

SPECIAL SESSION – MONDAY, JANUARY 6, 2020
ORGANIZATIONAL MEETING

Pursuant to Section 151 of the county law and the rules adopted by the Yates County Legislature, the Legislature convened in its chambers in the Village of Penn Yan, New York, on the 6th of January, 2020 at 11:00 a.m. The meeting was called to order by Connie C. Hayes, Clerk of the Legislature for the preceding year.

Roll call was taken and the following Legislators answered to their names: District #1 Douglas Paddock, Edward Bronson, Patrick Killen, Timothy Cutler; District #2 Terry Button, Richard Willson, Richard Harper; District #3 Carlie Chilson, Leslie Church; District #4 William Holgate, Bonnie Percy. Legislators Daniel Banach, P. Earle Gleason, and James Multer were absent.

The Clerk asked for nominations for a temporary Chairman. Ms. Chilson nominated Mr. Holgate, seconded by Mrs. Church.

A vote was taken on the motion to appoint Mr. Holgate as the temporary Chairman, which was unanimous.

Mr. Holgate asked for nominations for Chairman of Legislature. Mrs. Percy nominated Mr. Douglas Paddock, seconded by Mr. Cutler.

A vote was taken on the motion to appoint Mr. Paddock as the chairman, which was unanimous.

Chairman Paddock took his seat and made the following comments.

I wish to thank the legislature for this appointment and for the members' support. I pledge to do my best to deserve the confidence you have placed in me.

In the past year, there have been significant accomplishments. This is only a partial listing, in no particular order:

- An employee handbook was issued.
- The Criminal Justice Coordinating Council began to meet.
- Highway Department facility and communication studies were completed.
- A Geographic Information System (GIS) Committee was formed and the system upgraded.
- In cooperation with the Library, a charging station and horse shelter were installed.
- Grant notifications for records management and broadband expansion were received.
- The County's rating from Moody's increased to Aa3.

I believe that this group is capable of handling initiatives already under way and as yet unknown challenges with a commitment to keep the best interests of county residents in mind, based on our collective history of problem solving and reasoned decision making.

Proposed committee assignments were distributed on Friday. Since there have been few comments relative to those assignments, the committees will stand as proposed. Because of interest on the part of legislators as expressed in responses to an earlier inquiry, all committees will have 6 members. Unfortunately, not all interests could be accommodated. All of the 5 standing committees have representatives from each legislative district.

I look forward to working together with legislature members, department heads, other county employees and our constituents to move Yates County forward.

Thank you again for your support.

Chairman Paddock asked for nominations for Clerk of the Legislature. Mr. Button nominated Connie C. Hayes, seconded by Mr. Cutler.

A vote was taken on the motion to appoint Ms. Hayes as the Clerk of the Legislature, which was unanimous.

Chairman Paddock asked for nominations for Vice-Chairman. Mr. Button nominated Mr. Willson, seconded by Mr. Cutler.

A vote was taken on the motion to appoint Mr. Willson as the Vice Chairman, which was unanimous.

Chairman Paddock asked for nominations for County Attorney. Mr. Willson nominated Mr. Scott Falvey, seconded by Mrs. Church.

A vote was taken on the motion to appoint Mr. Falvey as the County Attorney, which was unanimous.

At this time the following Standing Committee assignments were handed out.

YATES COUNTY LEGISLATURE – 2020

Chairman – Douglas Paddock
Vice Chairman – Richard Willson

Clerk – Connie C. Hayes

STANDING COMMITTEES

Finance – Holgate, Chair, Cutler, Vice Chair, Banach, Bronson, Killen, Willson
Airport Council
Economic Development
Purchasing
Tobacco Securitization Board

Budget/Capital Planning
Planning
Real Property
County Treasurer

Government Operations – Bronson, Chair, Harper, Vice Chair, Chilson, Cutler, Multer, Percy
Board of Elections
County Administrator
County Clerk
Information Technology
Personnel/Insurance/Risk Management
Soil and Water Conservation District

Cornell Cooperative Extension
County Attorney
Historian
Legislature
Records Management

Human Services – Church, Chair, Bronson, Vice Chair, Button, Chilson, Harper, Percy
Assigned Counsel
Conflict Defender
Public Defender
Social Services
Workforce Development

Community Services
ProAction
Public Health
Veterans Services
Youth Bureau

Public Safety – Cutler, Chair, Percy, Vice Chair, Church, Gleason, Harper, Holgate
Animal Control
Coroners
Emergency Management
Justices
Sheriff
Communications
District Attorney
Jail
Probation
Stop DWI

Public Works – Banach, Chair, Multer, Vice Chair, Button, Gleason, Killen, Willson
Buildings and Grounds
Recycling
Highway
Weights & Measures

