on County reforestation properties; and

WHEREAS, Forecon, Inc. completed a fair market value appraisal of the standing timber on 41 acres of the Chautauqua County Jamestown Airport located in the Town of Ellicott as Section 335.00 Block 3 Lot 12, Section 335.00 Block 2 Lot 13, Section 335.00 Block 3 Lot 14, and Section 335.00, Block 3 Lot 17.1 (“Parcel”), and estimated the value of the mature timber on said Parcel at \$40,000; and

WHEREAS, on December 6, 2018, the County issued an Invitation to Bid on the Parcel for the sale and removal of 90,126 board feet (MBF) hardwood saw timber, with a deadline for all sealed bids to be received by the County no later than January 3, 2019 at 2:00 p.m.; and

WHEREAS, price volatility in the hardwood saw timber market increases risks and limits competition, and the increase in elapsed time between the opening of bids and the awarding of the contract due to obtaining necessary Legislature approval discourages prospective bidders from submitting a bid; and

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WHEREAS, the County issued an Invitation to Bid on the Parcel in July 2018 and received no bids due to the above-mentioned factors; and

WHEREAS, it is appropriate for the County to accept the highest offered price that exceeds the fair market value appraisal; and

WHEREAS, pursuant to the Federal Aviation Administration (FAA) Airport Improvement Program's (AIP's) Airport Sponsors Assurances, all proceeds derived from the sale of this Parcel must be expended by the County for the capital or operating costs of the Chautauqua County Jamestown Airport; and

WHEREAS, the County desires to enter into a timber sale contract with the bidder who submits the highest technically compliant bid that meets or exceeds the fair market value appraisal; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a timber sale contract with the bidder who submits the highest technically compliant bid for the sale and removal of 90,126 MBF hardwood saw timber on the Parcel that meets or exceeds the fair market value appraisal of \$40,000, with proceeds placed in an account for the capital or operating costs of the Chautauqua County Jamestown Airport.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

RES. NO. 277-18

Establish Capital Accounts for Land Purchase and Avigation Easements at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (NYSDOT) matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS Chautauqua County, as Airport Sponsor under the NPIAS, is obligated to develop and implement an Obstruction Management Plan to maintain runway virtual approach surfaces free and clear of hazards to avigation and under the current FAA-Approved Obstruction Management Plan existing obstructions must be removed as a prerequisite to restoring Instrument Flying Rule (IFR) nighttime approaches to Dunkirk Airport; and

WHEREAS, the Chautauqua County Legislature has previously approved the Dunkirk ACIP which includes capital projects for "Update Runway 06-24 Runway Avigation Easements and Land Acquisition for Runway Protection Areas (RPZ)" and "Update Runways 15-33 Avigation Easements and Land Acquisition for Runway Protection Area (RPZ)"; and

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WHEREAS, the Airport Commission has reviewed and approved the DKK Runway 06-24 aviation easements project for FY 2019; therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.---.---.878.0000 Fund Balance, Reserved Fund Balance – Reserve for Capital \$30,000

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Capital Budget, and the County Executive is authorized to enter into all necessary agreements with the State and Federal governments to obtain the expected grant funds set forth below:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfer – Transfer to Capital \$30,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25011.4 Contractual – Easement and Land Acquisition DKK \$600,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25011.R503.1000 Interfund Transfer—Interfund Transfer \$30,000

H.5610.25011.R359.7001 NYS Aid – Airport Capital Grants \$30,000

H.5610.25001.R459.2000 Federal Aid – Airport Federal Capital Grants \$540,000

Total: \$600,000

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Niebel (P.F.- Scudder voting “no”)

RES. NO. 278-18

Supporting the Development of a Renewable Natural Gas Facility at the Chautauqua County Landfill

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County owns and operates a landfill gas-to-energy electric generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the current depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas for processing as renewable natural gas (RNG); and

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WHEREAS, the County issued a request for proposals for the development of an RNG facility at the County Landfill that should allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; now therefore be it

RESOLVED, that the County Executive is requested to negotiate a lease and any other necessary agreements to enable the construction and operation of an RNG facility at the County Landfill, to include the following tentative terms and conditions:

1. Developer. Montauk Energy Holdings, LLC, or its designated affiliated entity, 680 Anderson Drive, Foster Plaza 10 5th Floor, Pittsburgh, PA 15220.
2. Term. Twenty (20) years from the commercial operation date of the RNG facility.
3. Premises. An approximately two (2) acre site at the County Landfill.
4. Payments to County.

