GOVERNMENT OPERATION COMMITTEE AGENDA
Location: Yates County Legislative Chambers
Date: July 6, 2022 at 1:00 p.m.

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Committee members: Ed Bronson, Bonnie Percy, Rick Willson, Dick Harper, Carlie Chilson, Mark Morris

- Ed & Bonnie will do the audit this month
- Approve minutes of the June meeting
- Public Comment

Elections: Robert Brechko and Robert Schwarting
- State Legislative update
- Issues of Significance or Needing to be Resolved
- Election Updates
- June Objectives Achieved
- July Objectives

Soil & Water: Colby Petersen
- Watershed Inspection/KWIC
- Hydroseeding
- AEM-Agricultural Environmental Management
- Summer Workshop

Cornell Cooperative Extension: Arlene Wilson
- Nothing submitted

IT: Tim Groth
- Help Desk Calls
- Project updates

County Clerk: Lois Hall
- Statistical Reports
- DMV Updates
- Clerk Updates
**Personnel: Kerry Brennan**
- Collection for July
- Contract Policy Update
- Moving Forward and Improving as a United Workforce
- Civil Service Discussion
- Employee Handbook/Administrative Guide Updates

**Resolutions:**
- Amend Yates County Administrative Guide (Yates County Administrative Guide)
- Amend Yates County Employees Handbook (Yates County Employee Handbook)

**County Administrator: Nonie Flynn**
- Greenidge Representative Present?
- Attended NYSAC Administrators meeting on June 24th

**Legislative Clerk: Emilee Miller**
- Reservation Policy & Procedure

**Resolutions:**
- Adopt Local Law 5-22 Entitled Renewal of Local Law 2-19 “A Local Law Establishing an Occupancy Tax in Yates County”

**Executive session if needed**
State Legislative Update: The State Legislature’s last day was 6/1 for this session

- New legislation establishes protection of voter’s rights. Boards of Elections in Election Districts with Communities of individuals with protected status (race, ethnicity, etc) may be sued for correction and must file all changes affecting voters or voting with the court or special attorney general office. While Yates County does not have the prerequisite conditions, the YCBOE may be affect by administrative regulations requiring several reports.
- Non-binary gender language has been introduced in the county political party bylaws to modify language calling for balance male or female representation on county committees.

Issues of significance or needing to be resolved:

- We are starting to see new regulations and procedures for processing registrations and requests for absentee ballots processed through a NYS BOE website electronic voter portal. It will have impacts as we prepare the next three elections, and then beyond.
- There will be at least a Republican Primary for candidates for the 24th CD on August 23rd
- An Overlapping Special Election for the 23rd Congressional district will be held also on August 23rd.
- The unplanned and unbudgeted elections will have a fiscal impact and an impact on our work time constraints for the Deputies.
- Finding Election Inspectors to participate in the second primary (Congressional) and the Special Election on August 23rd is proving very difficult. At present, we are increasing recruitment and have a special new Inspector training scheduled for July 20th.
- Also, the BOE will have to inform every voter of the August 23rd Elections. A postal card will be sent in late July.

Election Updates:

- Other than 16 Affidavit Ballots and a possible few timely Absentee Ballots, the voting is over as follows: Early – 205; Absentee – 133; and In Person on Election Day – 1426. Turnout was 18%, lower than the 24% estimate we expected. The state requires that we plan for 110%, which we disregarded and we ordered supplies and staff for 40% turnout. In spite of economizing efforts, the Primary, when running three parallel voting processes, was very expensive for the results obtained. This is a matter that should be addressed by Legislators at their State Association of Counties. Ask the BOE for assistance, if a draft resolution is desired.
- There will be a Special Election for the remainder of term in CD 23 and a Republican Primary for CD 24 on August 23rd.
June Objectives Achieved:

- Held very successful Chairperson training and Voting Machine training.
- Electronic and voting machines were inspected, tested and certified. No repairs were necessary, however some software issues in the pollbooks required extra effort to incorporate the new state requirements.
- Completed the first of two primaries without error.
- Completed requirements for replacement of photocopier. Reduces operating costs.
- Kept planning and postponing special recognition/appreciation event for our poll inspectors.
- Planned new Inspector Training.
- Conducted scheduled periodic maintenance of BOE trailer with Highway department.
- Assisted towns with decision to provide emergency power to town halls that we use for polling sites.
- Planned a tentative regional (9 County) meeting (July?) to review best practices, experiences with the new state required absentee ballot processing and the conduct of overlapping elections. Additionally, the group will meet with state representatives to overcome ongoing problems with recently enacted legislation and new (draft) procedures.
- Continued Beta Test of new expanded voter registration files and reporting capacities with NTS.
- Provided feedback to Robis and the Robis user group on recommended system modifications and review of poll book training and election prep.
- Worked with Dominion Imagecast support teams to create and test the capacity to use existing equipment for overlapping election voting.

July Objectives

- Process registrations that were held under state law until July 5th. Restart Party Enrollment changes.
- Work with other Counties to get guidance from the state regarding blackout periods that might be applied leading up to the Federal Primary and Special Election.
- Contact all county registered voters with information about the Special and Federal Elections.
- Write and flood the local media with announcements.
- Reduce staff work hours as much as possible to conserve hours for the next three elections.
- Train all on new procedures required by running overlapping elections.
- Prepare unique ballot envelopes to differentiate overlapping streams of absentee ballots. Prepare, mail and receive multiple authorized absentee ballots.
- Accumulate data and start to prepare preliminary budget 2023.
- Schedule Commissioner and Deputy time to assure coverage of critical events in the election cycles. The Deputy time limits need to be addressed soon in order to keep coverage required. The Commissioners may require extensions to vacation times.
Watershed Inspection/KWIC:

District staff have conducted 190 inspections to date in the Towns of Barrington, Jerusalem, Milo, Torrey and the Villages of Dresden and Penn Yan. We anticipate completing 400 inspections in 2022. Staff have conducted 30 soils evaluations and reviewed 45 designs for new and replacement septic systems.

Hydroseeding:

Staff have applied 40 loads of hydroseed to 19 sites, including 12 loads at the Keuka Shores Development by Red Jacket Park. In anticipation of a drier July and August, straw mulch will be utilized in areas where the new seeding can’t be watered. In windy areas, we blow straw on the site and then tack it with hydroseed mulch to prevent movement.

AEM-Agricultural Environmental Management:

The Yates County Soil & Water Conservation District has created a special projects fund in order to complete our grant projects in a timely manner. NYS has had extreme delays in getting contracts developed and funding released as of late. This fund will allow our farmers in the area to complete critical water quality improvement projects that have experienced delays.

The attached flyer is for our summer workshop. Yates and Ontario Counties have worked jointly on a summer workshop geared towards our local farms. We will visit a couple farms in the Benton area looking at water quality projects that have been implemented, specifically on Mennonite farms. We will discuss our current water quality issues and some common-sense, low-cost alternatives that have been used to control runoff from fields and farmsteads.

Crystal is working with the Town of Starkey to secure a grant to fund the construction of a salt storage facility through the Water Quality Improvement Project (WQIP) Program. Applications for Round 18 are due by 4:00pm on July 29, 2022.
FREE

Summer Workshop
JULY 20, 2022

9:00am-12:00pm at Chester Martin's Farm
715 North Flat Street, Penn Yan, NY 14527
Coffee & donuts starting at 8:30am

The purpose of the workshop will be to have an open discussion on ways for farms to deal with extreme weather events, review recent farm projects, and discuss water management and tile drainage. A look at some practices used by Chester and neighbors will focus discussions on finding solutions to common problems. All farms in the area are facing increased issues with heavier than normal runoff events. Farms will come away with some ideas on types of projects that could be used on their farm. Harmful algal blooms in our local lakes have resulted in a large increase in pressure on farms to control erosion and nutrients. With open discussion we can work on our issues together.

To register, contact the Yates County SWCD at (315) 536-5188
Register by 7/15/22
MEMORANDUM

To: Government Operations Committee
From: Tim Groth
I.T. Director
Date: June 30, 2022
Re: Report for June 2022

SUMMARY

• Help-Desk calls
  o In the month of May, the I.T. Help Desk took in 257 calls

• I.T. Project Update Summary
  o Setup MDM on all BYOD and other County owned devices
  o Risk Remediation
  o Privileged Remote Access for Vendor Support
  o Privileged Access Management
  o MUNIS Upgrade

• Resolutions
Project Updates

- **Setup MDM on all BYOD and other County owned devices**

  We are moving forward with installing the MDM solution on all approved BYOD and company owned devices that are currently receiving County email.

- **Risk Remediation**

  Through the month of June and ongoing, the IT staff are mitigating risks identified via the Qualys scanning solution. We have been working with our 3rd party support vendor, Entre Computer Services to assist with expediting some of the higher-level concerns. These efforts will continue to enhance the software and hardware security with best practices. The process has identified some older legacy hardware that is unable to upgrade to meet the higher security requirements, which in turn is requiring replacement of the equipment where needed. I have started the process of ordering some equipment that will fit into my budget, however there will need to be further discussion related to other hardware that could require replacement.

- **Privileged Remote Access for Vendor Support**

  We have rolled out the new security software solution called Privileged Remote Access, which is giving I.T. greater control of managing secure vendor support access and management. With the implementation of PRA, we have also added the additional security requirement of Multi-Factor Authentication.

- **Privileged Access Management**

  We have also rolled out the new Privileged Access Management software on several test PC’s and are currently running some testing. This software will give I.T. great security controls when administrative privileges are required for end-user approvals to install approved software, security updates and software releases.