Audit – Holgate, Chair, Cutler, Vice Chair, Banach, Willson

Airport Council – Harper, Banach (Alternate) **Cornell Cooperative Extension** – Church, Multer (Alternate)

Farmland Protection – Killen **Fish & Wildlife Management Board** – Banach

Flint Creek – Button **IDA** – Holgate

InterCounty – Gleason, Church (Alternate) **Jury Board** – Gleason

Law Library – Button **Marcellus Shale** – Chilson

ProAction – Bronson **Soil & Water Conservation District** – Percy, Bronson

SWIO – Willson **Youth** – Chilson

Chairman Paddock made the following appointments to the Yates County Airport Council.

The following individuals are reappointed to the Yates County Airport Council for a term beginning January 1, 2020 and ending December 31, 2021 to represent the organizations stated:

Rich Leppert – Seneca Flight Operations
Doug Marchionda, Sr. – Penn Yan Flying Club
William Middlebrook – Penn Yan Aero

The following individuals are appointed to the Yates County Airport Council for the same term as above to represent the organizations stated:

Tim Dennis – General Public Representative
Richard Harper – YC Legislature
Dan Banach – YC Legislature, Alternate

Paul Middlebrook has agreed to act as a Special Advisor to the Council.

Chairman Paddock appointed the Grievance Committee which is made up of the following members:

Chairman of the Legislature
Vice Chairman of the Legislature
Chairman of the Government Operations Committee

RESOLUTION NO. 1-2020

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mr. Bronson.

APPOINT BUDGET OFFICER (Flynn)

RESOLVED, that Winona Flynn be appointed Budget Officer for a term commencing January 1, 2020 to December 31, 2021; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, the County Clerk, and to the Personnel Officer.

VOTE: Unanimous

RESOLUTION NO. 2-2020

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

DESIGNATE NEWSPAPERS

RESOLVED, pursuant to Section 214, subdivision 2, of the County Law, the three newspapers listed below are hereby designated as the official newspapers of the County of Yates for the publication of all local news, notices and other matters required by law to be published.

The Chronicle Express
The Observer
The Finger Lakes Times

VOTE: Unanimous

RESOLUTION NO. 3-2020

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mrs. Percy.

AMEND RESOLUTION 528-19

(Authorize Sheriff to Create and Fill Full Time Temporary Correction Officer Position)

WHEREAS, resolution 528-19 authorized the Sheriff to create and fill a full time temporary Correction Officer Position effective December 30, 2020;

NOW, THEREFORE, BE IT RESOLVED, that Resolution 528-19 is hereby amended to correct the effective date to December 30, 2019; and be it further

RESOLVED, that copies of this resolution be provided to the Sheriff, Personnel Officer and the Acting County Administrator.

VOTE: Unanimous

RESOLUTION NO. 4-20

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mrs. Church.

**SET DATE FOR PUBLIC HEARING ON PROPOSED LOCAL LAW 1-2020 ENTITLED
A LOCAL LAW ESTABLISHING THE OFFICE OF COUNTY ADMINISTRATOR FOR
THE COUNTY OF YATES**

WHEREAS, Local Law 4-19 was passed on December 30, 2019 by the Yates County Legislature; and

WHEREAS, said law had an inadvertent omission of a paragraph;

NOW, THEREFORE, BE IT RESOLVED, that the Clerk of the Yates County Legislature is directed to advertise a public hearing on proposed local law 1-2020 entitled “A Local Law Establishing The Office Of County Administrator For The County Of Yates”; and be it further

RESOLVED, that said public hearing shall be held January 13, 2020 at 1:00 p.m. in the Yates County Legislative Chambers, 417 Liberty Street, Penn Yan, NY.

NEW YORK STATE DEPARTMENT OF STATE

162 WASHINGTON AVENUE, ALBANY, NY

Local Law Filing

12231 (Use this form to file a local law with the Secretary of State.)

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

County
City of Yates
Town
Village

LOCAL LAW 1-2020 ENTITLED: A Local Law Establishing the Office of County Administrator for the County of Yates

Be it enacted by the Legislature of the

County
City of Yates_ as follows:
Town
Village

SECTION 1. LEGISLATIVE INTENT

The County of Yates, through the Yates County Legislature (hereinafter referred to as the “County Legislature”), recognizes its responsibility in providing an efficient and accountable administrative government that provides for a clear delineation of responsibility and authority between the legislative function of the County Legislature and that of the county government structure. In accomplishing this, the Legislature is cognizant that county government and the problems that it addresses on a daily basis must be approached from a manageable and concise functional basis. As such, and in conformance with its intent to provide an administrative framework that will achieve these goals, the County Legislature by local law created the position of County Administrator for the County of Yates (hereinafter referred to as the “County Administrator”) beginning January 1, 1988.