Years one (1) through ten (10):

- a. Base payment of \$1,000,000 per year;
- b. Royalty payment of twelve percent (12%) of RNG sale revenues, including revenues from environmental credits and/or offsets, minus the reasonable and documented administrative costs associated with the monetizing of the available environmental credits and/or offsets.

Years eleven (11) through twenty (20):

Royalty payment of twenty percent (20%) of RNG sale revenues, including revenues from environmental credits and/or offsets, minus the reasonable and documented administrative costs associated with the monetizing of the available environmental credits and/or offsets.

5. Taxes. Developer responsible for all taxes, including real property taxes, associated with its use and ownership of the RNG facility.

and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the final negotiated lease shall be subject to approval by the County Legislature.

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould (P.F. Passed on w/o recommendation)

CHAUTAUQUA COUNTY LEGISLATURE
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RES. NO. 279-18

Amend 2018 Budget Appropriations and Revenues – Emergency Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some Emergency Services department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Emergency Services has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.CME.4	Contractual-Emergency Medical Service- CME-Continuing Medical Education	\$2,500
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INCREASE REVENUE ACCOUNT:

A.3989.CME.R158.9000	Miscellaneous--Other Public Safety Income	\$2,500
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES NO. 280-18

Amend Budget Appropriations and Revenues Associated with Vehicle Purchases by the District Attorney

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the capital vehicle budget for the District Attorney was based on purchase prices net of trade-in allowances; and

WHEREAS, there were no trade-in allowances when then new vehicles were purchased, and the old vehicles were sold at auction; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 operating and capital budgets:

INCREASE APPROPRIATION ACCOUNTS:

H.1997.999.4	Contractual—County Vehicle Replacement-Vehicle Replacement	\$27,168
A.1165.----.4	Contractual—District Attorney	<u>\$ 6,792</u>
	Total	\$33,960

INCREASE REVENUE ACCOUNT:

H.1997.999.R221.0VEH	Shared Services—Shared Services Vehicles	\$27,168
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CHAUTAUQUA COUNTY LEGISLATURE
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.----.R266.5000 Sale of Property/Compensa—Sale of Equipment \$ 6,792

~~;~~ and be it further

~~RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 operating budget:~~

~~INCREASE APPROPRIATION ACCOUNT:~~

~~A.1165. .4 Contractual District Attorney \$ 6,792~~

~~INCREASE REVENUE ACCOUNT:~~

~~A.1165.----.R266.5000 Sale of Property/Compensa—Sale of Equipment \$ 6,792~~

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould
(Amended by strikethrough – A.C.)

RES. NO. 281-18

Authorize Acceptance of the Crimes Against Revenue Program Grant (“CARP”) Funds for 2019

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney’s Office has applied for a grant in the amount of \$80,400 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period of January 1, 2019 to December 31, 2019; and

WHEREAS, such funds are to be utilized to develop and implement an effective enforcement strategy (“strategic plan”) in collaboration with the State Department of Taxation and Finance (DTF) and other governmental agencies, as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2019 adopted budget so no budget amendments are necessary; therefore, be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to detect, investigate, prosecute and deter revenue crime; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

CHAUTAUQUA COUNTY LEGISLATURE
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RES. NO. 282-18

Authorize Acceptance of the 2019 Stop Violence Against Women (VAWA) Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Offices of the District Attorney and Sheriff have been awarded a grant in the amount of \$66,750.00 from the New York State Division of Criminal Justice Services 2019 Stop Violence Against Women (VAWA) Grant Program to be used from the period of January 1, 2019 to December 31, 2019; and