- **MUNIS Upgrade**

  The version of Munis we are on is expiring in October 2022. We will need to upgrade to Enterprise ERP (Munis) version 2021.5. The Test database commenced the week of 6/27-7/1 and as of the time this was written, the upgrade is still in progress. There is no downtime for the Munis Production activities during the Test upgrade. We will then need to schedule our Train + Production upgrade, but they recommend at least six-twelve weeks of testing time after our Test upgrade.
INTER-OFFICE CORRESPONDENCE

YATES COUNTY

TO: Ed Bronson, Chair
    Legislators Government Operations Committee

FROM: Lois Hall, County Clerk

SUBJECT: Updates—County Clerk’s Office

DATE: June 2, 2022

STATISTICAL REPORTS

DMV transactions 2125 with fees for retention collected for May 2022, $17285.79 with $99,112.65 sales tax collected. COPRS Internet fees collected year to date $1,845.38. Transactions processed on the internet 827 $43,153.25 with a year to date total of $227,491.25. We are now $49,630.25 over the threshold for shared revenue.

County Clerk transactions 2673 and fees collected $319,731.42.

Total fees collected county clerk May 2021 $267,532.43
Total fees collected DMV for retention May 2021 $13,012.48

DMV

These issues were discussed at conference

The deadline for ID to comply with travel requirements is May 3, 2023. At this time anyone who will be travelling by air will need to have a REAL ID or the EDL (Enhanced License).

Possibilities of County Offices being allowed to update CDL Medical Certificates without faxing to Albany and waiting for the State to update.

There are many issues with the cameras resulting in numerous photo retakes. The camera in this office will be refreshed the week of August 8-12.

Discussions about issues of processing times at the state level as well. Call times, renewals done on line etc.

I worked in the DMV everyday all day for three full weeks while the supervisor was on vacation.

People were angry about everything!
I have spoken to a number of other DMV’s and offices in the state as well. We all agree the mood and demeanor of the general public has certainly changed.

I spent days trying to help someone (from out of state) register electric surf boards with no documentation (and incorrect documentation on some as well). Once I was able to register one (of 6) there was another discussion as to where the stickers and numbers were to be placed as they would ruin the look of the board. I had spoken to Parks and Recreation and also Sheriff Spike for their guidance to verify this as I had never heard of electric or power boards. This gentleman returned the following week with more paperwork that was now in order but still argued as to why he needed to affix stickers and numbers to his board. Josh Crain (NYSDEC) happened to be in the office at that time and he informed the gentlemen with the same information I had given him.

This is just one example of the hours it takes to try to assist someone when they are unprepared and argumentative refusing to follow the directives it puts a burden on everyone. We try to assist everyone and have gone above and beyond to do so.

We have policies, procedures, rules, regulations and laws that we must follow to be able to be successful with all of the transactions we process.

CLERK

There are a number of scams popping up again in relationship to deeds. These scams are asking for $99.00 to $107.00 to obtain copies of recorded deeds. These documents are coming from California, Tennessee, Texas and Ohio. Our fees are $.65 (cents) per page. We are advising people to disregard these and throw them away.

The decision to strike down the NY concealed carry law brought numerous questions for everyone. I have spoken to Sheriff Spike and Judge Cook and they feel that the changes will be to the permits issued with restrictions (sportsmen) only. There are very few of these types of permits issued here in Yates County and will not be an issue to amend these if legally able to do so.

At this time the application process to obtain a license or permit to carry a firearm in New York State is unchanged.

It is ultimately State law that dictates how firearm licenses are issued, the State has designated the application process to counties (or in some cases, cities).

Our current update on the new semiautomatic law is not finalized. Implementation date will be in early September 2022.

This information is a work in progress between the county clerks committee and the NYSP. This is just for information only at this time.

NYSP intends to have one permit/permitting process for pistols and semiautomatic rifles.

Our understanding is current pistol permit holders will need to fill out an amendment form to request a “semiautomatic endorsement” that will be processed through the existing pistol permit process. NYSP has indicated for specialized permits their superintendent issues, they are considering their permit card format to have 2 versions one that says NYS Pistol Permit or NYS Pistol –Semiautomatic Permit. NYSP will be updating the forms and have agreed to share their drafts with us for our input.
Semiautomatic rifles will not be registered and added onto permits, we will be issuing endorsed permits for permit holders to be able to purchase and take possession of these weapons.

No “carve outs” (i.e rimfire rifles, etc.). If the firearm is a semiautomatic rifle then a permit is necessary.

Because these will not be registered in our permit process, this will become more of a responsibility for the permit holder and dealers.

If a dealer wishes to sell semiautomatic rifles then they must possess a NYS dealer’s license in addition to their FFL.

The new law does require licensing officers/counties to recertify semiautomatic permits every 5 years rather than NYSP, which will ultimately need to be fixed in the law. NYSP did indicate that counties should develop a plan as there is no guarantee we will get a correction in the law prior to the implementation date. Because semiautomatic rifles will not be registered, we would likely only be recertifying that the permit was in good standing.

Further guidance for recertification will be issued by the state police once they have had more time to research and discuss with their counsel.

I have no other information at this time. Any updates in the law will be passed on to you.

Financial reports are attached.
### County: Yates

- **ANNUAL THRESHOLD**: $170,587.25
- **RECEIPTS [YTD]**: $227,491.25
- **AMOUNT TO THRESHOLD**: $0.00
- **PERCENTAGE**: 3.25%
- **INTERNET COUNT**: 827
- **INTERNET REVENUE**: $43,153.25
- **AMOUNT OVER THRESHOLD**: $49,630.25
- **YEAR TO DATE**: $56,904.00
- **SHARED REVENUE**: $1,612.98

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The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224  

June 28, 2022  

Dear Governor Hochul:  

We are writing on behalf of the New York State Association of County Clerks, regarding the recent changes to gun laws, specifically the semiautomatic rifle licensure bill. While we appreciate the intent behind this legislation in the wake of the devastating events in Buffalo, NY and Uvalde, Texas; we want to ensure that the new systems proposed in bill A10503/S9458 allows for all participants in the NYS pistol permit process have the appropriate tools for implementation.  

Under the new legislation, subdivision 10 of section 400.00 of Penal Law now states that:  

"(c) A license to purchase or take possession of a semiautomatic rifle as defined in subdivision two of this section shall be recertified to the applicable licensing officer every five years following the issuance of such license."  

Currently, all pistol permits are recertified with New York State Police (NYSP) every five years. It is our opinion that the author of this legislation intended for this to be the same process as the existing NY pistol permit process. To create a new and redundant certification process is an unnecessary and unfunded mandate on County Clerks when a process already exists with NYSP. It also will create confusion and a new process for all NY pistol permit holders.  

To ensure compliance and the best records for law enforcement agencies, we feel it is imperative to realign the recertification process for semiautomatic rifle licenses having it mirror the existing procedure for NY pistol permits and run through NYSP. We hope your office and the New York State Legislature will take this under advisement during the extraordinary Session scheduled this week.  

Please do not hesitate to contact me with any questions or concerns regarding our request, or any other ways we can partner towards the implementation of these new regulations and processes.  

Yours in public service:  

Michael C. Bartolotti  
Putnam County Clerk  
President of the NYS Association of County Clerks
This is to update you on the recent activity of the Personnel Office.

COLLECTION FOR JULY –

For July we will collect shampoo and conditioner.

CONTRACT POLICY UPDATE –

Enclosed is the draft revised contract policy for review by the Government Ops Committee members/Legislators. Please provide me with your feedback, if any, by July 22. I plan to bring the final version back in August for adoption.

MOVING FORWARD AND IMPROVING AS A UNITED WORKFORCE –

360 Evaluations – I’ve conducted research and after consulting with Nonie, I will be incorporating the cost/recommendation into my 2023 Budget Request.

Mission/Vision/Values – After consulting with Nonie, I plan to incorporate this into my 2023 Goals.

CIVIL SERVICE DISCUSSION –

I wanted to remind Legislators that part of what we do in Personnel is that we take every measure to ensure we are providing entities within our jurisdiction (Towns/Villages/School Districts/etc.) with qualified applicants to consider for appointment. In order to do this, we require applicants to provide supporting documentation proving they meet the minimum qualifications for the position/exam to which they have applied. Examples, if a position requires a Commercial Drivers License (CDL), applicants must provide a copy of their CDL in order for the application to be approved. It also applies to verification of the required education level (i.e. high school, Associates, Bachelors, Masters, credit hours, etc.), professional licenses, certifications, training, years of experience, etc. If an applicant doesn’t meet the minimum qualifications and/or fails to produce the supporting documentation, his/her application will be disapproved and he/she will be notified as to reason why it was disapproved. Although an application is disapproved, an applicant still has the ability to submit the supporting documentation/justification as to why he/she meets the minimum qualifications and his/her application may be reconsidered for approval.

EMPLOYEE HANDBOOK/ADMINISTRATIVE GUIDE UPDATES –

See enclosed resolutions.
YATES COUNTY

CONTACTS POLICY, REQUIREMENTS AND PROCEDURE

Original Issue – TBD
Yates County
Contracts Policy, Requirements and Procedure

Revision Record

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101 Definitions

For purposes of this policy, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this policy.

1. **Chair** – The Chair of the Yates County Legislature.

2. **Clerk** – The Clerk of the Yates County Legislature.

3. **Committee of Jurisdiction** – Committee of the County Legislature that refers an authorizing resolution to the full legislature for approval.

