

*Ninth Regular Meeting  
September 12, 2023*

The Ninth Regular Meeting of 2023 was held on September 12, 2023 and was called to order by the Chair at 12:00 P.M. Legislators Brown, Ciotoli, Flesher, Monell, Roberts, Sauerbrey, Standinger, and Weston were present with Legislator Mullen being absent.

Chair Sauerbrey asked Legislator Monell to have a moment of prayer. "Lord, we thank you for this day that we can be together and talk about the things that are important to the County we live in. We pray that you would give each one of us wisdom to do the things that are right and good for the constituents of our County. I pray that you would just now bless the rest of this meeting."

Legislator Monell led all Legislators and those in attendance in the Pledge of Allegiance.

There were 57 people in attendance.

Chair Sauerbrey asked for a Moment of Silence in honor of Retired Lt. William White who passed away on August 20, 2023. Mr. White retired as Road Patrol Lieutenant, Sheriff's Office, on February 28, 2022 with 21 years of service to Tioga County.

Chair Sauerbrey asked for a unanimous motion for the following recognition resolution, seconded unanimously and carried.

Legislator Flesher read and presented the following resolution to Teri Rosenberger, Probation Supervisor, Probation Department.

There was a unanimous motion for the adoption of the following recognition resolution, seconded unanimously.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. 348-23      *RESOLUTION RECOGNIZING  
TERI ROSENBERGER'S 22 YEARS  
OF DEDICATED SERVICE TO TIOGA COUNTY*

WHEREAS: Teri Rosenberger began her employment with Tioga County on September 12, 2001, as a Probation Officer at the Probation Department. On January 27, 2010, she was promoted to Senior Probation Officer and promoted to

Probation Supervisor on September 9, 2015 which is the position she will retire from; and

WHEREAS: Teri Rosenberger has been dedicated and loyal in the performance of her duties and responsibilities during the past 22 years both as a Probation Officer and as a volunteer. Teri has spent countless hours volunteering at events hosted by A New Hope Center, the Tioga County ASAP Coalition, Tioga County Catholic Charities, Tioga County Rural Ministries, Special Olympics, and Tioga County Veteran's Services, just to name a few. Teri has enriched the quality of life for the citizens of Tioga County through volunteering at COVID vaccination clinics, food distributions, backpack giveaways, medication take backs, overdose awareness and community clean up events; and

WHEREAS: Teri has been a mentor to Probation Officers and Sr. Probation Officers providing valuable guidance and feedback as they grow in their profession. Teri has also served as a board member of POA (Probation Officer's Association) to improve the wellness and working conditions of Probation Officers statewide. During her career, she tirelessly worked to assure the quality of service provided to the community was its highest level, assuring equality and compassion for all community members; and

WHEREAS: Teri Rosenberger will retire on September 29, 2023; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Teri Rosenberger for her 22 years of dedicated and loyal service to the Tioga County Probation Department and its most vulnerable citizens; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this loyal, dedicated, and outstanding employee, Teri Rosenberger.

#### ROLL CALL VOTE

Unanimously Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED UNANIMOUSLY.

Probation Director Cain spoke. "I think the word for today is respect. Respect for Bill White and respect for everyone being recognized here today. So,

I think some of the things I am going to say go without having to be said but feel it is necessary to say them anyway.

“Good afternoon. I understand we are all very busy people however I would like everyone to take a few minutes, stop thinking about whatever it is you have been thinking about, and focus with me on one of the most amazing individuals who has served the citizens of Tioga County for more than 20 years. I have sat through several of these resolutions over the years and I think at times the impression is ‘it’s just another retirement resolution’, but it has always impressed me that so many people in Tioga County have dedicated such a large portion of their lives to serve their fellow citizens. I believe they have earned our undivided thoughts and attention for a couple minutes.

“As you see, my Probation staff is standing. In the courtroom, we stand when a Judge enters the courtroom as a sign of respect. In the Armed Forces, enlisted personnel stand when an officer enters a room. We stand when we pledge allegiance to our flag and our country, again as a sign of respect. Therefore, Probation stands today to show the respect this amazing individual has earned over her 22 years of service.