WHEREAS, such funds are to be utilized for an Assistant District Attorney designated as a Special Victim's Prosecutor, a part time Deputy Sheriff and a Spanish Interpreter/Victim Advocate/Cultural Liaison; therefore be it hereby

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Division of Criminal Justice Services (DCJS) to accept a Stop Violence Against Women (VAWA) grant; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services-District Attorney	\$10,000
A.1165.----.8	Employee Benefits-District Attorney	<u>\$ 2,350</u>
	Total	\$12,350

INCREASE REVENUE ACCOUNT:

A.1165.----.R438.9004	Federal Aid—Violence Against Women	\$12,350
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 283-18

Authorize Acceptance of the 2018-2023 Victim Assistance Through Attorney Services Program Grant

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$600,000 from the New York State Office of Victim Services pursuant to its VOCA Victim Assistance Program for a tentative period of five (5) years; and

WHEREAS, such funds are to be utilized to fill the gap in providing legal needs to crime victims by creating a partnership between the County's Victim Assistance Center and Legal Assistance of Western New York, Inc. (LawNY) that will provide the essential link for victims to receive the civil legal services they need; and

WHEREAS, the revenues and expenditures associated with this grant are not included in the 2019 Adopted Budget; therefore, be it

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RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to crime victims; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds and to execute necessary agreements with LawNY to implement the grant program; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1165.1169.4	Contractual—District Attorney-Crime Victims	\$120,000
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INCREASE REVENUE ACCOUNTS:

A.1165.1169.R308.9003	NYS Aid—Oth St Aid: Crime Victims	\$ 96,000
A.1165.1169.R408.9003	Federal Aid—Oth Fed Aid: Crime Victims	<u>\$ 24,000</u>
	Total	\$120,000

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 284-18
Amend 2018 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3315.----.8	Employee Benefits – Stop DWI	\$11,945
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DECREASE APPROPRIATION ACCOUNT:

A.3020.TECH.1	Personal Services – Publ Safety Communication- Technical Services	\$11,945
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 285-18

Authorize Execution of Statewide Interoperability Communications Grant (SICG) Award FY18

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State (NYS) Division of Homeland Security and Emergency Services approved the application submitted for the Statewide Interoperability Communications formula grant (SICG); and

WHEREAS, the State of New York will provide funding for a FY18 grant in the amount of \$639,301.00, with no local funds, for the performance period of January 1, 2019 through December 31, 2020; and

WHEREAS, this grant is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services.
Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 286-18

Authorize Agreement with Village of Silver Creek for Enhanced Police Protection Services
FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek and the Town of Hanover have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2019 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Village of Silver Creek and the Town of Hanover for the period from January 1, 2019 through December 31, 2019 for an estimated cost not to exceed \$585,284; and

WHEREAS, this revenue and associated expenses are included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered to execute an agreement with the Village of Silver Creek for enhanced police protection services as set forth above with revenue to be credited to account A.3110.----.R226.0000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

CHAUTAUQUA COUNTY LEGISLATURE

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RES. NO. 287-18

Authorize Agreement with Town of Ripley for Enhanced Police Protection Services FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2019 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2019 through December 31, 2019 for an estimated cost not to exceed \$32,000.00 based on an hourly rate of at least \$40.38 and a holiday hourly rate of at least \$50.81; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Ripley for enhanced police services as set forth above with revenues to be credited to account A.3110.----.R226.0000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 288-18

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Protection Services FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua Lake Central School District has requested that the Chautauqua County Office of the Sheriff provide Deputy Sheriffs at sporting and social events at its schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$40.38; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police protection services as set forth above with revenues to be credited to account A.3110.----.R226.0000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

CHAUTAUQUA COUNTY LEGISLATURE
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RES. NO. 289-18

Authorize Agreement with Town of Ellery for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Ellery has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$2,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Ellery for court security as set forth above, with revenues to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 290-18

Authorize Agreement with Town of Kiantone for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Kiantone has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Kiantone for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 291-18