4. **Contract** – A document that expresses the terms and conditions under which goods and/or services are to be performed and/or delivered. “Contract” shall also mean “agreement”.

5. **County** – Yates County.

6. **Appointing Authority** – The individual(s), as designated by County Law, with the sole authority to appoint employees to specific appointed positions.

7. **Automated Clearing House (ACH)** – A network that coordinates electronic payments and automated money transfers. ACH is a way to move money between banks and/or banking accounts without using paper checks, wire transfers, credit card networks, or cash.

8. **Business Associate** – A person or entity (not an employee of Yates County) who, on behalf of a covered entity (i.e., health care provider, health plan, or health care clearinghouse), creates, receives, maintains, or transmits protected health information.

9. **Committee of Jurisdiction** – Committee of the County Legislature that refers an authorizing resolution to the full legislature for approval.

10. **Contract** – A contract is an agreement between Yates County and another party that is intended to have a binding obligation and/or legal effect. Contracts contain the terms and conditions under which goods, services, or other considerations of value are furnished by either party. Effective contracts provide a common understanding and the essential terms and mutual obligations defined within the agreement that exist between the parties. In addition to formal documents commonly understood to be contracts, documents such as purchase orders, service agreements, leases, and letters or memoranda of agreement, understanding, and intent are contracts if there is County interest at stake and something of value is exchanged.

11. **Contractor** – Individual or firm that will provide goods and/or perform services for the County. In situations where goods and/or services are not involved (e.g. – Memorandum of Understanding, etc.), “Contractor” shall also mean “other party”.

12. **County Administrator** – The County Administrator of Yates County. When referenced in this Administrative Guide, County Administrator shall also mean an individual acting with the County Administrator’s properly designated authority.

13. **County Legislature** – The County Legislature of Yates County. May also be referred to as the “Legislature”. 
14. **Department Head** – The person in charge of any department, agency, bureau, unit, or subdivision of Yates County. This may include an Elected Official. This definition will be applicable in the event such person is serving in an acting, temporary, or provisional status in the position of Department Head. This term shall also include the County Administrator, or an individual otherwise designated as a Department Head or any other individual who reports directly to the County Administrator.

15. **Health Information (ePHI)** – Any personally identifiable health or healthcare information that is transmitted or maintained by electronic media, and that can be linked to an individual. Identifiers include but are not limited to social security number, names and addresses.

16. **Yates County** – May be referred to as the “County”.

### 102 The Purpose of the Contracts, Requirements and Procedure Policy

The purpose of the Contracts, Requirements and Procedure Policy is to provide guidance for the development and use of written contracts, describes situations for which they are required, and identified exceptions to those requirements.

### 200 CONTRACT REQUIREMENTS

#### 201 Authorizing Resolution

1. **Policy Statement** – It is County policy that prior to entering into any contractual relationship that may involve the signing of a legally enforceable document that creates, defines, and governs mutual rights and obligations between the County and another entity and/or provider, the County Legislature must first adopt a Resolution authorizing the Chair to sign such document.

2. **Resolution Contents** –
   
   A. Include authorization for the Chair to sign the contract.
   B. Include the contract term or effective date. If no end date, language must be included specifying as such.
   C. Where applicable, contain the total contractual cost.
   D. If applicable and after receiving approval from the County Attorney, language may be included to waive the requirement for liability insurance.
   E. May include the statements:
      
      a. “RESOLVED, that, before execution by the Chair, Contract shall be made available to Legislators by the Clerk of the Legislature for at least five (5) business days on the County intranet site; and be it further
      
      b. RESOLVED, that, if during said five (5) day period at least three (3) legislators advise said Clerk, via written communication, that they wish further review and discussion on Contract, the Chair shall not execute said Contract and said Clerk shall cause said Contract to be referred back to the Committee of Jurisdiction for further review and discussion at its next meeting.”

3. **Related Document** – [Sample Resolution](#)

#### 202 Insurance Requirements

1. **Statement of Purpose** – In accordance with the guidelines issued by the Council of Contracting Agencies and NYS Procurement Council, the County requires suppliers of goods and services, licensees, permittees, contractors and tenants to maintain Insurance covering the County against Claims or judgments. The County requires proof that these requirements have been met, through the submission of a Certificate of Insurance and applicable amendatory Endorsements.
2. **General Liability Insurance Certificate** – Contractors are required to provide proof of General Liability Insurance to show said insurance is in place.
   
   A. **Additional Insured** – Unless waived by the authorizing resolution and/or the County Attorney, the Certificate of Insurance must name Yates County as additionally insured. Please note Certificates that merely name Yates County as certificate holder will be considered inadequate, the additional insured language must recited on the Certificate.
   
   B. **Insurance Limits** – The Certificates must show the contractor’s insurance limits are of at least:
      
      a. One-million ($1,000,000) dollars per occurrence
      b. One-million ($1,000,000) dollars general aggregate
      c. One-million ($1,000,000) dollars products/completed operations

3. **NYS Disability Insurance** – If a contractor New York State requires that whenever a municipality enters into a contract with another person or entity, the municipality has to obtain proof that the person or entity either has New York State disability insurance, or is exempt from the requirement. The essential purpose of the law is similar to the workers’ compensation requirement; that is, to insure that municipalities are not giving unfavorable advantages to persons or entities that are not adequately insuring their employees.

4. **NYS Workers’ Compensation Insurance** – New York State requires that whenever a municipality enters into a contract with another person or entity, the municipality has to obtain proof that the person or entity either has New York State workers’ compensation insurance, or is exempt from the requirement. The essential purpose of the law is to insure that municipalities are not giving unfavorable advantages to persons or entities that are not adequately insuring their employees.

5. **Insurance Exemptions** – If a contractor has no employees and is a sole proprietor, the contractor must obtain and submit an exemption form from the New York State Worker’s Compensation Board by requesting a Certificate of Attestation of Exemption (CE-200).

6. **Other Types of Insurance** – Depending on the type and/or the purpose of a contract the County Attorney may require proof of additional insurances.

7. **Related Documents** –
   
   A. **Certificate of Attestation of Exemption (CE-200)**
   B. **Insurance Form Requirements**
   C. **Template Letter to Vendors Regarding Insurance Requirements**
   D. **NYS Guidelines for Insurance Requirements**

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**203 Sexual Harassment and Prevention Certification**

1. **Statement of Purpose** – Pursuant to the State of New York State Finance Law §139-I, contractors are required to certify under penalty of perjury, that their company has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the State of New York Labor Law. New York State is collaborating with employers across the State to further its commitment to ending sexual harassment in the workplace. Every employer in New York State is required to adopt a sexual harassment prevention policy and in addition, implement an interactive training program.

2. **Certification Form** – Each contractor is required to complete the County’s Sexual Harassment and Prevention Certification Form.
3. Related Documents –
   A. Employee Handbook § 802 Non-Discrimination and Harassment
   B. Sexual Harassment and Prevention Certification Form

204 Business Associate Agreement

1. Statement of Purpose – The purpose of the Business Associate Agreement is to ensure the County adequately protects and meets certain HIPAA requirements when contracting or outsourcing business functions to third-party providers that may directly or indirectly involve the handling of ePHI.


205 Equal Opportunity, Non-Discrimination and Affirmative Action

1. Policy Statement – In accordance with the requirements of the New York State Human Rights Law, Title VI and VII of the Federal Civil Rights Acts, the Americans with Disabilities Act, and all applicable requirements of New York State and federal law it is the policy of the County to protect and promote diversity, inclusion and equal opportunity, free of unlawful discrimination on the basis of protected class status, including, race, color, sex (including sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender), creed or religion, age, national origin, marital or familial status, arrest record or criminal history, domestic violence victim status, disability, military or veteran status, and predisposing genetic characteristics or any other impermissible basis, in all functions performed, and services offered, by employees.

2. Related Documents –
   A. Comptroller’s Executive Orders on Equal Opportunity, Non-Discrimination and Affirmative Action
   B. Equal Employment Opportunity Certification

206 Minority/Women Owned Business Enterprise

1. Policy Statement – In accordance with Article 15-A of the New York State Executive Law (Executive Law §310-318) and State Finance Law §163(3) it is the policy of the County to make an adequate good faith effort to contract with Minority/Women Owned Business Enterprises either directly through the contractor or indirectly through subcontractors.

2. Related Documents –
   C. Comptroller’s Executive Orders on Minority/Women-Owned Business Enterprise Procurements
   D. M/WBE Goal Requirements Certification of Good Faith Efforts
   E. Summary of Article 15-A of the Executive Law
   F. Minority and Women-Owned Business Enterprise Compliance
   G. M/WBE Contractor Good Faith Efforts Certification (Form 105)

300 RESPONSIBILITIES AND PROCEDURES

301 Responsibilities and Procedures

To ensure the County is acting in a fiscally responsible manner, various County personnel are involved in the preparation, review, authorization and overall execution process of establishing a contractual relationship with a contractor.

1. Clerk, County Legislature –
A. After an authorizing resolution has been passed by the Legislature, the Clerk shall track the status of the contract through Laserfiche until all approvals are received by subsequent personnel and the contract is signed.

B. If required in the authorizing resolution, the Clerk shall post the contract to the County intranet and:
   a. Notify the Legislature that the contract is available for review.
   b. If notified by the required number of Legislators, refer the contract back to the Committee of Jurisdiction for further review and discussion (refer to Section 201).

C. After the County Attorney approves the contract, the Clerk will receive an e-mail notification at the same time the Chair receives his/her notification making both aware that the contract is ready to sign, this will allow the Clerk the ability to follow-up with Chair if needed.

