



YATES COUNTY LEGISLATURE
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Douglas Paddock
Chairman

Connie C. Hayes
Clerk

**YATES COUNTY LEGISLATIVE
AGENDA**

May 14, 2018 at 1:00 p.m.

Legislative Chambers in the County Office Building

- Approve minutes of the April 9th and May 1st meeting
- Approve Audit
- Committee reports
- Public Comment
- Open Public Hearing on a proposed lease agreement with Precision Aviation, Inc. for the lease of the County's North Hangar located at the Penn Yan – Yates County Airport
- Open Public Hearing on proposed Local Law 1-18 Entitled Prohibiting The Use Of Tobacco, Nicotine, Or Other Like Substances Upon Real Property Owned Or Leased By The County Of Yates

RESOLUTIONS

- Bronson 177-18 Authorize Contract With Pro-Action Of Steuben And Yates Counties, Inc. For Staffing Of The Yates County Summer Youth Employment Program
178-18 Sign Agreement With Health Research Inc. (HRI)
- Banach 179-18 Authorize Legislature Chairman To Sign An Agreement For Preliminary And Final Engineering Design Of The Federal Aid Eligible Bridge Replacement Project Known As Williams Street Over West River (PIN 6755.14)
180-18 Authorize The Implementation, And Funding In The First Instance, 100% Of The Federal-Aid And State-Aid Eligible Costs, Of A Transportation Federal-Aid Project, And Appropriating Funds Therefore
- Holgate 181-18 Approve Mortgage Tax Apportionment
182-18 2018 Budget Transfers
183-18 Appropriate Mental Health Federal Salary Sharing Reserve (Community Services)
184-18 Appropriate Additional Revenue (Veteran's)
185-18 Authorize Chairman To Sign Agreement For Actuary Services (TRS)
186-18 Award Independent Fee Estimate Proposal (MRB Group)
187-18 Natural And Recreational Resource Grant-Selection Of Grant Awardees And Funding Amounts
- Percy 188-18 Recognize Peace Officer's Memorial Day
189-18 Recognize National Correctional Officers' And Employees' Week
190-18 Authorize The Chairman And Sheriff To Sign Contract With NMS Labs
191-18 Enter Into Contract With Treahy And Associates Consulting Services, LLC.
192-18 Authorize Chairman To Sign Inter-municipal Agreement With Schuyler County To Share The Code Enforcement Officer For 2018
- Dennis 193-18 Authorize Vice Chairman To Have And Exercise Powers And Duties Of The Chairman In The Chairman's Absence
194-18 Adopt Pre-Employment Background Investigation Policy And Procedure
195-18 Ratifying Labor Agreement With Council 82

- 196-18 Authorize Insurance Renewal
- 197-18 Appoint Member To The Yates County Soil & Water Conservation District Board Of Directors
- 198-18 Reappoint Personnel Officer (Brennan)
- 199-18 Authorize Chairman To Enter Into A Lease Agreement With Precision Aviation, Inc. For The Lease Of The County's North Hangar Located AT Penn Yan – Yates County Airport

Bronson 200-18 Adopt Local Law 1-18 Entitled Prohibiting The Use Of Tobacco, Nicotine, Or Other Like Substances Upon Real Property Owned Or Leased By The County Of Yates

EXECUTIVE SESSION – IF NEEDED

Resolution No. 177-18

Date: May 14, 2018

Motioned By: Bronson

Seconded By:

AUTHORIZE CONTRACT WITH PRO-ACTION OF STEUBEN AND YATES COUNTIES, INC. FOR STAFFING OF THE YATES COUNTY SUMMER YOUTH EMPLOYMENT PROGRAM

RESOLVED, that after review by the County Attorney, the Chairman of the Legislature and the Director of Workforce Development are authorized to sign a contract with Pro-Action of Steuben and Yates Counties, Inc. to contract for summer staffing with the Department for the period 5/15/18-9/30/18 to staff the summer youth employment program for an amount not to exceed \$9,000, and be it further

RESOLVED, that copies of this resolution be forwarded to the Yates County Treasurer and the Department of Social Services.

Resolution No. 178-18

Date: May 14, 2018

Motioned By: Bronson

Seconded By:

SIGN AGREEMENT WITH HEALTH RESEARCH INC. (HRI)

RESOLVED, that the Chairman is hereby authorized to sign an agreement with Health Research Inc. (HRI) for the period July 1, 2018 through June 30, 2019 for the Public Health Emergency Preparedness and Response Grant in the amount of \$52,096, with additional Emergency Placeholder Funding of \$50,000 and be it further,

RESOLVED, that a copy of this resolution be sent to the Public Health office, and the Treasurer.

Resolution No. 179-18

Date: May 14, 2018

Motioned By: Banach

Seconded By:

AUTHORIZE LEGISLATURE CHAIRMAN TO SIGN AN AGREEMENT FOR PRELIMINARY AND FINAL ENGINEERING DESIGN OF THE FEDERAL AID ELIGIBLE BRIDGE REPLACEMENT PROJECT KNOWN AS WILLIAMS STREET OVER WEST RIVER, (PIN 6755.14)

WHEREAS, Resolution number 110-18 authorized participation in and the implementation and funding of a federal aid eligible bridge replacement project known as Williams Street over West River (PIN 6755.14) in the Town of Middlesex, Yates County, and

WHEREAS, Preliminary and Final Engineering design work is required to develop plans and specifications to replace the Williams Street Bridge, and

WHEREAS, HUNT Engineers, Architects and Surveyors was previously selected as the engineering consultant for this project and that selection was approved by the New York State Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, to authorize the Chairman of the Yates County Legislature to sign the Preliminary and Final Design Engineering agreement with HUNT Engineers, Architects and Surveyors contingent upon approval of the agreement by the Yates County Attorney, and be it further

RESOLVED, that the Yates County Legislature Chairman is authorized to execute a Construction Inspection agreement with HUNT Engineer, Architects and Surveyors prior to the construction phase contingent upon approval of the agreement(s) by the Yates County Attorney, and be it further

RESOLVED, that copies of this resolution be forwarded to the Yates County Treasurer, County Administrator, HUNT Engineers, Architects and Surveyors and the Yates County Highway Superintendent.

**Resolution No. 180-18
Moteded By: Banach**

**Date: May 14, 2018
Seconded By:**

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE, 100% OF THE FEDERAL-AID AND STATE-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.