Authorize Agreement with Town of Mina for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Mina has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Mina for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 292-18

Authorize Agreement with Town of North Harmony for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$7,000.00 based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenues to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 293-18

Authorize Agreement with Village of Silver Creek for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$3,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Village of Silver Creek for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 294-18

Authorize Agreement with Town of Stockton for Court Security Detail FY19

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Stockton has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Stockton for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Stockton for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 295-18

Amend 2018 Budget for Computer Purchases for Public Health and Jail Nurses

By Public Safety, Human Services, and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, 2018 expenditures for computer purchases for Jail nurses are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 expenditures for computer purchases for Public Health nurses are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 expenditures for medical supplies under the Family Planning grant are now projected to be lower than the grant budgeted amount; and

WHEREAS, the New York State Department of Health has approved a budget modification to the Family Planning grant to reallocate funds originally budgeted to medical supplies to equipment; and

WHEREAS, 2018 budgeted State Aid revenue will decrease due to the decrease in public health expenses; and

WHEREAS, 2018 Jail State Aid revenue is now projected to be in excess of the budgeted amount; and

WHEREAS, the 2018 Budget must be adjusted to facilitate purchase of the computers and reflect the above listed changes in revenue; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$13,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.2	Equipment- Public Health Admin-Nursing	\$ 490
A.4017.JAIL.2	Equipment- Clinics-Jail	<u>\$18,610</u>
	Total	\$19,100

DECREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual- Public Health Admin-Nursing	\$19,100
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INCREASE REVENUE ACCOUNT:

A.4017.JAIL.R340.1000	NYS Aid--Public Health Grant	\$20,000
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DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	NYS Aid--Public Health Grant	\$ 7,000
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 296-18

Authorize Agreement and Amend 2019 Budget for the Health Care Proxy Registry

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County Office for the Aging (OFA) and the Chautauqua County Health Network (CCHN) agree that the County, through its Office for the Aging and NY Connects program, is an appropriate entity to continue maintenance of the healthcare proxy registry; and

WHEREAS, revenues and appropriations associated with the agreements were not included in the 2019 Budget; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the Chautauqua County Health Network (CCHN); and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2019 Budget:

INCREASE REVENUE ACCOUNT:

A.6772.----.R197.2000 Departmental Income – Chrgs: Office for Aging \$5,920

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services – Office for the Aging	\$1,760
A.6772.----.4	Contractual – Office for the Aging	\$3,040
A.6772.----.8	Employee Benefits – Office for the Aging	<u>\$1,120</u>
	Total	\$5,920

Signed: Wilfong, O’Connell, Whitford, Chagnon, Nazzaro, Muldowney, Gould, Niebel

RES. NO. 297-18

Acceptance of New York State Municipal Restructuring Fund Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County Government is committed to assisting and encouraging shared services and government restructuring efforts through its Regional Solutions Commission and Government Reduction Initiative; and

WHEREAS, a Municipal Consolidation and Efficiency Competition grant application put forth by Chautauqua County and 23 co-applicant local governments included the Chautauqua Region Water and Wastewater Cooperative Project; and

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WHEREAS, the Chautauqua Region Water and Wastewater Cooperative Project was tentatively awarded \$1,203,144 in grant funding through the New York Department of State Municipal Restructuring Fund that will be released in phases; and

WHEREAS, Phase I funding in the amount of \$50,000 has been made available to be used to develop a project plan; and

WHEREAS, revenues and expenditures associated with the Phase I funding are not included in the 2019 budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York Department of State for program funding for so long as the County continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate the County's receipt of such funds; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2019 budget:

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4090.R348.9WWC NYS Aid—Water & Wastewater Cooperative Project \$50,000

INCREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual—Environmental Health \$50,000

Signed: Wilfong, O'Connell, Whitford, Chagnon, Nazzaro, Muldowney, Gould, Niebel

RES. NO. 298-18

Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations

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outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek, are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolutions 106-16, 266-16, and 282-17, Chautauqua County retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects, and obtaining federal funding during 2016, 2017, and 2018 at a cost not to exceed \$15,000 each year; and