D. After the Chair signs the contract, notification will be sent to the Clerk notifying him/her that the contract is fully executed.

E. The Clerk shall have access to the fully executed contract through Laserfiche and if required, shall retain a hard copy in the Legislative office.

2. Chair – After the County Attorney approves a contract, the Chair will receive an automatic e-mail notification that a contract is ready to be signed, the Chair will then sign the contract electronically.

3. Committees of Jurisdiction –

   A. During the monthly committee meetings Department Heads will present the authorizing resolution to his/her Committee of Jurisdiction.

   B. Committee members shall review the proposed resolution for the resulting contract:
      a. If the majority of the committee approves the resolution, the resolution shall be presented to the full Legislature for consideration.
      b. If the majority of the committee decides additional information is needed in order to make a decision, the Department Head may be tasked with bringing the resolution back to the next month’s meeting or he/she may be tasked with bringing additional information to the Legislature meeting for further discussion.

   C. If applicable, and if a result of the legislature meeting it is decided legislators wish to review the contents of a contract prior to the Chair being authorized to sign said contract and if during the specified timeframe at least three (3) legislators advise the Clerk they wish to review and discuss the contract further, it will be referred back to the Committee of Jurisdiction for further discussion at its next meeting (refer to Section 201).

4. County Attorney –

   A. After a Department Head submits the Laserfiche Contract Form, the County Attorney will receive an automatic e-mail notification that a contract is ready to be reviewed and the County Attorney shall:
      a. Review the contract for legal content and verifying the required documentation is attached (refer to Section 200).
      b. If applicable, modify the contract as necessary based on input from Legislators.
      c. Reject the contract, providing an explanation for the purpose of the rejection.
      d. Approve the contract.

5. Department Heads –

   A. Discuss, review and obtain the required Liability, Workers’ Compensation and Disability insurances with contractors prior to entering into contract negotiations.
   B. Prepare a draft resolution authorizing execution of contract.
   C. Discuss the contract with the County Administrator during the monthly meeting.
   D. Present the draft resolution to Committee of Jurisdiction.
   E. If an authorizing resolution is approved by the full Legislature, the Department Head shall complete the electronic Laserfiche Contract Form and upload all required documents.
F. Once the Department Head submits the Laserfiche Contract Form and required documents, the County Attorney will receive e-mail notification that the contract has been submitted.
   a. If approved by the County Attorney, the Chair will receive notification that the contract is ready to be reviewed and signed for approval.
   b. In most instances, contracts shall be signed by the contractor prior to the Department Head uploading it into the Laserfiche Contract Form.
      i. Once the Chair has signed the contract, the Department Head shall receive an electronic notification that the contract has been fully executed and he/she can then send the signed contract to the contractor.
   c. In instances where a contract cannot be signed by the contractor in advance of initiating the submission process (e.g. – New York State contracts), the Department Head shall attach the unsigned contract to the LaserFiche Contract Form and explain in the details section, why the contract has not been signed by the contractor.
      i. After receiving approval from the County Attorney and once the Chair has signed the contract, the Department Head shall receive electronic notification that the contract has been approved and he/she can upload the contract to send to the contractor for signature.
      ii. Once the Department Head receives the fully executed contract he/she will upload an electronic copy and submit it to the Clerk for record keeping purposes.
   d. If disapproved by the County Attorney, the Department Head will receive an e-mail notification stating the contract has been rejected. The Department Head will then need to click on the link that is provided and login to Laserfiche Forms to see why the contract was denied.
      i. Once the Department Head addresses the reasons for the contract rejection, he/she shall re-submit the contract to the County Attorney for review.

6. Legislature –
   A. Review resolutions forwarded by Committees of Jurisdiction and determine if the resulting contract from a given resolution is one that the majority of the Legislature wishes to authorize without requiring any further justification.
      a. If at least one (1) legislator wishes to further examine a contract, the Clerk of the Legislature shall make the contract available on the Intranet and specific language shall be added to the resolution (refer to Section 201).
   B. The Department Head/Supervising Authority will complete the Vacancy Review Form and submit it to the Clerk to the Legislature as an agenda item for his/her Committee of Jurisdiction to review.
   C. The Committee of Jurisdiction will review the Vacancy Review Form and the resolution. If the Department Head/Supervising Authority receives approval, the resolution will go before the entire Legislature for consideration:
      a. If the Legislature disapproves the resolution, no further action is taken; OR
      b. If the Legislature approves the resolution, the supervising authority can act accordingly based on the effective date stated within the resolution.

7. Related Document –
   A. Electronic Signature and Records Act (ESRA)
   B. ESRA Guidelines

RESOLUTIONS –
WHEREAS, the Administrative Guide is in need of modification;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 that a new sub-section be added to Section 201 Freedom of Information Law titled “Records Access Officer” and the remaining section numbers be updated accordingly;

2. **Records Access Officer** – In accordance with 21 NYCRR Part 1401.2 the County has designated the County Administrator as the Records Access Officer (RAO). The official RAO designation shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public, from continuing to do so.

And be it further

RESOLVED, the following language in Section 402.D Holiday Leave be updated accordingly;

D. **Proper Use of Personal Leave** – Subject to reasonable exceptions granted by the Department (or designee) in his/her sole discretion, personal leave shall not be taken on a day immediately preceding or immediately following a holiday.

And be it further

RESOLVED, the following language in Section 403.5.A.B Leave Without Pay / Other Unpaid Leave be updated accordingly;

A. **Request for Leave Without Pay Other than For FMLA/WC in Excess of Five (5) Days** – When an employee notifies his/her Department Head of his/her need for a leave without pay, and his/her leave is expected to exceed five (5) days without pay, it is the responsibility of the Department Head to preliminarily determine the necessity and validity of the request. If the Department Head determines that the reason for the request is not sufficient, he/she may deny the request. Should the Department Head determine the request to be valid, he/she will notify the County Administrator.

B. **Leave Without Pay Resulting from FMLA/Workers Compensation** – For leave without pay resulting from FMLA/Workers’ Compensation, the Department Head will notify the County Administrator during his/her monthly meeting. Any additional notifications shall be at the sole discretion of the County Administrator.

And be it further

RESOLVED, that the job title “Payroll Specialist” be added to Section 406.2.B Exempt Non-Union Flex Time Procedure; and be it further

RESOLVED, that Subsection 3 of Section 406 be retitled to “Exempt Non-Union Flex Time Procedure”; and be it further

RESOLVED, that a new Subsection 4 be added to Section 406 titled “Exempt Non-Union Non-Department Heads Procedure” and the following Section be updated accordingly;

4. **Exempt Non-Union Non-Department Heads Procedure** –
A. Department Heads are authorized to administer and enforce a compensatory time or flex time procedure that is customized to their own department for Non-Union Non-Department Head employees.

B. Once a procedure has been established the Department Head will provide it to the Personnel Officer who will work with the Payroll Specialist to set-up the payroll system accordingly.

And be it further

RESOLVED, that language be removed from Section 504.1 Health Insurance Buy-out as the information is already included in the Employee Handbook, therefore the revised Section will now read;

1. **Summary** – Unless otherwise provided in a collective bargaining agreement, a full-time non-union employee or Elected official, who is eligible for medical insurance coverage made available through the County, may receive a cash buy-out in lieu of receiving medical insurance benefits.

And be it further

RESOLVED, that Section 1013 be retitled to “Office Supply / Ink-Toner Orders / Managed Print Services” and the following Section be updated accordingly;

**1013 Office Supply / Toner Orders / Managed Print Services**

1. **Statement of Purpose** – Pursuant to Section 103(5) of the General Municipal Law and in accordance with the County’s Purchasing/Procurement Policy, the County has implemented procedures to protect taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for all Yates County procurements where practicable and required by law.

2. **Managed Print Services** – The County IT Department will contract with a third party vendor to administer the Managed Print Services Program for all networked printers and multi-function printers/copiers (assets).

   A. **Procedure** –
      a. Representatives from the IT Department will be responsible for labeling the assets to clearly identify what equipment is included in the Managed Print Services Program.
      b. Each asset will be programmed with a low toner automatic notification system that will be triggered once the toner reaches a predetermined threshold.
      c. Once the toner level reaches the threshold, the third party vendor will automatically be notified and process an auto-ship order that will send a replacement toner cartridge to the IT Department for Installation.
      d. Once received, the IT Department will install the toner.
      e. The IT Department will notify the Finance Department monthly how much to charge each department.
      f. The Finance Department will send monthly statements to each Department Head notifying them of the charges.

4. **Ink / Toner Cartridge Orders** –
   A. For assets not covered under the Managed Print Services, the Legislature has delegated the responsibility of ordering supplies to the Clerk of the Legislature, however, orders will not be placed unless prior authorization is received from the IT Department.
   B. The County has elected to procure ink cartridges through the New York State Office of General Services or United State General Services Administration (OGS). This is often referred to as “State bid” pricing.
C. Ordering Procedure –
   a. Timeframe – Ink cartridge orders are placed on the first and fifteenth day of every month. Should the first or fifteenth day of the month fall on a weekend and/or holiday, orders will be placed on the next workday.
   b. Forms – The Department Head/Supervising Authority and/or his/her designee will fill out a Toner/Ink Re-Order Form when ordering toner/ink.
   c. Submission Process –
      i. The Department Head/Supervising Authority and/or his/her designee will submit the order forms to the IT Help Desk electronically.
      ii. Once the IT Director or his/her designee receives and verifies the order form, he/she will notify the Clerk of the Legislature to order the requested item(s).
      iii. After an order is placed, the Clerk of the Legislature will send the Department Head/Supervising Authority and/or his/her designee a copy of his/her order form watermarked with the word, “Ordered”. This document will be needed when vouchering for the items received (refer to Section 6).
   d. Delivery of Goods – Toner/Ink orders will be delivered to the Clerk of the Legislature. The Clerk of the Legislature will notify the Department Head/Supervising Authority and/or his/her designee that the order has arrived and will place the item in and/or next to the department’s mailbox in the County Office Building Mailroom.