WHEREAS, Sponsor will design, let and construct the project, and

WHEREAS, a Project for the Bridge NY Bridge Rehabilitation (BIN 3219280) of Loomis Road over West River, Town of Middlesex, Yates County, P.I.N. 6755.08 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the County of Yates desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Bridge NY Bridge Rehabilitation (BIN 3219280) Loomis Road over West River, Town of Middlesex, Yates County,

NOW, THEREFORE, the Yates County Legislature, duly convened does hereby

RESOLVE, that the Yates County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Yates County Legislature hereby authorizes the County of Yates to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Construction Inspection phase work for the Project or portions thereof; and it is further

RESOLVED, that the Yates County Legislature hereby agrees that the County of Yates shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the County of Yates, and it is further

RESOLVED, that the sum of \$416,000 is hereby appropriated pursuant to the Yates County 2018 annual budget and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the County of Yates shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the County of Yates hereby agrees that construction of the Project shall begin no later

than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and it is further

RESOLVED, that the Chairperson of the Yates County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-Aid on behalf of the County of Yates with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Resolution No. 181-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

APPROVE MORTGAGE TAX APPORTIONMENT

WHEREAS, this Legislature is in receipt of the Mortgage Tax Report showing the amounts to be credited to each tax district of the County, of the money collected during the period October 1, 2017 to March 31, 2018 be it

RESOLVED, that pursuant to Section 53 of the Tax Law, this Legislature issue a Tax Warrant for the payment to the respective tax districts of the amounts so credited and authorize and direct the County Treasurer to make payments of said amounts so credited and to the respective districts in accordance with the report:

Total Tax Collected	\$259,617.29
Recording Officer's Expense	\$15,328.76
Treasurer's Expense	
Interest Received	\$22.62
Adj and refunds	
Net amount of Distribution	\$244,311.15

Town	Net After	To Towns	Village	To Village	Total
Barrington	\$31,820.42	\$31,820.42			\$31,820.42
Benton	\$24,028.56	\$22,470.04	Penn Yan	\$1,558.52	\$24,028.56
Italy	\$8,947.71	\$8,947.71			\$8,947.71
Jerusalem	\$60,123.54	\$59,873.02	Penn Yan	\$250.52	\$60,123.54
Middlesex	\$23,225.41	\$23,225.41			\$23,225.41
Milo	\$63,791.83	\$42,571.65	Penn Yan	\$21,220.18	\$63,791.83
Potter	\$5,267.37	\$4,897.28	Rushville	\$370.09	\$5,267.37
Starkey	\$19,209.69	\$16,332.41	Dundee	\$2,877.28	\$19,209.69
Torrey	<u>\$7,896.62</u>	<u>\$7,591.44</u>	Dresden	<u>\$305.18</u>	<u>\$7,896.62</u>
	\$244,311.15	\$217,729.38		\$26,581.77	\$244,311.15

Resolution No. 182-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

2018 BUDGET TRANSFERS

BE IT RESOLVED, that the following transfers be made in the 2018 budget:

From:	To:	Amount:
A4320.54010 CS-Clerical Help	A4320.51212 CS-Fiscal Admin. Officer	1,500.00
A3110.51773 SHER-Typist	A9080.51507 Sick Bank-Wages	1,445.03
A3110.51773 SHER-Typist	A9080.58100 Sick Bank-FICA	99.91
A6510.51214 VET-Vet.Srv.Officer	A6510.54571 VET-Computer Software	457.00
D9010.58400 HWY-NYS Retiremt.	D5010.51509 HWY-CSEA Comp. Time B/O	2.68
D9010.58400 HWY-NYS Retiremt.	D5010.51661 HWY-NU Comp. Time B/O	2,103.79
D5110.54629 HWY-Stone/Gravel	D5010.54574 HWY-Computer Maint.	272.00

and be it further

RESOLVED, that copies of this resolution be given to the Community Services Director, Sheriff, Highway Superintendent, Director of Veteran's Affairs and County Treasurer/Budget Officer.

Resolution No. 183-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

**APPROPRIATE MENTAL HEALTH FEDERAL SALARY SHARING RESERVE
(COMMUNITY SERVICES)**

WHEREAS, the Yates County Community Services needs to appropriate additional funds from the Mental Health Federal Salary Sharing Reserve to cover the cost for Hillside Children's Center services;

NOW, THEREFORE, BE IT RESOLVED, that the following accounts be increased:

Budgetary Account	
A511.400 Appropriate Reserve-Mental Health Fed. Salary Sharing	\$58,554.45
Appropriation	
A4320.54268 CS-Outreach	58,554.45

and be it further

RESOLVED, that a copy of this resolution be given to the Community Services Director and County Treasurer/Budget Officer.

Resolution No. 184-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

APPROPRIATE ADDITIONAL REVENUE (VETERAN'S)

WHEREAS, the Veteran's Service Agency has received additional revenue over the 2018 budgeted amount, and there is a need for an unbudgeted software expenditure; and

WHEREAS, these funds are not part of the 2018 budget,

NOW, THEREFORE, BE IT RESOLVED, that the following account be increased by \$1,340.00:

Revenue: A6510.42665 VET-Sale of Equipment

Appropriation: A6510.54571 VET-Computer Software

and be it further;

RESOLVED, that a copy of this resolution be given to the Director of Veteran's Services and the Yates County Treasurer/Budget Officer.

Resolution No. 185-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

AUTHORIZE CHAIRMAN TO SIGN AGREEMENT FOR ACTUARY SERVICES (TRS)

WHEREAS, it is necessary to perform the actuarial valuations of post-retirement medical benefits according to GASB 45;

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Yates County Legislature, is authorized to sign the service agreement with BPAS for \$3,000.00 for the year ending December 31, 2018, and be it further;

RESOLVED, that the liability insurance requirement is hereby waived, and be it further;

RESOLVED, that a copy of this resolution be given to the Yates County Treasurer.

Resolution No. 186-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

AWARD INDEPENDENT FEE ESTIMATE PROPOSAL
(MRB Group)

WHEREAS, independent fee estimates (IFE) were sought for professional services for the planning and environmental services for the Environmental Assessment for short-term improvement projects at the Airport and the following proposals were received,

C&S Companies	\$3,000
MRB Group	\$2,000

NOW, THEREFORE BE IT RESOLVED, the Chairman is authorized to sign an agreement with the MRB Group to perform said services at a cost of \$2,000 and be it further

RESOLVED, that copies of this resolution be provided to the Treasurer, MRB Group, and Passero Associates.