“It is with great pleasure I stand here today and speak to you about someone I had the honor to work with for the past 22 years. On September 29, 2023 Teri Rosenberger will retire from her position as Probation Supervisor. As Department Heads, and I see we have many here today, we try to surround ourselves with talented, capable, and reliable individuals that make us look good and enable our departments to function efficiently and effectively despite us mucking it up from time to time when we step in.

“Teri is one of those people I am lucky enough to have in my department. When I was appointed Director in 2021, I wanted to focus on three concepts with my administrative team: community involvement, leading from the front, and supervising with a sense of urgency. Three principles I believe are essential to Probation and Probation supervision. As a team, we have embraced these core concepts and Teri has led the way. With 60% of my department having less than two years of experience, Teri has made it her mission to teach the new officers these core values. Throughout her career as a Probation Officer, then Sr. Probation Officer, and finally Probation Supervisor, Teri has always treated the public, people under supervision, and her co-workers with dignity and respect. Teri sends the consistent message to new officers and anyone else that will listen that despite why an individual is involved with Probation, they are just people.

Given the circumstances that sometime surround the individuals we work with on a day-to-day basis, this is an invaluable lesson.

“As Supervisor, Teri’s responsibilities include working with courts to assure they provide all necessary information when sending orders to Probation for investigation and supervision, supervision of Probation Officers including quarterly reviews to ensure all Probation standards are being met and monitoring the department’s Alternatives to Incarceration (ATI) Program which allows Tioga County to receive partial reimbursement for some Probation functions. Teri also attends County court proceedings every Monday and Friday, reviews and approves pre-sentence and pre-plea investigations to be sent to the Courts and assigns supervision investigation assignments to Probation Officers. She monitors our Caseload Explorer Management Computer System, completes reports to New York State, and the list goes on and on. She is a vital cog that keeps the Probation machine running smoothly.

“Despite all her daily official duties, Teri also prioritizes serving the community she lives in. Teri is a board member of A New Hope Center, participates in Tioga County ASAP Coalition, and sits on several committees including those that address elder abuse and sex offenders in Tioga County.

“So, in conclusion, I stand before you with mixed emotions. I am happy for Teri as she has earned every day of rest and relaxation in retirement. I am sad because I will no longer see her every day although she is coming back to work part-time. I am anxious because her retirement leaves such a void with the department, but more than anything else I am filled with a feeling of admiration. Admiration for an individual who genuinely cares about others and takes every opportunity to better the lives of those around her. Tioga County is a better place because of the person standing before you. Thank you.”

Teri Rosenberger spoke. “I just want to say that I work with the best employees in the County and the best department in the County. I couldn’t do anything if it wasn’t for them and the guidance I received. Joy Bennett is here is today and she was my Director for years and years and prior to that was my Supervisor and then we had Brian. I just want to say thank you.”

Chair Sauerbrey reported we have two proclamations that will be read and presented; **Employee Recognition and Appreciation Week (9/18-9/22/23)** that will be read and presented by Steven Palinosky, Employee Recognition Committee member and **Save A Life. Free Narcan Day** that will be read and presented by Legislator Standing to Sr. Public Health Educator, Kylie Holochak.

Steven Palinosky spoke. "To the County Legislators, County leaders, County employees, and friends of Tioga County, my name is Steve Palinosky, and I represent the Tioga County Employee Recognition Committee. On behalf of the Committee, I would like to thank the Legislature for their continuing support of our yearly Employee Recognition events.