B. Office Supply Orders –
   A. The Legislature has delegated the responsibility of office supply ordering to the Clerk of the Legislature.
   B. Every five (5) years, the Clerk of the Legislature will conduct the competitive bidding process for office supplies pursuant to the County’s Purchasing/Procurement Policy. Once the Legislature officially awards the bid, the Clerk of the Legislature will notify Department Heads/Supervising Authorities and/or their designees who do the ordering.
   C. Ordering Procedure –
      a. Timeframe – Office supply orders are placed every week on Tuesday. When a holiday falls on a Monday and/or Tuesday, office supply orders will be placed on Wednesday of that week.
      b. Forms – The Department Head/Supervising Authority and/or his/her designee will fill out an Office Supply Order Form when ordering office supplies.
      c. Submission Process –
         i. The Department Head/Supervising Authority and/or his/her designee will submit the order forms to the Clerk of the Legislature electronically. Order forms must be sent to the Clerk of the Legislature by no later than 12:00 P.M. on Tuesday and/or Wednesday if applicable.
         ii. Once the Clerk of the Legislature receives the order form, he/she will order the requested item(s).
         iii. After an order is placed, the Clerk of the Legislature will send the Department Head/Supervising Authority and/or his/her designee a copy of his/her order form watermarked with the word, “Ordered”. This document will be needed when vouchering for the items received (refer to Section 6).
      d. Delivery of Goods – Office supplies will be delivered directly to the individual department that placed the order. On delivery, the Department Head/Supervising Authority and/or his/her designee will receive the invoice that will need to be submitted along with the voucher (refer to Section 6).

5. Off Cycle Ordering – In situations where there is an urgent need for an office supply and/or ink/toner, the Department Head/Supervising Authority and/or his/her designee may place an off-cycle order.
   A. Office Supplies –
a. The Department Head/Supervising Authority and/or his/her designee will send the Clerk of the Legislature an email stating what the need is and why. The Clerk of the Legislature will then reply with approving or disapproving the request. If the request is approved, the Department Head/Supervising Authority may personally pick up an office supply from the vendor holding the awarded bid.
b. Prior to the voucher process, the Department Head/Supervising Authority and/or his/her designee must e-mail the Clerk of the Legislature indicating the item(s) received.
c. The Clerk of the Legislature will respond to the e-mail. The Clerk of the Legislature’s response must be printed and submitted with the voucher, just as the order form would be.

B. **Ink / Toner** –
   a. The Department Head/Supervising Authority and/or his/her designee will send the IT Help Desk an email stating what the need is and why. The IT Department will then reply approving or disapproving the request. If the request is approved, the IT Department will send the request to the Clerk of the Legislature to place the order.
   b. The Clerk of the Legislature will notify the Department Head/Supervising Authority when the order has arrived and will place the item in and/or next to the department’s mailbox in the County Office Building Mailroom.

6. **Voucher Process** –
   A. The Department Head/Supervising Authority and/or his/her designee must prepare a voucher for the vendor that the items were received from ([refer to Section 909](#)).
   B. In addition to the voucher, the Department Head/Supervising Authority and/or his/her designee must attach the watermarked document, the invoice and the packing list.

7. **Failure to Comply Notice** – Office supplies or ink cartridges that are purchased without following the procedures outlined in this section will not be paid for by the County and the purchased item will need to be returned and/or the Department Head/Supervising Authority may be personally liable for the cost of the item.

8. **Related Documents** –
   A. [Purchasing/Procurement Policy](#)
   B. [Longs Order Form](#)
   C. [Toner/Ink Cartridge Order Form](#)
   D. [General Municipal Law § 103.5](#)

   And be it further

   RESOLVED, a new subsection titled “Laserfiche” be added to Section 1014 Records Retention becoming the new number 5 and the remainder of the section be updated accordingly;

5. **Laserfiche** – The County utilizes Laserfiche which is an online document management system that is accessible to all departments. Laserfiche allows document scanning, data capture, search features, metadata modification and workflow automation. The goal is to establish and maintain a central repository for all County records.

   And be it further

   RESOLVED, that the revised Administrative Guide be made available to Department Heads and their designees by means of the Intranet; and be it further
RESOLVED, that a copy of this resolution be forwarded to all Yates County Department Heads.

AMEND YATES COUNTY EMPLOYEE HANDBOOK
(Yates County Employee Handbook)

WHEREAS, the Employee Handbook is in need of modifications;

NOW, THEREFORE, BE IT RESOLVED, that effective July 11, 2022 Section 304.2.E Corrective Action and Discipline – Prohibited Conduct be updated as follows to more appropriately address the usage of legalized controlled substance use by employees;

E. Possession, use, distribution/sale, or being under the influence of alcohol or illegal controlled substances, as defined by applicable state and federal laws and regulations, during hours of work or while on County property or in County vehicles. Reporting to work and/or working under the influence of legal drugs/substances that impair the employee’s ability to perform job duties without advance notice to, and approval of, the employee’s department head.

And be it further

RESOLVED, Section 805.1.C. Drug-Free Workplace/Dug Free Awareness Program, also be updated for the same aforementioned reason as follows;

C. That current use of alcohol and illegal controlled substances, as defined by applicable state and federal laws and regulations, will not be tolerated in the workplace

And be it further

RESOLVED, that when appropriate references to Treasurer’s Office/County Treasurer were updated to Finance Department/Director of Finance;

And be it further

RESOLVED, that Section 428 be added titled “External Network Access” and the following language be added, it is also understood that this newly added section will replace all previously adopted policies;

428 External Network Access / Remote Access Policy

1. Policy Statement – The County has established an official Remote Access Policy that must be followed without exception. Employees who receive prior authorization from his/her Department Head to access the County network from a remote location are required to follow defined standards in an attempt to minimize potential exposures including loss of sensitive information, and limit exposure to security concerns through a consistent and standardized access method.

2. Related Documents –
   A. External Network Access Form
   B. Information Security Policy §III

RESOLVED, that Section 506 Bereavement Leave Subsection 3 be updated to include the number of bereavement days and add a new Subsection 5, then update the remaining section numbers accordingly;

3. Definition of Immediate Family Member – In the event of a death of a full-time employees “immediate family member”, the employee make take a paid leave of absence of three (3) days from the
employee’s regularly scheduled work week. For the purposes of this Policy, “immediate family member”, will mean the following, and will include such relatives in a step-family relationship:

5. **Bereavement Leave Usage** –

   A. For the death of an immediate family member, the paid leave days shall be taken consecutively.
   
   B. In the event the burial for the deceased family member is to be held at a future date, not to exceed six (6) months from the time of death and subject to the approval of the Department Head, an employee may use one (1) of the three (3) bereavement day’s to attend the burial.

   And be it further

   RESOLVED, that title for Section 603 be revised to “Overtime / Compensatory Time / Exempt Non-Union Flex Time” and a new section titled “Exempt Non-Union Flex Time Procedure” be added and become the new Section 603.3 replacing “Non-Union Compensatory Time Policy”;

3. **Exempt Non-Union Flex Time Procedure** – The County Legislature has established a set of procedures to allow department heads some control over their work schedules to make it easier for them to manage non-job-related responsibilities and their professional commitment to the County. Consequently, the County Legislature supports flexible work scheduling for department heads, provided that such schedules are mutually beneficial to the County and the department head and continue to satisfy the needs and objectives of the County.

   And be it further

   RESOLVED, that language be added to Section 708.2 Medical Insurance Buy-out

2. **Amount of Buy-out** – An employee or Elected Official who is eligible for the medical insurance buy-out will receive an annual stipend of twenty percent (20%) of the County’s share of the health plan premium payment, based on the particular coverage level that the employee had at the time of his/her election, which would have been paid by the County if the employee chose to continue such insurance coverage under the eligible plan, payable in equal installments throughout the year of election, provided the employee provides written proof of alternate health insurance coverage from a source other than the County's health insurance program. Such payments shall be subject to the County’s Internal Revenue Code Section 125 plan (refer to Section 712).