Resolution No. 187-18
Motioned By: Holgate

Date: May 14, 2018
Seconded By:

NATURAL AND RECREATIONAL RESOURCE GRANT- SELECTION OF GRANT AWARDEES AND FUNDING AMOUNTS

WHEREAS, the Yates County Legislature has created a Natural and Recreational Resources Fund for use in awarding certain parties grants to assist in promoting such resources in Yates County, and

WHEREAS, applicants have submitted requests for funding of their prospective programs, projects and efforts that meet the criteria set forth in the Natural and Recreational Resource Grant Guidelines adopted by Yates County, and

WHEREAS, the Finance Committee and the Planner have reviewed and evaluated such requests for eligibility and other criteria set forth in said Guidelines,

NOW THEREFORE BE IT RESOLVED, on recommendation of the Finance Committee and Planner, that grants be awarded to the following applicants for the stated projects in the amounts indicated:

- 1) *The Friends of the Outlet, Safety and Water Quality Protection Improvements, \$18,000.00;*
- 2) *The Village of Penn Yan, Red Jacket Beach Restoration, \$18,000.00;*
- 3) *ARC of Yates, Greenspace Park Project, \$8,000.00* and be it further

RESOLVED, that upon notification and intent to accept on the part of the awardees that each party shall enter into a contractual phase to formalize the details and obligations of both parties and the Chairman is authorized to sign such contracts after approval by the County Attorney.

Resolution No. 188-18
Motioned By: Percy

Date: May 14, 2018
Seconded By:

RECOGNIZE PEACE OFFICER'S MEMORIAL DAY

WHEREAS, the Congress and President have designated May 15 as Peace Officers Memorial Day during National Police Week recognizing that law enforcement plays an essential role in safe guarding the rights and freedoms of citizens while members understand their duties, responsibilities, hazards, sacrifices, and duty to serve and safeguard life and property against violence and disorder, and that local law enforcement provides an essential public safety service,

THEREFORE, BE IT RESOLVED, that this Legislature extends their appreciation to the men and woman of local law enforcement, corrections and public safety related duties on this national week and observance of May 15 where public law 103-322 directs flags at government buildings be at half-staff in observance of this recognition, and be it further

RESOLVED, that copies of this resolution be provided Sheriff Spike, Buildings and Grounds Supt., and to Presidents of all local Council 82 unions #9875, #086, and #9010.

Resolution No. 189-18
Motioned By: Percy

Date: May 14, 2018
Seconded By:

RECOGNIZE NATIONAL CORRECTIONAL OFFICERS' AND EMPLOYEES' WEEK

WHEREAS, the first full week of May, the 6 -12 is recognized as National Correctional Officers' and Employees' Week by President Reagan's proclamation commencing in 1984 to honor the work of correctional officers as peace officers, and correctional personnel working at jails and court houses nationwide guarding, transporting and supervising offenders in the facility, the community, and preparing offenders for their return to their communities are critical to protecting public safety, while related personnel prepare meals, laundry services, education, recreation and related inmate care and custody often working under demanding circumstances facing danger in their daily lives, and

NOW, THEREFORE, BE IT RESOLVED that this Legislature joins with the Sheriff and recognizes the contributions made by the men and women who work in our county jail protecting and serving our community 24X7 during this national week and thank them for their essential public service, and be it further

RESOLVED, that a copy of this resolution be provided the Sheriff, and President of the Council 82 #086.

Resolution No. 190-18
Motioned By: Percy

Date: May 14, 2018
Seconded By:

AUTHORIZE THE CHAIRMAN AND SHERIFF TO SIGN CONTRACT WITH NMS LABS

WHEREAS, the Monroe County Regional Forensic Laboratory (MCRFL) has given notice across the Finger Lakes Region that effective May 1 they will no longer process toxicology samples for analysis, and that they have a contractual relationship with NMS Labs in Willow Grove, Pennsylvania for processing said samples on Coroner cases, and the billing will come to the county coroners that ordered the autopsy, and

WHEREAS, toxicology requirements for the processing of a DWI or DWAI via alcohol or drugs will no longer be processed by the MCRFL, and that another certified and qualified lab will have to perform those analysis, and

WHEREAS, the county of Monroe Attorney's Office has advised the Sheriff that they will adjust the present MCRFL contracts accordingly, and we await those communications,

NOW, THEREFORE BE IT RESOLVED, that upon the approval of the County Attorney, the Sheriff who oversees the Coroners budget administratively, and the STOP DWI Program is authorized to enter into a contract with NMS Labs to perform said tests with Coroners and STOP DWI budgets used for said expenses for toxicology services required for investigations or prosecutions, and be it further

RESOLVED, that a copy of the resolution be provided the Treasurer and the Sheriff.

Resolution No. 191-18
Motioned By: Percy

Date: May 14, 2018
Seconded By:

**ENTER INTO CONTRACT WITH TREAHY AND ASSOCIATES CONSULTING SERVICES,
LLC**

WHEREAS, on April 10, 2017 the State of New York enacted legislation raising from 16 to 18 the age at which juveniles are automatically tried as adults; and

WHEREAS, the legislation imposes on county governments throughout New York the responsibility for implementing the provisions of Raise the Age, which impact youth services, programming, adjudication and detention; and

WHEREAS, the legislation specifies that all additional county costs related to compliance with Raise the Age shall be reimbursed in full by the State; and

WHEREAS, the number of adolescent offenders for which Yates County is projected to be responsible is insufficient to justify Yates County acting alone in providing detention services; and

WHEREAS, many counties in the Finger Lakes region are similarly situated; and

WHEREAS, officials from ten contiguous counties have discussed proposed solutions, and recommended that multiple counties associate themselves for the purpose of negotiating a joint agreement with a firm to provide consulting services to those counties with regard to securing, improving, programming and operating a site suitable to meet the adolescent offender detention needs of those counties; and

WHEREAS, the Yates County Legislature was among the governing bodies to adopt a Resolution supporting a coalition approach to negotiating an agreement for services to assist in meeting the Adolescent Offender detention mandates; and

WHEREAS, a draft of such an agreement has been completed, which would divide equally among participating counties the cost of such consulting services, with each county's share limited in any event to no more than fifteen thousand dollars; now, therefore, be it

RESOLVED, that contingent upon the approval of the County Attorney, the Chairman of the Legislature and the Social Services Commissioner be authorized to sign a contract with Treahy and Associates Consulting Services, LLC for the provision of consulting services in an amount not to exceed \$15,000 for a period beginning May 1, 2018; and be it further

RESOLVED, that copies of this resolution be forwarded to the County Administrator, the Yates County Sheriff, the Yates County Attorney, the Yates County Department of Probation, the Yates County Department of Social Services and the Yates County Treasurer.