"Before I read this year's proclamation, I would like to let everyone know about the next two week's Employee Recognition events. We will be conducting pin ceremonies where we acknowledge employees who have reached a continuous service milestone of 5-years, or a multiple of 5-year increments. They will be presented with service pins or pin attachments that indicate their achievement. The pin ceremony schedule is as follows:

Monday, September 18<sup>th</sup> at 11:00 AM – 56 Main Street

Monday, September 18<sup>th</sup> at 3:30 PM – Public Works

Tuesday, September 19<sup>th</sup> at 2:30 PM – Sherriff's Office

Wednesday, September 20<sup>th</sup> at 11:30 AM – Social Services

"Those whose names are listed in today's proclamation will be honored at a luncheon next Thursday, September 28<sup>th</sup>, at Donoli's. For today, when your name is read, if you are in attendance, we ask that you come up to receive your copy of the proclamation."

### **COUNTY OF TIOGA EXECUTIVE PROCLAMATION**

WHEREAS: The mission and services of Tioga County depend heavily on the tireless contributions of its dedicated employees; and

WHEREAS: The Tioga County Legislature wishes to recognize the efforts of all Tioga County employees; and

WHEREAS: The Employee Recognition Committee was created to provide a mechanism to show our appreciation for the Employees of Tioga County; and

WHEREAS: Those employees who have served for more than 25 years have shown a steadfast commitment to serving the well-being of the residents of Tioga County, and should be recognized by those whom they have served; and

WHEREAS: The Tioga County Legislature would like to especially recognize the following employees who have attained 25-45 years since last year's ceremonies:

Name	Department	Years
Gary Howard	Sheriff's Office	45
Diane Rockwell	Sheriff's Office	40
Tina Lounsbury	Social Services	35
Gail Perdue	Social Services	30
John Feltey	Public Works	30
Gary Hammond	Public Works	25

NOW THEREFORE, THE TIOGA COUNTY LEGISLATURE does hereby proclaim and designate the week of September 18th – 22<sup>nd</sup>, 2023 as

### **EMPLOYEE RECOGNITION AND APPRECIATION WEEK**

in the County of Tioga, New York, and call upon our citizens to join in recognizing these dedicated employees.

Legislator Standinger read and presented the **Save A Life. Free Narcan Day** proclamation to Kylie Holochak, Sr. Public Health Educator.

### **COUNTY OF TIOGA EXECUTIVE PROCLAMATION**

WHEREAS: Opioids are one of the most addictive substances in the world and have become more dangerous due to the increase of the synthetic opioid, Fentanyl, being mixed into many drugs including heroin, methamphetamines, and counterfeit pills; and

WHEREAS: Tioga County continues to lose residents every year to opioid overdoses; and

WHEREAS: In rural communities it may take an extended amount of time for first responders to arrive to the scene of an overdose; and

WHEREAS: When administered in time, the lifesaving medication, Naloxone, also known as Narcan, can be used to reverse the effects of an opioid overdose and help with saving someone's life; and

WHEREAS: Narcan has become easier to access in Tioga County through Opioid Overdose Prevention Programs, Public Access Narcan Boxes, and pharmacies; and

WHEREAS: Anyone can become trained on how to identify and reverse an opioid overdose; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim September 14, 2023 as:

**SAVE A LIFE. FREE NARCAN DAY**

and urges Tioga County residents to attend an Opioid Overdose Prevention Training and keep Narcan in your possession, especially if you live with someone who takes prescription pain medications, has a substance use disorder, or is currently in recovery.

Legislator Standinger spoke. "Narcan is a very simple tool to use and if saves someone's life it's a good thing. I am on the Tioga County ASAP Coalition, and I attended training which was very painless. It is just a matter of learning how to operate the device which is pretty simple and the fact that it is readily available and training is given and I am sure you are going to hear more about that. But, how you feel about addicts should not enter into the equation because for years I arrested addicts and since I am here now I do not do that, but people have their own reasons for doing what they do and we all make mistakes in our life so if you can prevent someone from taking a final exit because of a mistake they made you should take that opportunity and do it."