WHEREAS, NEXUS's activities in 2016, 2017, and 2018 helped increase Federal funding for maintenance dredging in the draft recreational harbors in Barcelona and Dunkirk, authorized feasibility studies for flood mitigation in Silver Creek and Sunset Bay in the 2016 Water Resource Development Act (WRDA), and authorized a feasibility study for the Environmental Restoration of Chautauqua Lake which was included in the 2018 WRDA; and

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS throughout the 2019 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation and Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost from the 2% Occupancy Tax Reserve; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,882; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Waterway \$10,000

;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2019 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$10,000

Signed: Odell, Chagnon, O’Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

RES. NO. 299-18

Establish Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 104-15, the Chautauqua County Legislature established a Chautauqua County Sewer Agency pursuant to Article 5-A of the County Law to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the expansion of the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and the Sewer Agency completed its evaluations and recommendations in 2017 for the pending first extension of the SCCLSD; and

WHEREAS, the Hamlet of Findley Lake and the Town of Mina are important economic and cultural assets in Chautauqua County; and

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency issued the 2008 Total Maximum Daily Load (TMDL) for phosphorus in Findley Lake, which attributed the large number of failing and inadequate septic systems that surround the lake as the primary cause of excessive concentrations of phosphorus in the lake; and

WHEREAS, the TMDL recommends a management strategy for septic systems where “the formation of a sanitary sewer district and the discharge of wastewater outside of the watershed is essential to achieving the (phosphorus) load reductions”; and

WHEREAS, pursuant to Resolution No. 163-18, the Chautauqua County Legislature authorized \$9,000 from the 2018 2% Occupancy Tax allocation for the Chautauqua County Sewer Agency to fund the expanded scope for the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant to determine the feasibility of accepting wastewater flows from the Town of Mina; and

WHEREAS, the Village of Sherman contracted with Barton & Loguidice, P.C., who developed a Preliminary Engineering Report for a Regional Wastewater Treatment Plant Alternative in November 2018; and

WHEREAS, the Preliminary Engineering Report recommends upgrades to publically-owned treatment works (POTWs) in the Village of Sherman and the extension/development of sewer infrastructure to replace existing septic systems in the Town of Mina and the Town of Sherman; and

WHEREAS, the next step in the process towards implementing the project is to reactivate the Chautauqua County Sewer Agency which will be tasked with making recommendations to the County Legislature regarding the formation of districts and other pertinent issues; and

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WHEREAS, Article 5-A of New York State County Law authorizes the County to create a County Sewer Agency to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the creation or expansion of County sewer district(s) as may be necessary and in the best interest of the people of Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Sewer Agency is hereby reactivated pursuant to Article 5-A of the County Law; and be it further

RESOLVED, That the reactivated Chautauqua County Sewer Agency shall consist of seven (7) members to serve without compensation, as follows:

1. Two (2) County Legislators appointed by the Chairman of the County Legislature;
2. Three (3) elected officials representing the municipalities proposed to be included in areas that will be upgraded with sewer infrastructure, to include the Supervisors of the Town of Sherman and Town of Mina and the Mayor of the Village of Sherman, and their successors in office; and
3. Two (2) members appointed by the County Executive.

; and be it further

RESOLVED, That it is the intent of the Chautauqua County Legislature to review the makeup of the membership of the Chautauqua County Sewer Agency as later phases of the County's future sewer projects are developed.