Resolution No. 192-18

Motioned By: Percy

Date: May 14, 2018

Seconded By:

AUTHORIZE CHAIRMAN TO SIGN INTERMUNICIPAL AGREEMENT WITH SCHUYLER COUNTY TO SHARE THE CODE ENFORCEMENT OFFICER FOR 2018

WHEREAS, Yates and Schuyler County are desirous of continuing an inter-municipal agreement for a Shared Code Enforcement Officer.

WHEREAS, this agreement retains the Code Enforcement Officer as a Schuyler County employee, but shares said position with Yates County. The contract rate from Yates County for 2018 shall be \$3,000 annually payable consistent with the current agreement and reviewable on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that upon approval of the agreement by the Yates County Attorney, the Chairman of the Yates County Legislature is hereby authorized to sign an agreement with Schuyler County for the shared services of Schuyler County's Code Enforcement

Officer. A position as set forth above, said agreement to run from January 1, 2018 through December 31, 2018, and be it further,

RESOLVED, that a copy of this resolution is to be given to Schuyler County, the Yates County Director of Emergency Services, Building Maintenance Supervisor of Yates County and the Yates County Treasurer.

Resolution No. 193-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

AUTHORIZE VICE-CHAIRMAN TO HAVE AND EXERCISE POWERS AND DUTIES OF THE CHAIRMAN IN THE CHAIRMAN'S ABSENCE

WHEREAS, pursuant to New York State County Law, in the absence of the Chairman, the Vice-Chairman shall preside over each duly constituted meeting of the Legislature and shall have and exercise all the powers and duties of the Chairman at any meeting over which he/she is called to preside; and

WHEREAS, in addition to the foregoing, and further pursuant to New York State County Law, in the absence of the Chairman, the Vice Chairman shall have and exercise those additional powers and duties so authorized by resolution of the Legislature; and

WHEREAS, for the balance of the current term of the Legislature, which began on January 1, 2018 and expires at the conclusion of December 31, 2019, the Legislature wishes to assign such additional powers and duties to the Vice-Chairman in instances of the Chairman's absence, by way of resolution in accordance with the applicable provision of the New York State County Law;

NOW, THEREFORE, BE IT RESOLVED, that for the balance of the current term of the Legislature, which began on January 1, 2018 and expires at the conclusion of December 31, 2019, on any day the Chairman is absent the Vice-Chairman is hereby authorized and vested with all the powers and duties of Chairman, including but not limited to, the power to sign contracts, agreements and tax warrants on behalf of the County; and be it further

RESOLVED, that on any day during the above stated time period that the Vice-Chairman shall have the above recited powers and duties due to the Chairman's absence, such powers and duties shall not be exercised by the Chairman; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, Chairman and Vice-Chairman.

Resolution No. 194-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

ADOPT PRE-EMPLOYMENT BACKGROUND INVESTIGATION POLICY AND PROCEDURE

WHEREAS, the Personnel Officer has recommended for adoption and implementation the attached Pre-Employment Background Investigation Policy and Procedure and the associated forms for Yates County employees, and

NOW, THEREFORE BE IT RESOLVED, that the Pre-Employment Background Investigation Policy, Procedure and forms are hereby adopted and shall be added to the Yates County Employee Handbook and Administrative Guide and shall supersede all previous versions, and be it further

RESOLVED, that a copy of this resolution be forwarded to the County Administrator, all department heads, and the respective President for each current County Collective Bargaining Unit.



PRE-EMPLOYMENT BACKGROUND INVESTIGATION POLICY AND PROCEDURE

Adopted by Resolution 366-12
Adopted by Resolution 369-17

I. PURPOSE:

Yates County recognizes public employees have an obligation to uphold the public trust. In order to insure the safety and health of our employees, customers and the general public, and to secure property and uphold the public interest and trust, Yates County will conduct pre-employment background investigations to consist of fingerprinting, background check to be completed by the Yates County Sheriff's Office, Employment Eligibility Verification through E-Verify, a pre-employment medical physical and drug testing. This document serves to outline the County's policy and procedure as it relates to pre-employment background investigations for candidates for employment with Yates County and is also intended to ensure compliance with the Internal Revenue Service (IRC Code 6103) and the Office of Temporary and Disability Assistance (17-ADM-08) ensuring the proper safeguarding of Federal Tax Information (FTI).

II. SCOPE:

This policy applies to all Yates County new hires, except for 1) Sheriff's Office employees background investigations are conducted using procedures mandated by State and Federal Law, 2) elected officials and 3) Board of Election Employees.

Recipients of public assistance who are required to participate in community service or work experience activities pursuant to the New York State Social Services Law (such persons also referred to herein as "Workforce Development, Community Aides and Youth Program Participants") are not "employees", and thus are exempt from such pre-employment background investigation. As such, Workforce Development, Community Aides and Youth Program participants are exempt from this policy. That said, it is the responsibility of the supervising authority over these persons and programs to ensure that such persons are suitable to perform the essential functions of his or her assigned position.

Every new employee shall undergo a background investigation before undertaking any of the duties of his or her employment, except in the case of an emergency, in which case the employee shall arrange for such background investigation at the earliest possible time after such undertaking of duties.

Positions in the Yates County Child Support Collection and Enforcement Unit who have access to FTI are subject to specific additional requirements set forth in the Yates County Policy for Background Checks for Applicants for Support Collections Unit (SCU) Positions Requiring Access to FTI Policy and Procedure. Employees hired on or before May 14th, 2018 to work for the Yates County Child Support Collection and Enforcement Unit who have access to FTI are required to complete the background check process within sixty (60) days from the adoption of this policy, at no cost to the employee. All new hires will be subject to the terms and conditions set forth in this policy as well as the SCU specific policy.

This policy does not apply to any current employees, applicants for transfer, or persons on a preferred or promotional eligible list. This includes all positions which are now, or in the future, designated as classified service in the competitive class, non-competitive class, labor class, and exempt class or designated as unclassified service except those designated as elected officials.