Kylie Holochak spoke. "Thank you, Legislator Standinger. I think you said pretty much everything I would like to say. Thank you all for your support as well. Over the next two days, we are going to be holding six Narcan trainings around the County. There is more information on the Tioga County Public Health Facebook page and website. My partners from Tioga County Mental Hygiene and CASA-Trinity are also playing a big part in this day to make sure that we can really get out into the community, get to people at the local level, and spread Narcan to those who may need it. There is a lot of stigma still behind using Narcan, but I really believe the more that we just keep getting out into the community, the more we really do play a big part in breaking down those barriers. Thank you again for your support."

We have four people representing New York Citizens Audit (NYCA) signed up requesting privilege of the floor. Chair Sauerbrey reminded the speakers to keep their comments relevant to the business of the Tioga County Legislature and reminded the Legislature that we are here to listen and will not be responding.

Jonathan Carrier, Apalachin, NY spoke. "I am Jonathan Carrier and I am working on my 60<sup>th</sup> year in the Town of Owego as a resident. I am a retired electrical engineer with software experience and I spent 44 years at IBM-Lockheed Martin writing diagnostic software for the military and space computers that have been produced there.

"I have been worried for a while about the 2020 election and I couldn't figure out what to do about it. I stroked around and I found an organization that had a similar concern, New York Citizens Audit. This group basically had the same problem; something was wrong with 2020. But early on, that group believed that New York would be a gold standard compared to the other states regarding elections, so they set about to prove that our elections in New York were golden. We did that by doing a FOIL request for the voter registration database. We got that in 2021 and began to analyze that. One of the first things we discovered was that this database was different than most. I am wondering how many people in the room know what a database is. I would be willing to bet everyone of you knows about a database. Think about your checkbook and the register is a database. You put check number 1, 2, 3 and if the tax guys come and ask you if you paid your taxes, you can prove it by going to the register. One of the key ingredients of that little database is that it is done sequentially. Now, if we were asked collectively to produce a voter registration database what we would do is start off with a nice clean check register with a few more fields in it than a checkbook register, but it would be done sequentially with each voter listed. I bring this up because when we analyzed the State's voter registration database, we discovered that the organization within the database was not sequential and that made us wonder why. We discovered that it is under the control of an algorithm or a program that puts data in the database in a sort of controlled fashion, but differently than you would do if you were managing your checkbook. For example, if you wrote check number 3 and put it on page 28 in the register it would be tough to find that later if somebody was asking about that particular check. That is kind of the result that is found in the New York State Voter Registration database. We found a lot of other faulty data and I would like to introduce Holly Gruskay as the next speaker to explain some of this data."

Holly Gruskay, Vestal, NY spoke. "Good morning. I moved to New York City in my twenties, and I registered to vote. Then, I got married and moved up to Westchester and again I registered to vote, so there is a Holly Gruskay in New York County and Westchester County. They picked up my middle name, so there is also a Holly D. Gruskay and somebody under my married name. There are four Holly Gruskay's registered to vote. Then, I moved to Broome County three years ago and, of course, I registered to vote. At this moment, there are four Holly Gruskay's in the system all able to vote. So, I am a real-life clone, or we now call them counterfeits and I wanted to just illustrate that they do exist, you do know them because you know me now, and at this table you are probably aware that



somebody knows of somebody that is getting 4, 5, or 20 absentee ballots at home because this is happening all over the State.

“Our group has a total of 2,000 volunteers from Montauk to Buffalo working on this and we want to emphasize that this is not happening at a local level. Each one of these local Board of Elections is doing a good job. This is happening at the State level and that is what Jonathan and his group are looking at. You might wonder how does this happen, how do people get multiple registrations to vote. This is happening because as you move around New York State the post office can register you to vote, the Department of Motor Vehicles can register you to vote, and if you are on the health marketplace like I and many of us are, they can register you to vote, and if you register for SNAP benefits, they can register you to vote also. So, that is how you can get all these extra registrations all around New York State. At this moment, there are about 1,467,000 counterfeit registrations to vote in New York State and that can really add up. Of course, it dilutes the power of our vote as voters. Many of us who are working on NYCA also work on election day to get you guys into office and we thank you for serving. We know it’s a big commitment. We know that doing a petition and going through all the fundraising it’s all a big commitment and it would be terrible to lose by a couple of votes because there are many counterfeit votes out there happening. Some of them are under my name and frankly if more than one of them votes it is a felony. It is like a perfect crime because I do not know it is even happening because I only go to vote once. What we wanted to do is basically tell you that this is happening. We are aware that a lot of the frothiness is occurring downstate and not upstate. We do have a very diverse State as we all know, but we do need the power of all of us in our counties to bring this to a head and make all of us New Yorker’s aware that this is happening. And, yes, we are more action-oriented up here in the upstate portion of our State.