   And be it further

   RESOLVED, that the revised Employee Handbook be made available to all County employees by means of the Intranet; and be it further

   RESOLVED, that a copy of this resolution be forwarded to all Yates County Employees.
**PERSONNEL OFFICE VACANCY REPORT**

**New hire orientation and paperwork processing for new hires takes roughly 2 hours per person**

**Vacancy Report**

<table>
<thead>
<tr>
<th>Vacant Position</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>Vacancy Start Date</th>
<th>Position Status</th>
<th>New Hire – Recent Activity</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Clerk Typist</td>
<td>A6010.51202</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>7/20/22</td>
<td>Vacancy Review in July.</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Assistant DA</td>
<td>A1165.5XXXX</td>
<td>District Attorney</td>
<td>FT – 35 Hrs</td>
<td>TBD</td>
<td>Vacant..</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Case Supervisor Grade B</td>
<td>A6010.51375</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>5/16/22</td>
<td>Promotion 6/16/22</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Caseworker</td>
<td>A6010.51353</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>6/16/22</td>
<td>DOH 7/11/22</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Correction Officer</td>
<td>A3150.51820</td>
<td>YCSO – Jail</td>
<td>FT – 40 Hrs</td>
<td>5/23/22</td>
<td>Recruiting. (Active eligible list + new exam given 6/25/22)</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Correction Officer</td>
<td>A3150.51807</td>
<td>YCSO – Jail</td>
<td>FT – 40 Hrs</td>
<td>6/19/22</td>
<td>Recruiting. (Active eligible list + new exam given 6/25/22)</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Correction Officer/Court</td>
<td>A3190.5XXXX</td>
<td>YCSO – Court</td>
<td>FT – 40 Hrs</td>
<td>New</td>
<td>Recruiting. (Active List expired 11/2021 – Exam ordered waiting to be scheduled)</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Correction Sergeant</td>
<td>A3150.51797</td>
<td>YCSO – Jail</td>
<td>FT – 40 Hrs</td>
<td>4/26/22</td>
<td>Promotion 6/19/22</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Deputy Highway Superint.</td>
<td>D5010.51119</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>5/1/22</td>
<td>Vacancy Review in July.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>A3110.51750</td>
<td>YCSO – Road</td>
<td>FT – 40 Hrs</td>
<td>3/12/22</td>
<td>Recruiting. (Active eligible list + new exam to be given 9/17/22)</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Deputy Sheriff – Investigator</td>
<td>A3110.51737</td>
<td>YCSO - CID</td>
<td>FT – 40 Hrs</td>
<td>5/2/22</td>
<td>Recruiting. (Active eligible list + new exam to be given 9/17/22)</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Emergency Services Dispat.</td>
<td>A3021.51712</td>
<td>YCSO – E911</td>
<td>FT – 40 Hrs</td>
<td>6/2/22</td>
<td>Recruiting. (Active eligible list – exams given 1/2021 and 1/2022)</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>MEO/MEO Trainee</td>
<td>D5110.51140</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>4/1/22</td>
<td>DOH 6/13/22</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>MEO/MEO Trainee</td>
<td>D5110.51140</td>
<td>Highway</td>
<td>FT – 40 Hrs</td>
<td>4/1/22</td>
<td>DOH 6/13/22</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Public Health Nurse/RN</td>
<td>A4010.51341</td>
<td>Public health</td>
<td>FT – 35 Hrs</td>
<td>11/12/21</td>
<td>Recruiting.</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Secretary to DA</td>
<td>A1165.51109</td>
<td>District Attorney</td>
<td>FT – 35 Hrs</td>
<td>7/1/22</td>
<td>Recruiting.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Smart Trailer Operator</td>
<td>New</td>
<td>YCSO – Dispatch</td>
<td>PT – 20 Hrs/Yr</td>
<td>New</td>
<td>Position Review in July.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Social Services Program Examiner</td>
<td>A6010.51390</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>6/3/22</td>
<td>DOH 6/8/22</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Social Services Program Examiner</td>
<td>A6010.51399</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>2/28/22</td>
<td>DOH 6/6/22</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Social Services Program Examiner</td>
<td>A6010.51395</td>
<td>DSS</td>
<td>FT – 35 Hrs</td>
<td>7/20/22</td>
<td>Promotion 7/20/22.</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td><strong>TOTAL (including part-time):</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**Continuous Recruitment**

*(Applications are accepted on a continuous basis)*

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>New Hire - Recent Activity</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrections Officers</td>
<td>A3150.51990</td>
<td>YCSO – Jail</td>
<td>Part Time</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Corrections Officers</td>
<td>A3190.51981</td>
<td>YCSO – Court</td>
<td>Part Time</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>A3110.51985</td>
<td>YCSO – LE</td>
<td>Part Time</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Dispatcher</td>
<td>A3021.51986</td>
<td>YCSO – Dispatch</td>
<td>Part Time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cook</td>
<td>A3150.51975</td>
<td>YCSO – Jail</td>
<td>Part Time</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Marine PO</td>
<td>A3110.51995</td>
<td>YCSO – LE</td>
<td>Seasonal</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

**Positions on Hold**

*(Positions are vacant and on hold, not action being taken)*

<table>
<thead>
<tr>
<th>Vacant Position</th>
<th>Account Number</th>
<th>Department</th>
<th>Personnel Status</th>
<th>Vacancy Start Date</th>
<th>Position Status</th>
<th>Current Staffing Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td>A1355.5XXXX</td>
<td>Real Property</td>
<td>FT – 40 Hrs</td>
<td>New</td>
<td>Vacant. Not filling.</td>
<td>0</td>
</tr>
<tr>
<td>Conflict Defender</td>
<td>A1171.51642</td>
<td>Conflict Defender</td>
<td>FT – 17.5 Hrs</td>
<td>3/31/20</td>
<td>Vacant. Not filling.</td>
<td>0</td>
</tr>
</tbody>
</table>
POLICY FOR USE OF YATES COUNTY AUDITORIUM / MEETING ROOMS

1. Facility may be used by:
   A. Any government agency or appointed committee, board, etc.
   B. Yates County Departments and Building Tenants
   C. Not For-Profit Organizations
   D. For-Profit Organizations

2. Facility use and priorities:
   A. County Government has first priority
   B. Occupants of the building and other governmental sponsored functions have second priority
   C. Not For-Profit Organizations have third priority
   D. For-Profit Organizations have fourth priority

3. Fees and payment:
   A. No fee for Yates County Departments and Building Tenants
   B. No fee for Not For-Profit & For-Profit Organizations during regular building hours
   C. A flat fee of $80 shall be charged to Not For-Profit & For-Profit Organizations for after-hours use
   D. The Clerk of the Legislature will send out an invoice for the amount owed in conjunction with the reservation
   E. Invoices must be paid 1 week prior to facility use barring any unforeseen circumstances
   F. Invoices must be paid by check made out to Yates County and mailed to:

      Yates County
      Attn: Clerk of the Legislature
      417 Liberty St.
      Penn Yan, NY 14527

4. Facility hours of operation:
   A. Building hours-Except holidays
      ▪ Regular (September-May) Monday-Friday 9:00 a.m. – 5:00 p.m.
      ▪ Summer (June-August) Monday-Friday 8:30 a.m. – 4:30 p.m.
   B. After hours-Except holidays
      ▪ Regular (September-May) Monday-Friday 5:00 p.m. – 9:00 p.m.
      ▪ Summer (June-August) Monday-Friday 4:30 p.m. – 9:00 p.m.
   C. NO WEEKEND USE

5. Requirements:
   A. Certificate of Liability Insurance (COI) must be provided to the Clerk of the Legislature showing the County of Yates as additionally insured for all outside organizations; Not For-Profit & For-Profit
   B. Reservations must be made using the Yates County website www.yatescounty.org reservation system
   C. After hours reservations must be made at least 1 month in advance barring any unforeseen circumstances
D. Payment must be received 1 week prior to use date

6. Rules and guidelines:
   A. Main entrance doors will be unlocked no more than 30 minutes before reserved use time
   B. All garbage must be placed in the proper receptacles made available
   C. Setup of the tables, chairs, etc. is the responsibility of the user
   D. All users must clean up after themselves and return the facility to the way it was when they found it
   E. **NO SMOKING** is allowed on the premises
   F. **NO ALCOHOLIC BEVERAGES** are allowed on the premises
   G. **NO ANIMALS** are allowed in the building except service dogs and dogs in service for training classes
   H. All persons using the building shall do so in a quiet, orderly, and respectful manner
   I. **Violations of these rules will automatically deny further use of the building**
ADOPT LOCAL LAW 5-2022 ENTITLED RENEWAL OF LOCAL LAW 2-19 ENTITLED “A LOCAL LAW ESTABLISHING AN OCCUPANCY TAX IN YATES COUNTY”

WHEREAS, proposed Local Law 5-22 entitled Renewal of Local Law 2-19 Entitled “A Local Law Establishing an Occupancy Tax in Yates County” was introduced at the June 13, 2022 Legislative meeting; and

WHEREAS, a Public Hearing was duly held on July 11, 2022;

NOW, THEREFORE, BE IT RESOLVED, that proposed Local Law 5-22 entitled Renewal of Local Law 2-19 Entitled “A Local Law Establishing an Occupancy Tax in Yates County” is hereby adopted; and be it further

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

LOCAL LAW NO. 5 OF THE YEAR 2022

ENTITLED:

RENEWAL OF LOCAL LAW 2-19 ENTITLED “A LOCAL LAW ESTABLISHING AN OCCUPANCY TAX IN YATES COUNTY”

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

SECTION 1 Intent - The Yates County Legislature declares that the intent and purpose of this Local Law shall be to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for tourism and General Fund of Yates County. Pursuant thereto, the County of Yates has enacted an Occupancy Tax by way of Local Law No. 4-07 entitled “A Local Law Establishing an Occupancy Tax in Yates County”, which was renewed by Local Law No. 1-10, Local Law No. 2-13, Local Law No. 2-16, and Local Law No. 2-19. The intent of this Local Law is to further renew said Local Law.

SECTION 2 Definitions - When used in this local law, the following terms shall mean:

(a) County - Yates County, New York
(b) Director of Finance – The Yates County Director of Finance.
(c) County Legislature – The legislature of the County of Yates.
(d) Hotel or Motel – Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground
provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging.

(e) **Occupancy** – The use or possession, or the right to the use or possession of any room in a hotel or motel.

(f) **Occupant** - A person who, for a charge or any consideration uses, possess, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

(g) **Operator** – Any person operating a hotel or motel, as those terms are defined in subdivision (d) above and elsewhere herein, including, but not limited to, the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

(h) **Permanent Resident** – Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.