An exception is made only when an employee changes positions to one with one or more requirements that require verification (i.e. Professional License or driver's license).

III. POLICY:

All applicants for County employment shall truthfully disclose the existence of any 1) conviction for any crime, 2) pending criminal charge and/or 3) removal from employment (collectively known as a "Background Incident") on the "Employment/Civil Service Exam Application" and provide the County with a written description using the "Explanation and Consent Form". The existence of a conviction and/or removal from employment does not represent an automatic bar to employment, but false, misleading or incomplete statements on the application or accompanying papers may result in termination. Pending criminal charges, in most cases, will result in a withdrawal of a conditional offer of employment until the charge reaches final disposition.

Applicants who receive a conditional offer of employment with Yates County shall undergo a pre-employment background investigation in accordance with this policy to include fingerprinting, background check completed by the Yates County Sheriff's Office, Employment Eligibility Verification through E-Verify and a pre-employment medical physical and drug testing. Former County employees who are seeking re-employment with Yates County are also subject to this policy at the Personnel Officer's discretion.

No individual who receives a conditional offer of employment may begin work for Yates County until the pre-employment background investigation is completed, as the investigation may disclose information that may disqualify the candidate from further consideration.

Special circumstances may on occasion require an applicant to start work before all pre-employment background investigations are completed. Such exceptions may only occur with prior written approval from the Personnel Officer.

Prior convictions may be a significant factor in the hiring decision if the conviction has a direct relationship to the specific employment sought or if the employment would involve an unreasonable risk to property or to the safety or welfare of the general public or specific individuals. Yates County will follow NYS Corrections Law, Article 23-a, Section 753 to determine if a candidate with a conviction is unsuitable for employment.

IV. PROCEDURE:

- i) **Notification and Authorization:** The Yates County Personnel Office notifies all potential applicants of the pre-employment background check by including the following language on exam announcements, vacancy notices and the Personnel Office website;

"Applicants may be required to undergo a local, State and National criminal history background investigation, which will include a fingerprint check, Employment Eligibility Verification through E-Verify, a medical physical and drug testing to determine suitability for appointment. Failure to meet the standards for the background investigation may result in disqualification."

In addition, all applicants for employment authorize and are informed by signing the "Employment/Civil Service Exam Application" that a pre-employment background investigation may be conducted to determine suitability for appointment and failure to meet the standards of the investigation may result in disqualification. They are also informed that false statements on the application may result in termination of employment.

ii) Conditional Offer of Employment: Applicants who receive a written conditional offer of employment with Yates County will undergo a criminal background investigation through the New York State Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI), Employment Eligibility Verification through E-Verify, a pre-employment medical physical and drug testing. Additional investigative measures may be taken if warranted.

After the appointing authority notifies the Personnel Officer of the conditional offer of employment, the Personnel Officer will notify the candidate by way of e-mail or letter outlining the pre-employment background investigation and screening process. The letter will include the requirements of the criminal background investigation, Employment Eligibility Verification and medical physical instructions and timeframes. The issuance of a conditional offer of employment, after reviewing disclosed Background Incidents, does not constitute a finding that a candidate is suitable for employment.

iii) Candidate Processing: After receiving a conditional offer of employment candidates:

- a) Fingerprinting: Will schedule his/her fingerprinting appointment by visiting <https://uenroll.identogo.com/> Candidates will be required to pay the cost of fingerprinting.
- b) Pre-Employment Medical Physical: Will schedule his/her appointment to have his/her medical physical completed.
- c) Background Check and Screening Disclosure: Will complete the Background Check and Screening Disclosure Authorization form and return it to the Personnel Officer.
- d) I-9: Will complete the I-9 form on day one of his/her employment, should he/she successfully complete all of pre-employment requirements.

iv) Criminal History Record Information (CHRI): The results of the background investigation (CHRI) will be transmitted electronically via E-Justice directly to the Personnel Officer's e-mail inbox within 24-48 hours. If the candidate is a potential employee of the Probation Department, the result will go directly to the Probation Director and the Probation Director will discuss the results with the Personnel Officer.

- a) If the background investigation indicates there are no Background Incidents, the Personnel Officer will inform the supervising authority via e-mail that the candidate is suitable for employment.
- b) If the background investigation indicates there is a Background Incident, the Personnel Officer will review the results.
- c) Access to E-Justice, results of the background investigation, associated paperwork, etc. shall be limited to the Yates County Personnel Officer and/or his or her designee(s).

v) Background Check by Yates County Sheriff's Office: Within three (3) days of a conditional job offer being made the candidate will return the Background Check and Screening Disclosure Authorization Form.

- 1) The Personnel Officer will submit the Authorization Form as a FOIL Request to the Yates County Sheriff's Office.
- 2) The Sheriff and/or his or her designee will conduct a background check on the candidate by checking all contacts made by and between the candidate and all Yates County law enforcement, to include the Penn Yan Police Department.
- 3) The Sheriff will contact the law enforcement agencies in the Town/City/County and/or Village of jurisdiction for the locations the candidate disclosed on the authorization form in which they lived, worked or went to school during the previous seven (7) years.

vi) Drug Testing: Within five (5) business days of a conditional job offer the candidate will submit to having a urine drug test conducted by Healthworks located at 1160 Corporate Drive, Farmington, NY 14425.

- 1) The candidate will call 585-924-1550 to confirm availability; it is not necessary to make an appointment.
- 2) The candidate will notify the receptionist that the urine drug test is in relation to pre-employment drug testing for Yates County.
- 3) Healthworks will notify the Personnel Officer of the results of the drug test within three (3) days of the test.

vii) Assessment of the Candidate: The Personnel Officer will review the CHRI and all pertinent information and pre-employment testing to determine suitability for employment. The final approval or rescission of a conditional offer of employment shall be decided by the Personnel Officer based on the factors contained in NYS Corrections Law Article 23-a:

- a) The public policy of the state, to encourage the licensure and employment of individuals previously convicted of one or more criminal offenses.
- b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the individual.
- c) The bearing, if any, the criminal offense or offenses for which the individual was previously convicted will have on the fitness or ability to perform of one or more of the duties and responsibilities of the position.
- d) The time that has elapsed since the occurrence of the criminal offense or offenses.
- e) The age of the individual at the time of the occurrence of the criminal offense or offenses.
- f) The seriousness of the offense or offenses. Any information produced by the individual, or produced on behalf of the individual, regarding his/her rehabilitation and good conduct.
- g) The County's legitimate interest in protecting property and the safety and welfare of specific individuals or the general public.