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

RES. NO. 300-18

Amend Capital Budget for New York State Department of Environmental Conservation Water Quality Improvement Project Grants

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 46-15 and 47-15, the Chautauqua County Department of Planning and Development ("CCDPD") was awarded a grant from the New York State Department of Environmental Conservation's ("NYSDEC") Water Quality Improvement Program ("WQIP") – Round 11 for environmental restoration projects ("Projects") intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of streambanks on Dewittville Creek and Steinhoff Run; and

WHEREAS, CCDPD was awarded \$132,750 for the Projects through the WQIP grant with a requirement for \$87,500 local funding participation to finance the remaining portion, as shown in the table below:

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NYSDEC Water Quality Improvement Program Grant				
Streambank Name	Total Project Cost	NYSDEC-WQIP Funding Received	Commitment of Local Matching Funds	Other Sources of Local Match
Dewittville Creek	\$107,100	\$62,100	\$0	\$45,000
Steinhoff Run	\$113,150	\$70,650	\$0	\$42,500
Totals	\$220,250	\$132,750	\$0	\$87,500

and;

WHEREAS, the local funding match for the Projects includes previously expended funding from the 2% Occupancy Tax in the amount of \$80,000, and in-kind services of the Watershed Coordinator in the amount of \$7,500; and

WHEREAS, pursuant to Resolution 77-15, Chautauqua County determined that the Goose Creek and Dewittville Creek Streambank Stabilization Projects will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, issued a negative declaration; and

WHEREAS, the Watershed Coordinator will provide administrative oversight, including requests for reimbursement of eligible expenses through the NYSDEC's WQIP program, the Chautauqua County Soil & Water Conservation District will manage the Project, and the Chautauqua Watershed Conservancy will provide public outreach and education for the Project; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2018 Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37979.4	Contractual — Water Quality Improv Proj (2016)	\$220,250
		<i>\$132,750</i>

INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37979.R395.9WQI	NYS Aid—Water Quality Improvement Program	\$220,250
	Grant	<i>\$132,750</i>

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould (Amended in P&E – deletion strikethrough: new italics)

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RES. NO. 301-18

Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a Chautauqua Lake Weed Management Consensus Strategy

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua Lake has been threatened by numerous factors including, but not limited to, proliferation of non-native aquatic plant species, nuisance levels of native vegetation and Hazardous Algal Blooms ("HABs"); and

WHEREAS, the Town of Ellery prepared a Supplemental Environmental Impact Statement ("SEIS") as required by the New York State Environmental Quality Review Act ("SEQR"), obtained a New York State Department of Environmental Conservation permit for the application of herbicides, and successfully applied herbicides in certain areas of Chautauqua Lake in July 2018; and

WHEREAS, the Towns of Ellicott, Busti and North Harmony accepted the Town of Ellery SEIS, obtained New York State Department of Environmental Conservation permits for the application of herbicides, and successfully applied herbicides in certain areas of Chautauqua Lake in July 2018; and

WHEREAS, the Chautauqua Institution initiated an Article 78 Proceeding in July 2018 against the Town of Ellery and the New York State Department of Environmental Conservation which seeks to invalidate the continued use of the SEIS for evaluating new permits for applications of herbicides in Chautauqua Lake; and

WHEREAS, the Chautauqua Lake municipalities and stakeholder groups are unable to fully agree upon a comprehensive strategy to manage aquatic vegetation in Chautauqua Lake; and

WHEREAS, Chautauqua County seeks to bring the Chautauqua Lake municipalities and stakeholder groups together to agree upon a Weed Management Consensus Strategy for 2019 and beyond; and

WHEREAS, Chautauqua County solicited a proposal from Ecology and Environment Engineering and Geology, P.C., to review existing information and prepare an outline of potential strategies for building a Weed Management Consensus Strategy at a cost not to exceed \$9,970; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,882; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to retain Ecology and Environment Engineering and Geology, P.C. for the aforementioned purposes; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$9,970

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$9,970

Signed: Odell, Chagnon, O’Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

RES. NO. 302-18

Authorizing County Participation in Statewide Clean Lakes Collaboration

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, a “Clean Lakes Collaboration” is being formed on a statewide basis to address mounting threats to New York State’s most vital natural asset – fresh water lakes and their surrounding watersheds; and

WHEREAS, New York State’s fresh water lakes and watersheds, including those located in Chautauqua County, provide drinking water, recreation, tourism, fishing, flood control, and community health, as well as essential habitat for plant and animal life; and

WHEREAS, growing scientific documentation presents incontrovertible evidence of ongoing threats and impacts to the State’s fresh water lakes and watersheds; and