(i) **Person** – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(j) **Rent** – The consideration received for occupancy valued in money, whether received in money or otherwise. The term rent includes separately stated charges for the use of furnishings and equipment, maid services, towel and linen services, telephone service and other accommodations. Any charges for food, drinks, entertainment, valet, laundry service, theater ticket service, transportation, and administration do not constitute rent.

(k) **Return** – Any return filed, or required to be filed, as herein provided.

(l) **Room** – any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.

(m) **State** – The State of New York

**SECTION 3 Imposition of Tax** – Effective January 1, 2008, there is hereby imposed and there shall be paid a tax of four percent (4%) of the per diem rental rate upon the rent for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel.

**SECTION 4 Transitional Provisions** – The tax imposed by this local law shall be paid upon any occupancy on or after January 1, 2008, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on or after January
1, 2008. Any reservation for 2008 which is made prior to December 1, 2007, with a deposit, shall be exempt from the occupancy tax.

SECTION 5 Exempt Organizations – Section 1202-Y of the Tax Law does not authorize the imposition of this occupancy tax upon any transaction, by or with any of the following in accordance with Section 1230 of the Tax Law.

(a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state) or the Dominion of Canada, improvement district or other political subdivision of the State;

(b) The United States of America, insofar as it is immune from taxation;

(c) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6 Territorial Limitations – The tax imposed by this local law shall apply only within the territorial limits of Yates County.

SECTION 7 Registration –

(a) Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the Director of Finance a registration application in a form prescribed by the Director of Finance.

(b) The Director of Finance shall, within ten days after such registration, issue without charge to each operator, a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Director of Finance upon the cessation of business at the hotel named or upon its sale or transfer.

SECTION 8 Administration and Collection –

(a) The tax imposed by this local law shall be administered and collected by the Director of Finance, or other fiscal officers of Yates County, by such means and in such manner as other taxes
which are now collected and administered by such officers or as otherwise may be provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for such occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and subsequent payment of the same to the Director of Finance.

(c) The following persons shall be personally liable for the tax imposed, collected or required to be collected under this local law: i) the operator, ii) any member of a partnership operator, iii) any member of a limited liability company operator; and iv) any officer, director or employee of a corporation operator or dissolved corporation operator, any employee of a partnership operator, any employee or manager of a limited liability company operator, or any employee of an individual proprietorship operator who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this local law.

Any such person shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Director of Finance or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax.

(d) Where any occupant has failed to pay a tax imposed by this local law, then in addition to all other rights, obligations and remedies provided in this local law, such tax shall be payable by the occupant directly to the Director of Finance and it shall be the duty of the occupant to file a return with the Director of Finance and to pay the tax to the Director of Finance within fifteen (15) days of the date the tax was required to be paid.

(e) The Director of Finance may, whenever he/she deems it necessary for the proper enforcement of this local law, provide by regulation that occupants shall file returns and pay directly to the Director of Finance any tax herein imposed, at such times as returns are required to be filed and payment made by an operator.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator.
(g) Where an occupant claims exemption from the tax under the provisions of section 5 of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association.

SECTION 9 Records to Be Kept – Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Director of Finance may require. Such records shall be available for inspection and examination at any time upon demand by the Director of Finance or the Director of Finance’s duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Director of Finance may consent in writing to their destruction within that period, or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 10 Returns –

(a) Every operator shall file with the Director of Finance a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year on or after January 1, 2008. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Director of Finance may permit or require returns to be made by other periods and upon such dates as may be specified. If the Director of Finance deems it necessary in order to insure the payment of the tax imposed by this local law, then the Director of Finance may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(b) The forms of returns shall be prescribed by the Director of Finance and shall contain such information as he or she may deem necessary for the proper administration of this local law. The Director of Finance may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(c) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, then the Director of Finance shall take the necessary steps to enforce the filing of such return, or of a corrected return.

SECTION 11 Payment of Tax -

(a) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Director of Finance the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting, or purporting to act, under the provisions of this local law.

(b) Where the Director of Finance, in his or her discretion, deems it necessary to protect revenues to be obtained under this local law, the Director of Finance may require any operator
obligated to collect the tax imposed by this local law to file with the Director of Finance’s office a bond, issued by a surety company authorized to transact business in this state and approved by the New York State Superintendent of Insurance as to solvency and responsibility, in such amount as the Director of Finance may fix to secure the payment of any tax and/or penalties and interest due, or which may become due, from such operator.

(c) In the event the Director of Finance determines that an operator is to file such bond, notice shall be given by the Director of Finance to such operator to that effect specifying the amount of the bond required.

(d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Director of Finance a written request for a hearing before the Finance Committee at which time the necessity, propriety and amount of the bond shall be determined by the Director of Finance. Any determination by the Director of Finance upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

(e) In lieu of such bond, securities approved by the Director of Finance or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Director of Finance, who may at any time without notice to the depositor apply them to any tax and interest and penalties due, and for that purpose, the securities may be sold by the Director of Finance at public or private sale, without notice to the depositor thereof.

SECTION 12 Determination of Tax –

(a) If a return required by this local law is not filed, or if a return is incorrect or insufficient, then the amount of tax due shall be determined by the Director of Finance from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Such notice of determination shall be mailed by certified or registered mail to the person or persons liable for the collection or payment of the tax at his/her last known address. If such person or persons is deceased or under a legal disability, a notice of determination may be mailed to his/her last known address, unless the Director of Finance has received notice of the existence of a fiduciary relationship with respect to such person. After thirty (30) days from the mailing of such notice of determination, such notice of determination shall be an assessment of the amount of tax specified in such notice of determination, together with the interest, additions to tax and penalties stated in such notice of determination. Such notice of determination shall finally and irrevocably fix the tax, unless the person against whom it is assessed, within the above stated thirty (30) day time period, applies to the Director of Finance for a hearing, or unless the Director of Finance of his or her own motion shall re-determine the same. After such
the Director of Finance shall give a notice of determination made to the person(s) against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules, if application therefore is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

1. The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in New York State and approved by the New York State Superintendent of Insurance as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination, plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event, the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

(b) Whenever such tax is estimated as provided for in this Section 12, such notice shall contain a statement conspicuously placed on such notice advising the applicable person(s): that the amount of the tax was estimated; that the tax may be challenged through a hearing process; and that the petition for such challenge must be filed with the Director of Finance within thirty (30) days.

(c) The liability of the a purchaser, transferee or assignee of assets sold, transferred or assigned in bulk for the payment to the County of taxes determined to be due from the seller, transferor or assignor arising under subdivision (c) of Section 17 of this local law shall be an assessment of the liability determined unless the purchaser, transferee or assignee, within thirty (30) days after the giving of notice by the Director of Finance to such purchaser, transferee or assignee of the total amount of any tax or taxes which the County claims to be due from the seller, transferor or assignor, shall apply to the Director of Finance for a hearing unless the Director of Finance, on its own motion, shall re-determine such liability. Where the Director of Finance determines that the amount of taxes claimed due from the seller, transferor or assignor is erroneous or excessive in whole or in part it shall, on behalf of the purchaser, transferee or assignee, determine the amount of tax or taxes properly due and if such amount is less than the amount of taxes for which the
purchaser would have been liable in the absence of such determination it shall reduce such liability accordingly.

(d) The liability, pursuant to subdivision (c)(iv) of Section 8 of this local law, of any officer, director or employee of a corporation operator or dissolved corporation operator, any employee of a partnership operator, any employee or manager of a limited liability company operator, or any employee of an individual proprietorship operator who as such officer, director, employee or manager is under a duty to act for such corporation, partnership, limited liability company or individual proprietorship in complying with any requirement of this local law for the tax imposed, collected or required to be collected, or for the tax required to be paid or paid over to the Director of Finance under this local law, and the amount of such tax liability (whether or not a return is filed under this local law, whether or not such return when filed is incorrect or insufficient, or where the tax shown to be due on the return filed under this local law has not been paid or has not been paid in full) shall be determined by the Director of Finance in the manner provided for in subdivisions (a) and (b) of this Section 12. Such determination shall be an assessment of the tax and liability for the tax with respect to such person unless such person, within thirty (30) days after the giving of notice of such determination, shall apply to the Director of Finance for a hearing. If such determination is identical to or arises out of a previously issued determination of tax of the corporation, dissolved corporation, partnership, limited liability company or individual proprietorship for which such person is under a duty to act, an application filed with the Director of Finance on behalf of the corporation, dissolved corporation, partnership, limited liability company or individual proprietorship shall be deemed to include any and all subsequently issued personal determinations and a separate application to the Director of Finance for a hearing shall not be required. The Director of Finance may, nevertheless, of its own motion, re-determine such determination of tax or liability for tax. Where the Director of Finance determines or re-determines that the amount of tax claimed to be due form the operator is erroneous or excessive in whole or in part, it shall re-determine the amount of tax properly due from any such person, and if such amount is less than the amount of tax for which such person would have been liable in the absence of such determination or re-determination, it shall reduce such liability accordingly.

(e) If the Director of Finance believes that the collection of any tax will be jeopardized by delay, for reasons including but not limited to, a person liable for the tax is about to cease business, leave the state or remove or dissipate assets out of which the tax or penalties and interest might be satisfied, the Director of Finance may determine the amount of such tax and assess the same, together with all interest and penalties provided by this local law, against any person liable therefor prior to the filing of a return and prior to the date when such return is required to be filed. The amount so determined shall become due and payable to the Director of Finance by the person(s)
against whom such a jeopardy assessment is made, as soon as notice thereof is given to such person personally or by registered or certified mail. The provisions of subdivisions (a) and (b) of this Section 12 shall apply to any such determination except to the extent that they may be inconsistent with this subdivision. The Director of Finance may abate any jeopardy assessment if it finds that jeopardy does not exist.