“I wanted to build on what Jonathan was discussing and how we have triple-blind peer reviewed documentation and research which has been published in the Journal of Information Warfare, so now it is scientific fact that there is something going on in our database here. Our database is actually called NYS Voter and that it has algorithmic code embedded in it that is being used to mathematically manipulate the database. This is being done backend at the State level and the County is not involved. Quite honestly because of these algorithms, cybersecurity and intelligence experts are telling us that this database has been breached and is untrustworthy. This database is considered part of our national security infrastructure by that same Cybersecurity Infrastructure and Security Administration, which is actually part of Homeland Security. If you go to our website, [www.auditny.com](http://www.auditny.com) you will see the media links to articles. We have given our evidence to the New York State Police who, in turn, forwarded it to the FBI back in May 2022; nothing has been done. We gave our evidence to New York Secretary of State and the NY State Attorney General; nothing has been

done. To discuss this further, I have the pleasure of introducing Linda Burghardt. Thank you very much.”

Linda Burghardt, Lisle, NY spoke. “My name is Linda Burghardt and I live just over the county line in the Town of Lisle, not far from here and I do have occasion to come quite often as I have family that lives in Tioga County.

“I would like to further explain how things should work and what has happened. If everything worked perfectly in the real world, each 62 counties Board of Elections in New York State would register their votes in their county, it would be sent almost in real-time to the New York State Board of Elections where it would be compiled into the State's voter database. If you took all the 62 counties and swept them together, that pile should match what is on file with the New York State Board of Elections. That is not the case and that is why we are trying to bring awareness to all our elected officials, public, and those interested, and we are here today to share some of the things that we have found.

“I think the first thing we have to agree upon is the fact that elections should either be valid or not valid. Either they are accurate, or they are not. So, we are going to start talking about the voter registration database because there are a lot of things that people talk about, but we are strictly talking about the voter database. So, what makes a valid election? You must have certified voters. In the 2022 summary sheet in front of you, this is the latest data after we did a FOIL request of the database after the 2022 election. Some of the things found include purged registrations, counterfeit registrations, purged records that were never active, so the question is why they were there, and there are people who have multiple State Board of Election identification numbers. It is illegal to have more than one. In fact, if you care, you can go on YouTube and watch the New York State Board of Elections Committee meeting on September 6, 2023 where a Board member admitted he had three. It's illegal and he knows it, but he is on our State Board of Elections Committee. There are some really big issues that are happening at the State level. Another thing is that we do not consider the voter rolls to be accurate. The votes counted must be from eligible voters and we have found people that have voted that we feel are not eligible voters; there are addresses missing, they are over 115 years old, and a plethora of factoids that make these voters ineligible. The number of people who vote should equal the number of votes that are counted. In 2022, there were 35,312 more votes cast than voters who voted. If you want to look back to 2020, there were 338,356 more votes certified by our State Board of Elections and our Secretary of State than people who checked in and voted. That is not even certifiable. If your checkbook was off by that amount, you know you would be in the bank. It is a huge number and yet they certified it. We consider that to be an uncertifiable election, as with 35,312 from the past mid-term election. Another bar that is set is the number of

ballot errors that can occur by Federal law and that is 1 in 125,000. In 2022, the allowable errors were 48 and there were over 745,000.

“On the summary sheets distributed, there are page numbers listed and they correspond with the full reports that were also distributed. The full reports can be accessed on the NYCA website. Thank you.”