WHEREAS, the declines in water quality are evidenced by the escalating number and frequency of fresh water lakes—including public drinking water supplies—experiencing Harmful Algal Blooms (HABs) with substantial economic, environmental, public health, and community costs; and

WHEREAS, the value of accelerating coordinated understanding of effective programs for reducing water quality declines can ensure their growing application on a statewide basis; and,

WHEREAS, across many sectors and regions of New York State, there is growing interest in and support for active statewide collaboration; now therefore be it

RESOLVED, That the Chautauqua County Legislature supports and authorizes the County Executive to execute on behalf of Chautauqua County a collective memorandum of understanding (MOU) with other regions of New York State to establish a statewide Clean Lakes Collaboration (CLC), that may include the following purposes:

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1. Advocating for protection and restoration of lakes and their watersheds;
2. Identifying and seeking effective solutions to problems threatening water quality by a coordinated exchange of information and initiatives among the CLC participants;
3. Utilizing the best available science, technology, and analytics applicable to the waters represented in the CLC; and
4. Promoting the establishment of watershed protection districts in New York State to enhance access to State funds and resources dedicated to solving water quality problems.

Signed: Odell, Chagnon, O'Connell, Starks

RES. NO. 303-18

Setting Salary for Emergency Medical Technician

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Director of Emergency Services has requested that salary be set for the new title of Emergency Medical Technician that will be assigned to staff the County's Fly Car program; and

WHEREAS, this new title will be assigned to positions that will perform primary emergency medical care and to persons who have suffered physical trauma from injury or illness at the scene and during transport in an ambulance to a hospital for more comprehensive and intensive treatment; and

WHEREAS, the Human Resources Department has classified the job as Emergency Medical Technician and supports the request that the salary be set at Grade 4; now therefore be it

RESOLVED, That the title of Emergency Medical Technician be added to the Chautauqua County CSEA Unit 6300 Salary Plan at salary grade 4 of the CSEA 6300 salary schedule:

2018 CSEA Unit 6300 Salary Schedule

Emergency Medical Technician	Grade 4 <i>Grade 6</i>	(\$14.20—\$18.02 per hour) <i>(\$15.10 - \$19.26 per hour)</i> (\$14,398.80—\$18,272.28 per year) <i>(\$31,408.00 - \$40,060.80 per year)</i>
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Signed: Scudder, Davis, Muldowney, Starks, Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Gould (Amended by deletion-strikethrough; new-Italics – A.C.)

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RES. NO. 304-18

Compensation for County Coroners

By Administrative Services, Human Services, and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislative Chairman Paul M.

Wendel:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from County funds; and

WHEREAS, resolution 20-15 changed coroner compensation from \$70 to \$80 per day, resolution 100-18 changed coroner compensation to \$150 per case for the period April 15, 2018 to June 27, 2018, and resolution 156-18 continued coroner compensation at \$150 per case; and

WHEREAS, Local Law 11-18 amended the Chautauqua County Charter to transfer the responsibility for administration of the County's Coroners program from the Legislative Branch to the Executive Branch; and

WHEREAS, Chautauqua County Administrative Code Section 5.00A Department of Health and Human Services was also amended to include Section 5.08A Division of Coroners which provides that coroner compensation may be by salary, by hourly, per diem, or per case rate, or by any other method approved by the County Legislature; and

WHEREAS, the Department of Health and Human Services recommends adjusting the method of compensation for Chautauqua County Coroners to reflect appropriate compensation for death investigation, administration, and educational duties and requirements consistent with operational changes and statutory requirements and responsibilities of the County and individual Coroners; therefore be it

RESOLVED, That the compensation for each County Coroner shall be set on the Management Salary Plan at the Non-Scheduled Salary Range of \$5,000 to \$15,000 annually plus \$150 per coroner case, effective January 1, 2019.

Signed: Scudder, Davis, Muldowney, Starks, Wilfong, O'Connell, Rankin, Whitford, Chagnon, Nazzaro (A.C. Gould, Niebel voting "no")