And subsequent thereto, the County Legislature has continued to maintain the position of County Administrator. It is the intent of this local law to reaffirm that the position of County

Administrator shall continue; as well as provide the procedural and substantive framework of the position of County Administrator, including but not limited to, the duties, qualifications and term of office thereof.

SECTION 2. COUNTY ADMINISTRATOR; TERM; QUALIFICATIONS

On or after January 1, 2013 there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1, 2013 for a one year term from and including January 1, 2013 and ending December 31, 2013.

On or after January 1, 2014 there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1, 2014 for a two year term from and including January 1, 2014 and ending December 31, 2015. And similarly thereafter, there shall be a County Administrator who shall be appointed by the County Legislature on or after January 1 of an even numbered calendar year for a two year term from and including January 1 of said even numbered calendar year and ending on December 31 of the following odd numbered calendar year.

Vacancies occurring otherwise than by expiration of the term shall be filled by appointment by the County Legislature for the unexpired portion of the term.

The County Administrator shall be directly responsible to the County Legislature and shall be a person qualified by formal training in public administration, finance, or related fields, and by experience in an administrative executive position in governmental administration or by equivalent experience and training sufficient to indicate capacity for effective governmental administration.

The County Administrator shall hold no other partisan elective office during his/her term as County Administrator, other than such partisan elective office that he/she may hold at the time of his/her appointment as County Administrator.

The County Administrator position is a full time position.

The total compensation of the County Administrator shall be fixed by the County Legislature.

MINIMUM QUALIFICATIONS:

The County Administrator shall have the qualifications set forth in Section 3 of the Public Officer's Law, except that, at the time of his/her appointment the County Administrator need not be a resident of Yates County, but shall become a resident of Yates County within ninety (90) days of his/her taking office, and thereafter shall remain a resident of Yates County during his/her tenure of office.

In addition to the above qualifications, the County Administrator shall meet or exceed the following qualifications:

- (a) Possess an Associate's Degree from an accredited college or university and have ten years satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or
- (b) Possess a Bachelor's Degree from an accredited college or university and have six years satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or

- (c) Possess a Master of Public Administration or a Master of Business Administration Degree or a Master's Degree in a closely related field from an accredited college or university and have four years of satisfactory paid full time responsible management experience in a private or public business or industrial enterprise, or
- (d) Have an equivalent combination of education, training and management experience listed above.

SECTION 3. GENERAL POWERS

The County Administrator shall, as herein provided, act as representative of the County Legislature. Within the limits of his/her authority, he/she shall be responsible to the County Legislature for the overall administration of county government and shall provide a full range of staff services to the County Legislature and its various committees. He/she shall coordinate the activities of the several officers, employees, agents, departments, offices, boards, agencies, and committees so that the policies and programs enunciated by this County Legislature, as well as programs mandated by other governmental authority, are implemented in a cost effective manner for the most benefit to the citizens served. He/she shall perform all of the duties now and hereafter conferred or imposed upon him/her by law and as directed by the County Legislature and shall have all the powers and perform all the duties necessarily implied or incidental thereto.

In instances where the County Administrator is also a Department Head, any lawful powers and/or duties of the County Administrator granted or directed by the terms of this Local Law herein as they relate to such Department Head or the office/department of such Department Head, shall be withheld and instead wholly exercised by the County Legislature.

SECTION 4. SPECIFIC POWERS AND DUTIES: COUNTY ADMINISTRATOR

The County Administrator shall:

- (a) Execute and enforce, as authorized by the County Legislature, all applicable laws, legalizing acts, ordinances, and resolutions of the County Legislature and all other acts required by operation of law;
- (b) Ensure efficient and effective operation of all County departments and offices, and recommend such changes in personnel, finances and structures as deemed necessary to meet this objective;
- (c) Support and supervise all Department Heads who are not elected officials, in order to assure the implementation of legislative policies and procedures, with a particular emphasis on the provision of consistent and fair departmental goals, objectives, staffing practices and operations in accordance with established policies;
- (d) Appoint such assistants and staff within his/her office as may be authorized by the County Legislature, and the County Administrator shall be the appointing authority thereof;
- (e) Attend meetings of the County Legislature, its committees, and such meetings as the legislature may direct and recommend such policies and measures he/she may deem appropriate;
- (f) Review proposed department and office budgets collaboratively with Department Heads and the Budget Officer and make recommendations for expenditures to be in the County budget, and monitor expenditures throughout the year;
- (g) Coordinate the preparation of multi-department policies and shall, where necessary, make recommendation to the County Legislature and shall implement necessary administrative policies as may be required to carry out the policies established by the County Legislature;