viii) Employment Decision:

- a) The Personnel Officer will notify the supervising authority of the outcome of the CHRI Review, indicating whether or not the candidate is suitable for employment.
 1. If the candidate **IS** suitable for employment, the Personnel Officer will inform the supervising authority via e-mail to proceed with the hiring process. CHRI will not be disclosed to the supervising authority.
 2. If the candidate **IS NOT** suitable for employment, the Personnel Officer will inform the supervising authority he or she needs to send a letter to the candidate rescinding the conditional offer of employment due to the results of the background investigation.
- b) At the written request of a candidate who is denied an offer of employment, Yates County shall provide a written statement to the candidate within 30 days regarding the reasons for the denial of employment (NYS Corrections Law Article 23-a, Section 754).
 1. Candidates may appeal the decision and in cases where the following documentation is provided, further review may be needed;
 - i. Certificate of Relief from Disabilities: In accordance with NYS Corrections Law §700 a person is eligible to receive a Certificate of Relief from Disabilities if he/she has been convicted of a crime or of an offense, but has not been convicted of more than one felony.

- ii. **Certificates of Good Conduct:** In accordance with NYS Corrections Law Correction Law §§702(2) and 703(3) states that the court or the Board of Parole, whichever is applicable, must be satisfied that the person to be granted relief is an eligible offender, as defined by Correction Law §700, that the relief to be granted is consistent with the rehabilitation of the eligible offender and that the relief to be granted by the certificate is consistent with the public interest.

- c) **Employment Eligibility Verification:** No later than day three (3) of employment the candidate will complete the I-9 Employment Eligibility Verification form and provide the Personnel Officer with the required documents listed on page 3 of the I-9.
 - 1. Within three (3) days from the date of hire, the Personnel Officer must prepare and submit the E-Verify report.
 - 2. Any employee who fails to complete the I-9 within the three (3) day time period cannot continue to work until the form is completed.

- d) **Reimbursement:** For those candidates who are hired on or after March 14th, 2018, Yates County will reimburse the cost of the pre-employment background investigation, currently \$100.00, which will be charged to the Personnel Office budget. Candidates who are not hired will not be reimbursed. Reimbursement to the employee will occur within approximately 30 days of the start date and will be included in a regular payroll check.

- e) **Records Retention and Access:**
 - a) The CHRI shall be retained for minimally 10 years or until the employee no longer has access to Federal Tax Information (FTI).
 - b) Employees who work in an SCU position and have access to FTI, must be subjected to a reinvestigation within 10 years from the date of the previous background investigation.
 - c) Secondary dissemination of CHRI received from DCJS and/or FBI is not permitted for any reason unless specifically authorized by law.
 - d) The CHRI is not to be given to or reviewed by the applicant. If a candidate is interested in reviewing their CHRI, the candidate should be directed to contact DCJS for the purpose of conducting a Record Review.
 - e) All records and information related to criminal background checks obtained through DCJS will be marked as “confidential” and stored in a separate confidential file in a secure location outside of the Personnel File.

V. ATTACHMENTS:

ATTACHMENT A: Background Investigation Review Worksheet

ATTACHMENT B: Explanation and Consent for Background Investigation

ATTACHMENT C: Criminal History Background Investigation Instructions

ATTACHMENT D: NYS Corrections Law



Yates County Office of Personnel
417 Liberty Street
Penn Yan, NY 14527
(P) 315.536.5112, (F) 315.536.5118
Yatespersonnel@yatescounty.org

BACKGROUND INVESTIGATION REVIEW WORKSHEET

Last Name	First Name	Middle	Position Applying for
Address		City	State Zip
		DOB	SSN

New York State Correction Law Article 23-a §753. 1. In making a determination pursuant to Article 23-a the public agency shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
Was Public Policy taken into consideration? Yes No
- (b) The specific duties and responsibilities necessarily related to the employment sought or held by the person, and (c) The bearing, if any, the criminal offense(s) for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
Was job description reviewed? Yes No
Is there a conflict between the duties and the conviction? Yes No
Notes:
- (c) The time which has elapsed since the occurrence of the criminal offense, and
- (d) The age of the person at the time of occurrence of the criminal offense.
Length of time elapsed since offense: _____
Age at time of offense: _____
- (e) The seriousness of the offense.
Type of offense and seriousness: _____
- (f) Any information produced in regard to his rehabilitation and good conduct.
Was evidence of rehabilitation and good conduct provided? Yes No

Notes:

- (g) The legitimate interest of the public agency in protecting property, and the safety and welfare of specific individuals or the general public.

Is there a safety conflict between the conviction and position? Yes

No

Notes:

- 2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

Does the applicant have a certificate of relief from disabilities? Yes No

Does the applicant have a certificate of good conduct? Yes No

RAP Sheet Review:

Are there currently pending criminal Charges? Yes No

Did the applicant truthfully and completely disclose all Background Incidents? Yes No

Notes:

Considering all factors, the conditional employment offer is: Rescinded <input type="checkbox"/>	Approved <input type="checkbox"/>
Signature _____	Date _____



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EXPLANATION AND CONSENT FORM FOR BACKGROUND INVESTIGATION

Requirement to Disclose

Applicants must complete this form if they have ever been convicted of a crime or violation other than a minor traffic offense*, they currently have criminal charges pending and/or if they have ever been removed from any type of employment.

Last Name Applying for	First Name	Middle	Position
Address	City	State	Zip
Telephone			
Date of Birth	Social Security Number	Driver's License Number	Former
Names/aliases/a.k.a			

Use of Information Disclosed

An answer of **YES** to either of the following questions does not represent an automatic bar to employment. Each case is considered and evaluated individually on its merits. The County will

take the following factors into consideration, among other things: the truthfulness of the candidate, the seriousness of the offense, the specific duties of the position, the bearing the offense will have on the ability of the person to perform such duties, the protection of property and the safety and welfare of individuals or the general public, the age of the offender, the time which has elapsed since the offense, any evidence of rehabilitation and good conduct, State public policy, and any other pertinent factors. False, misleading or incomplete statements on the application or accompanying papers may result in termination. Pending criminal charges, in most cases, will result in a withdrawal of a conditional offer of employment until the charge reaches final disposition.