SECTION 13 Refunds –

(a) In the manner provided in this section, the Director of Finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid, if application to the Director of Finance for such refund shall be made within one year of payment thereof. Whenever a refund is made by the Director of Finance, the reason therefore shall be stated in writing. Such application may be made by the operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Director of Finance, provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money shall be paid to such operator until it is first established to the satisfaction of the Director of Finance, under such regulations as the Director of Finance may prescribe, that the Director of Finance has repaid to the occupant the amount for which the application for refund is made. The Director of Finance may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.

(b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty (30) days after the giving of the notice of such denial, that final determination of the tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the Supreme Court shall approve, to the effect that such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 14 Reserves – In cases where the operator or other person who has paid the tax has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such operator or other person who has paid the tax on such application for a refund, the Director of Finance shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 15 Disposition Of Revenues – All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Yates County and shall be credited to, and
deposited in, the General Fund of the County. Thereafter the revenues from the tax after the cost of administration is deducted (said cost of administration being a percentage of such revenues, said percentage being established by County resolution, but not to exceed 10% of such revenues, to defer the necessary expenses of the County in administering such tax), shall be equally divided for the purpose of i) promoting tourism in the County (Yates County Tourism) and ii) the enhancement of the general economy in the County, its towns and villages (Yates County General Fund).

**SECTION 16 Remedies Exclusive** - The remedies provided by sections twelve (12) and thirteen (13) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination, or proposed determination, of tax or determination of any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Director of Finance prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

**SECTION 17 Proceedings to Recover Tax**

(a) Whenever any operator or other person liable for the tax shall fail to collect or pay over and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Director of Finance, bring or cause to be brought an action to enforce the payment of the same on behalf of Yates County in any court of the State of New York or any other state or of the United States.

(b) As an additional or alternate remedy, the Director of Finance may issue a warrant, directed to the Yates County Sheriff or to the sheriff of any other county, commanding him to levy upon and sell the real and personal property of any person liable for the tax, which may be found within that sheriff’s county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Director of Finance and to pay to the Director of Finance the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person(s) mentioned in the warrant and the amount of the tax, with any penalties and interest, for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person(s) against whom the warrant is issued. Such lien shall not apply to personal property unless another copy of such warrant is filed in the New York State Department of
State. The sheriff shall then proceed upon the warrant, in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Director of Finance, a warrant of like terms and effect may be issued and directed to any officer or employee of the Director of Finance and in the execution thereof such officer or employee shall have all the powers conferred upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of a warrant, the Director of Finance shall have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefor. If a warrant is returned not satisfied in full, the Director of Finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as provided in this section.

(c) Whenever an operator or other person liable for the tax shall make a sale, transfer or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator’s business assets, otherwise than in the ordinary course of business, the following provisions shall apply:

1. the purchaser, transferee or assignee shall, at least twenty (20) days before taking possession of the subject of such sale, transfer or assignment, or paying therefore, notify the Director of Finance by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor has represented to, or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing and whether any such taxes are in fact owing;

2. whenever the purchaser, transferee or assignee shall fail to give notice to the Director of Finance as required by the preceding paragraph (1), or whenever the Director of Finance shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor, shall be the subject of a first priority right and lien of any such taxes theretofore or thereafter determined to be due from the operator, seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the operator, seller, transferor or assignor and shall withhold, any such sums of money, property or choses in action, or other consideration to the extent of the amount of the County’s claim. Within fifteen (15) days of receipt of the notice of the sale, transfer or assignment from the purchaser, transferee or assignee, the Director of Finance shall give notice to the purchaser, transferee or assignee and to the operator, seller, transferor or assignor of the total
amount of any tax or taxes, as well as of any penalties or interest due thereon, which the Director of
Finance claims to be due from the operator, seller, transferor or assignor to the County, and
whenever the Director of Finance shall fail to give such notice within fifteen (15) days from receipt
of the notice of the sale, transfer or assignment required by subdivision (1) of this paragraph, such
failure shall release the purchaser, transferee or assignee from any further obligation to withhold
any sums of money, property or choses in action or other consideration which the purchaser,
transferee or assignee is required to transfer over to the operator, seller, transferor or assignor. For
failure to comply with the provisions of this paragraph, the purchaser, transferee or assignee, in
addition to being subject to the liabilities and remedies imposed under the provisions of Article Six
of the Uniform Commercial Code, shall be personally liable for the payment determined to be due
to the County from the seller, transferor or assignor, and such liability may be assessed and
enforced in the same manner as the liability for tax under this local law. Upon receipt of the
Director of Finance’s notice issued pursuant this paragraph stating the total amount of the County’s
claim, the purchaser, seller, transferee or assignee may make payment of such claim to the Director
of Finance from any sums of money, property, or choses in action or other consideration withheld in
accord with the provisions of this paragraph, except that such payment shall be limited to an amount
not in excess of the purchase price or fair market value of the assets sold, transferred, or assigned to
such purchaser, transferee, or assignee, whichever is higher, and upon making such payment the
purchaser, transferee or assignee shall be relieved of all liability for such amounts to the operator,
seller, transferor or assignor and such amounts paid to the Director of Finance shall be deemed
satisfaction of the tax liability of the operator, seller, transferor or assignor to the extent of the
amount of such payment.

SECTION 18 General Powers of the Director of Finance – In addition to the powers granted to
the Director of Finance by County Law and this local law, the Director of Finance is hereby
authorized and empowered:

(a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the
carrying out of this local law and the purposes thereof;

(b) To extend for cause shown, the time of filing any return for a period not exceeding thirty
(30) days; and for cause shown, to remit or waive penalties, but not interest; and to compromise
disputed claims in connection with the taxes hereby imposed;

(c) To request information from the Tax Commissioner of the State of New York or the
Treasury Department of the United States relative to any person; and to afford information to such
Tax Commissioner or such Treasury Department relative to any person, and any other provision of
this local law to the contrary notwithstanding;
(d) To delegate such functions hereunder to any employee or employees of the Director of Finance;

(e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

(f) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Director of Finance;

(g) To assess, determine, revise and readjust the taxes imposed under this local law.

SECTION 19 Administration of Oaths and Compelling Testimony

(a) The Director of Finance, or the Director of Finance’s duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Director of Finance’s powers and duties under this local law.

(b) The Director of Finance shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Director of Finance or excuse from attendance.

(c) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Director of Finance under this local law.

(d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Director of Finance under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

(e) The officers who serve the summons or subpoena of the Director of Finance and witnesses attending in response there to shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided.

(f) The County Sheriff, the Sheriff’s duly appointed deputies, and any officer or employee of the Director of Finance designated to serve process under this local law, are hereby authorized
and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

**SECTION 20 Reference to Tax** - Wherever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: “Occupancy Tax”; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word “tax” will suffice.

**SECTION 21 Penalties, Interest, and Violation**

(a) Any person failing to file a return or to pay or pay over any tax to the Director of Finance within the time required by this local law shall be subject to:

(1) a penalty consisting of the higher of i) five percent (5%) of the amount of tax due or ii) the sum of $5.00; plus

(2) interest at the rate of one percent (1%) of the amount of tax due for each month of delay, except that no interest shall be charged for the first thirty (30) days immediately after the date such return was required to be filed or such tax became due.

(b) The Director of Finance, if satisfied the delay was excusable, may remit or waive all or any part of the penalty but not the interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law. Any person that is personally liable for the tax imposed, collected or required to be collected under this local law shall also be personally liable for the penalties and interest herein imposed.

(c) In addition to the penalties herein or elsewhere prescribed, any person found to have committed any of the following acts shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand ($1,000) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment:

(1) failing to file a return required by this local law;

(2) filing or causing to be filed, or making or causing to be made, or giving or causing to be given, any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is willfully false;

(3) willfully failing to file a bond required to be filed pursuant to this local law;

(4) failing to file a registration certificate and such data in connection therewith as the Director of Finance may by order, regulation or otherwise require;

(5) failing to display, or to surrender upon demand of the Director of Finance the certificate of authority as required by this local law;

(6) assigning or transferring such a certificate of authority;

(7) willfully failing to charge separately from the rent the tax herein imposed, or
willfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issued or employed by the operator;

(8) willfully failing or refusing to collect any tax imposed by this local law from the occupant;

(9) referring or causing reference to be made to this tax in a form or manner other than that required by this local law; or

(10) failing to keep or maintain the records required by this local law.

(d) The certificate of the Director of Finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

SECTION 22 Returns to be Confidential

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Director of Finance to divulge, or make known in any manner, the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Director of Finance in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law, when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of such returns, or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer, or his or her duly authorized representative, of a certified copy of any return filed in connection with his or her tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Director of Finance permits them to be destroyed.

(b) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars ($1,000).

SECTION 23 Notice and Limitations of Time

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this
local law, or in any application made by him or her, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time which is determined according to the provisions of the local law giving of notice shall commence to run from the date of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

(c) Where, before the expiration of the period described herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

**SECTION 24 SEPARABILITY** – If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 25 Limitation of Effect of Local Law** – This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Yates County Legislature; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

**SECTION 26 Effective Date** – This local law shall take effect January 1, 2023.