- (h) Perform those specific tasks directed to be performed by him/her by the Legislature through the Standing committee overseeing the office of County Administrator pursuant to its authority under the Legislature's rules or by the Legislature. The County Administrator shall not perform specific tasks requested of him/her by any individual Legislator or group of Legislators;
- (i) Prepare resolutions as directed by the Standing Committee overseeing the Office of County Administrator;
- (j) Participate when requested by a member of the County Legislature in discussions of issues being considered by the legislature at its meetings;
- (k) Conduct regular meetings with Department Heads and others deemed necessary;
- (l) Have the administrative responsibility of approving the organization and staffing within any specific department, or agency or operation subject to his/her direct administrative control and shall have administrative control of other temporary assignments with the same department, agency, or operation or from one department, agency, or operation to another;
- (m) Evaluate on an annual basis all Department Heads, excluding elected Department Heads, who report directly to him/her and shall make recommendations on salaries for Department Heads and other managerial employees;
- (n) Participate as authorized by the County Legislature in the conduct of collective bargaining negotiations with employees;
- (o) Exercise general supervision over all County institutions and agencies, except as otherwise required by law, coordinate the various administrative activities of the county, and unify the management of its affairs or cause all such responsibilities to be executed and performed through the Department Heads;
- (p) Perform the ministerial duty of executing contracts in the name of the county, when such contracts have been authorized by resolution of the County Legislature;
- (q) Have such other powers and perform such other duties as may now or hereafter be conferred or imposed upon him/her by resolution of the County Legislature or applicable law.

SECTION 5. ACTING COUNTY ADMINISTRATOR; DELEGATION; POWERS AND DUTIES

In the event of i) the County Administrator's absence or inability to perform and exercise the powers and duties of his/her office or ii) a vacancy in the office of County Administrator; the County Legislature may appoint a person to serve as Acting County Administrator or more than one person to serve simultaneously as Acting County Administrators.

Any person appointed as an Acting County Administrator shall have only those powers and duties of the County Administrator as are granted and directed to them by the County Legislature, as well as any other additional and related powers and duties granted and directed by the County Legislature. Any person serving as Acting County Administrator does not have to possess the minimum qualifications prescribed for the office of County Administrator. The work hours, work schedule and total compensation for any person serving as an Acting County Administrator shall be determined by the County Legislature at its discretion.

The position of Acting County Administrator shall be at-will, and as such, any person so appointed as an Acting County Administrator shall serve at and during the pleasure of the County Legislature appointing him/her; but in no event shall such service extend beyond the time when the County Administrator is no longer absent or unable to act, or any vacancy in the office of County Administrator is filled by the appointment and qualification of a new County Administrator.

SECTION 6. REMOVAL OF THE COUNTY ADMINISTRATOR DURING HIS/HER TERM

The County Legislature may remove the County Administrator during his/her term for cause upon written charges and after affording him/her the opportunity to be heard thereon.

For the purposes of this Local Law, the failure of the County Legislature to reappoint an incumbent County Administrator to a new term of office shall not be deemed a removal or suspension of said County Administrator.

SECTION 7. DEFINITIONS

(a) Department Head: As used in this Local Law, this term refers to any person, whether appointed or elected, in charge of a department or office of Yates County.

SECTION 8. NO DIVESTITURE OF POWERS OR DUTIES OF THE COUNTY LEGISLATURE

Nothing contained in this Local Law shall operate or be construed to divest the County Legislature of any of its functions, powers or duties.

SECTION 9. SEPARABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

SECTION 10. LOCAL LAWS REPEALED

The following Local Laws are collectively hereby repealed and shall be superseded by this Local Law, with said repeal to take effect upon the effective date of this Local Law:

(a) Local Law No. 1 of the year 1987 entitled “A Local law to establish the office of County Administrator For the County of Yates”, and all amendments thereto, including, Local Law No. 4 of the year 1988, Local Law No. 2 of the year 1992, Local Law No. 1 of the year 1994 and Local Law No. 4 of the year 1996;

(b) Local Law No. 5 of the year 2012 entitled “A Local Law Establishing the Office of County Administrator for the County of Yates”, and its amendment thereto, to wit: Local Law No. 3 of the year 2015.

(c) Local Law No. 2 of the year 2018 entitled “A Local Law Establishing the Office of County Administrator for the County of Yates”.

(d) Local Law No. 4 of the year 2019 entitled “A Local Law Establishing the Office of County Administrator for the County of Yates”.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect immediately
VOTE: Unanimous

Meeting adjourned at 11:10 a.m.