Have you ever been convicted of any violation of law other than a minor traffic violation? * Yes No
s

Do you currently have any criminal charges pending against you? Yes No
s

Have you ever been removed from any type of employment? Yes No
s

Removal from Employment Explanation

Name of Employer: _____
Address: _____
Job Title: _____
Dates of employment: _____
Reason(s) for removal from employment: _____
Further explanation: _____

(Attach additional pages if necessary)

* This question refers to all crimes, violations or offenses in any jurisdiction, including Federal and military offenses, except minor traffic infractions. It also includes Juvenile Offender status convictions. You do not need to include adjudications of Juvenile Delinquency or Youthful Offender status or arrests that did not lead to a conviction.

Conviction and/or Pending Charges Explanation

Name of Offense: _____

Date of Offense: _____ Name and Location of the Court: _____

Penalty or Punishment Imposed (if convicted): _____

Year Convicted (if not pending): _____ Age at Time of Offense: _____

Name Offense Committed Under (if different than current): _____

Explain the Circumstances of the offense:

List all evidence that exists regarding your rehabilitation:

Explain why your conviction(s) and/or pending charges will not affect your fitness to perform the duties and responsibilities related to the position applied for:

Explain why your conviction(s) and/or pending charges will not be a hindrance to the County's legitimate interest in protecting property, and the safety and welfare of specific individuals or the general public:

(Attach additional pages if necessary)

Certification and Authorization to Access Additional Information

By my signature below, I, _____, certify that information I provided on this form and any attachments is true, correct and complete.

I understand that providing false or incomplete information or withholding by omission or intention pertinent information may be cause for disqualification of my application for employment. I understand that Yates County may contact other individuals to clarify and verify information supplied on this form.

I acknowledge and consent to a State and national criminal background investigation, which will include a fingerprint check, to determine suitability for employment. Failure to meet the standards of the background investigation may result in disqualification.

I authorize law enforcement agencies, learning institutions (including public and private schools and universities), courts (federal, state and local), motor vehicle records agencies, my past and present employers, the military and other individuals and sources to furnish any and all information on me that is requested by Yates County.

I agree that this Authorization form in original, faxed, photocopied or electronic (including electronically signed) form will be valid for any reports that may be requested by or on behalf of Yates County.

I acknowledge that I have read, understood and agreed freely to the requirements, consents, authorizations and their respective consequences described on this form.

Signature: _____

Date:



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CRIMINAL HISTORY BACKGROUND INVESTIGATION INSTRUCTIONS

In accordance with Civil Service Law 50.4 and the Yates County Pre-Employment Background investigation Policy, within ten (10) business days of the date contained on your contingent offer of employment letter, you must submit to a criminal history background investigation via fingerprinting through the Division of Criminal Justice Services and the Federal Bureau of Investigation. Failure to submit to the investigation within **ten (10) business** days may result in the withdrawal of the conditional offer of employment.

1. You need to schedule an appointment for fingerprinting by going to the www.L-1enrollment.com website or calling their L-1 toll free call center at 877-472-6915. Appointment scheduling via the website is available 24/7/365. Appointment scheduling via the call center is available 9 am – 9 pm Monday through Saturday. The Yates County Personnel Office ORI number is NYXXXXXXX which you must give when scheduling with L-1 on line or telephone. The “Fingerprint Reason” is Employment Background Check. If you schedule your appointment through the L-1 website, we recommend that you print out the confirmation page and bring it with you to your appointment.
2. You can select the most convenient location to be fingerprinted, as part of making your appointment. A list of available locations can be found at www.L-1enrollment.com. Select “NY” and then click on “Locations” to view the listing. Payment options include: personal or business check, government check, certified check, bank check, money order, or credit card. Payment is made to either “MorphoTrust USA” or “L-1 Enrollment Services”. Yates County neither controls nor receives any proceeds from this charge. Fee is subject to review and change by L-1 on January 1 and July 1 each year; therefore, you should request the most current fee when you call for your appointment.
3. When you go to the fingerprint location, you must bring two (2) forms of identification, at least one of which must have a photo. When you schedule your appointment, you will be given the options of what forms of identification are considered acceptable. At the fingerprinting location, the identification documents will be reviewed, fingerprints rolled and photo taken. You will be provided two receipts indicating the applicant’s name, fingerprinting site location, date and time, fee paid and reason for fingerprinting. One of these receipts needs to be returned to the Personnel Office, attention of the Personnel Officer, as evidence the process was completed.
4. This procedure **must** be completed **no later than ten (10) business days** from the date of this letter. Any exceptions must be directly authorized by the Personnel Officer. If you have any further questions, please feel free to call. Thank you for your continued interest.

NEW YORK CORRECTION LAW
ARTICLE 23-A
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

§750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

"Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

"Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

"Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

"License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

"Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- a) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- b) The issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:
 - a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
 - b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
 - c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
 - d) The time which has elapsed since the occurrence of the criminal offense or offenses.
 - e) The age of the person at the time of occurrence of the criminal offense or offenses.
 - f) The seriousness of the offense or offenses.
 - g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
 - h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.
2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

- a) In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
- b) In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

Resolution No. 195-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

RATIFYING LABOR AGREEMENT WITH COUNCIL 82

WHEREAS, the collective bargaining teams for the County of Yates, the Yates County Sheriff and the Law Enforcement Officers Union, AFSCME Council 82 have concluded negotiations for a successor collective bargaining agreement covering the period of January 1, 2018 through December 31, 2021 for the Corrections and Other Employees bargaining unit,

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby ratifies said agreement and authorizes the expenditure of the necessary funds therefor, and be it further

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to execute said agreement on behalf of the County, and be it further

RESOLVED, that copies of this resolution be given to the Sheriff, the Council 82 Unit President, the County Administrator and the County's Labor Attorney.

Resolution No. 196-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

AUTHORIZE INSURANCE RENEWAL

WHEREAS, various liability insurance policies on behalf of the County expire on May 10, 2018, and

WHEREAS, the total premium amount for the period May 10, 2018 – May 10, 2019 is \$352,428,

NOW, THEREFORE, BE IT RESOLVED, that the County continue their policies with the Stork Insurance Agency, and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to renew said policies with the Stork Insurance Agency for a one-year period, effective May 10, 2018, and be it further

RESOLVED, that copies of this resolution be given to the Treasurer and the Stork Insurance Agency.

Resolution No. 197-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

**APPOINT MEMBER TO THE YATES COUNTY SOIL AND WATER CONSERVATION
DISTRICT BOARD OF DIRECTORS**

RESOLVED, that Dale Hallings, a Practical Farmer, is appointed to the Yates County Soil and Water Conservation District Board of Directors commencing May 14, 2018 for a term ending December 31, 2020; and be it further

RESOLVED, that copies of this resolution be forwarded to Dale Hallings and to the Yates County Soil and Water Conservation District.

Resolution No. 198-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

REAPPOINT PERSONNEL OFFICER (Brennan)

RESOLVED, that effective June 1, 2018, Kerry Brennan is hereby appointed as Yates County Personnel Officer for a term to expire on May 31, 2024, and be it further

RESOLVED, that copies of this resolution be given to Ms. Brennan the County Administrator and the County Treasurer.

CLOSE PUBLIC HEARING

Resolution No. 199-18
Motioned By: Dennis

Date: May 14, 2018
Seconded By:

**AUTHORIZE CHAIRMAN TO ENTER INTO A LEASE AGREEMENT WITH PRECISION
AVIATION, INC. FOR THE LEASE OF THE COUNTY'S NORTH HANGAR LOCATED AT
PENN YAN-YATES COUNTY AIRPORT**

BE IT RESOLVED, that upon approval by the County Attorney, the Chairman may enter into a written lease with Precision Aviation, Inc. for the rental of property from the County commonly known as the North Hangar located at the Penn Yan-Yates County Airport, in the Town of Milo, County of Yates; and be it further

RESOLVED, that a copy of this resolution be given to the County Administrator, County Attorney, County Treasurer and Precision Aviation, Inc.

CLOSE PUBLIC HEARING

Resolution No. 200-18
Motioned By: Bronson

Date: May 14, 2018
Seconded By:

**ADOPT LOCAL LAW 1-18 ENTITLED PROHIBITING THE USE OF TOBACCO,
NICOTINE, OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR
LEASED BY THE COUNTY OF YATES**

WHEREAS, proposed Local Law 1-18 entitled “A Local Law entitled Prohibiting The Use Of Tobacco, Nicotine, Or Other Like Substances Upon Real Property Owned Or Leased By The County Of Yates was introduced at the April 9th meeting,

NOW, THEREFORE, BE IT RESOLVED, that is proposed Local Law 1-18 entitled “A Local Law entitled Prohibiting The Use Of Tobacco, Nicotine, Or Other Like Substances Upon Real Property Owned Or Leased By The County Of Yates” is hereby adopted, and be it further

RESOLVED, that a copy of this resolution be given to the County Attorney and the Secretary of State.

NEW YORK STATE DEPARTMENT OF STATE

162 WASHINGTON AVENUE, ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

County
City of Yates
Town
Village

LOCAL LAW 1-18 ENTITLED: PROHIBITING THE USE OF TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF YATES

Be it enacted by the Legislature of the

County
City of Yates as follows:
Town
Village

Section 1: Findings

The Legislature of the County of Yates finds that the use of tobacco, nicotine, or other like substances on real property owned or leased by the County of Yates should be prohibited in order to:

- A. Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke and residue produced as the result of the use of tobacco, nicotine, and other like substances;
- B. Acknowledge the need of nonsmokers, especially children, to breath smoke-free air, recognizing the danger to public health which secondhand smoke causes;
- C. Recognize that the need to breath air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of Tobacco-Use on real property owned or leased by the County of Yates;
- D. Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and residue from tobacco, nicotine, and other like substances while on real property owned or leased by the County of Yates;
- E. Encourage and support the cessation of tobacco use by all persons to promote longevity and reduce disease and its costs to society.

Section 2: Definitions

As used in this Local Law, “use of tobacco, nicotine, or other like substances” or “tobacco, nicotine, or other like substances use” shall mean and include, but not be limited to, the burning and/or lighting of a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related product or any other matter or product which contains tobacco, nicotine, or other like substances; or the chewing, holding in the mouth, and/or expectorating of chewing tobacco, nicotine, or other like substances; or the use of any other matter or substance which contains tobacco, nicotine, or other like substances.

Section 3: Prohibition

Use of tobacco, nicotine, or other like substances shall be prohibited upon all real property owned or leased by the County of Yates. The term “real property” as used in this Local Law, shall mean and include real estate, lands and any structures, buildings or facilities located upon said real estate and lands.

Section 4: Exceptions

The provisions of this Local Law shall not apply to:

- A. Roadways and right of ways located within the county road system established under section 115 of the New York State Highway Law;
- B. A moving vehicle which is in the process of exiting or entering real property owned or leased by the County of Yates.

Section 5: Posting of Signs

“**TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES USE IS PROHIBITED**” or “**NO USE OF TOBACCO, NICOTINE, OR OTHER LIKE SUBSTANCES**” signs, using the international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where tobacco, nicotine, or other like substances use is regulated by this Local Law. Such signs shall be protected from tampering, damage, removal or concealment.

Section 6: Violations and Penalties

It shall be unlawful for any person to use tobacco, nicotine or other like substances in any area where such use is prohibited by the provisions of this Local Law.

Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00).

Section 7: Enforcement

- A. For the purposes of this Local Law the term “enforcement officer” shall mean the Yates County Legislature or its designee. The enforcement officer may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him, which shall specify the provision of the Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Legislature or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice.
- B. The Legislature may serve, together with a copy of the complaint, a stipulation to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.
- C. If the enforcement officer determines after a hearing that a violation of this Local law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunction relief to compel compliance with this Local Law.
- D. Any person who desires to register a complaint under this Local Law may do so with any appropriate County official.
- E. The decision of any hearing officer shall be reviewable pursuant to Article seventy-eight of the Civil Practice Law and Rules.
- F. The enforcement officer, subsequent to any final determination, may bring an action to recover the civil penalty provided in Section 6 of this Local Law.
- G. In addition to the above penalties, County employees in violation of this policy may be subject to appropriate disciplinary procedures to be determined by their supervisor and in accordance with all applicable Civil Service Rules and Contract language.
- H. Nothing in this Local Law shall create a right of action in any person against the County or its agents to compel enforcement of this Local Law against private parties.

Section 8: Other Applicable Laws

This Local Law shall not be interpreted or construed to permit tobacco, nicotine, or other like substances use where it is otherwise restricted by other applicable laws.

Section 9: Severability

If any provision, clause sentence or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 9: Effective Date

This Local Law shall take effect on January 1, 2019