Joe Atkinson, Horseheads, NY spoke. “Hello, my name is Joe Atkinson. I am the Chemung County’s strike team leader for New York Citizens Audit. We are here because this is more than just a local issue; this is a statewide issue that we are dealing with regarding these voter rolls.

“We are asking you to consider passing a resolution calling for an end-to-end forensic audit of the entire New York State 2022 General Election. My colleagues have listed a lot of data. We have 16 Holly’s over in Chemung County that have double voted four to eight times between 2020 and 2023. I have those records. Everything we have said, and the numbers given come directly from the New York State Voter Registration database. We did a FOIL request of those databases from the counties in the State and did our analysis on those numbers only.

“One of the things that was brought up was the error rate or the ineligibility rate. It is 1 in 10 million ballot line items or 1 in 125,000 ineligible votes. It sounds really difficult to achieve. The air traffic controllers achieve an error rate on a power of 10 better than that every day and so do the banks. So, this is not that difficult. 5.9 million votes were cast in 2022 and according to that 1 in 125,000 ballots of error, that means that New York State in total is only allowed 48 ineligible votes for the entire State. That’s Federal law. My hometown in Horseheads, NY has 131 clones or counterfeits in it. We alone in Horseheads, NY break the law for New York State. That’s important and we have to remember that. As we said before, the data was given to State officials, Attorney General, Secretary of State, FBI and we have given seminars to the Legislature, lobby days with the Legislature, and we had appointments with 90 Assemblymen at the end of January. One thing that we learned is that 7% of the New York State Assembly has counterfeit registrations on their names. Linda and I had the privilege of meeting with one of them and he was not happy. He has been trying to fix it and he said it is getting harder and harder to fix it. That is why we need this audit. 24 of 63 New York State Senate and 60 of 150 Assembly elections in 2020 were not certifiable because of the number of ineligible votes in each district was equal to or better than 50% of the margins of victory.

“As Linda stated, she talked about the State Board of Elections Committee meeting. I saw that video and this guy doesn’t care that he had multiple identification numbers. One of them is purged, but that doesn’t mean anything

because with the algorithms and everything that we know is going on, that vote could still be cast. The triple-blind peer review analysis of our data is powerful. That means that cybersecurity experts have triple-blind peer reviewed our researchers work and so we know for a fact that there are algorithms and mathematical manipulations of the New York State Voter Registration database. The same corrupted database from 2020 was used again in the 2022 elections. There is one thing I do not think you all know, and this part is local. In Tioga County, we have registrations in churches, industrial sites, and in schools and that is illegal. Those registrations are ineligible to vote because they are not residential addresses. I do not mean post office boxes; I mean house numbers and street names. That is right here in your County.

“With all of these anomalies that our group has brought up to you, this is why we are asking you to consider passing a resolution.”

Legislator Roberts made a motion to approve the minutes of August 15 and 24, 2023, seconded by Legislator Flesher and carried.

Chair Sauerbrey stated all Legislative Committees met this month and the minutes are or will be on file with the Clerk of the Legislature.

Legislator Mullen moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 349-23 ADOPT LOCAL LAW NO. 3 OF 2023

WHEREAS: A public hearing was held on August 24, 2023, following due notice thereof to consider the adoption of Local Law Introductory No. C of the Year 2023; A Local Law providing for the Collection of a Hotel and Motel Tax in Tioga County; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 3 of 2023; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 3 of the Year 2023.

A Local Law providing for the collection of a hotel and motel tax in Tioga County.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: TITLE.

This local Law shall be known as the "Hotel/Motel Tax Law."

SECTION 2: PURPOSE.

The purpose of this Local Law is to enhance the general economy of Tioga County, its cities, towns, and villages through promotion of tourists, activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 3: DEFINITIONS.

HOTEL/MOTEL - Any facility or a portion thereof providing lodging on an over-night basis, in exchange for any consideration, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

OCCUPANCY - The use or possession, or the right to the use or possession of any room in a hotel or motel.

OCCUPANT - A person who, for a charge or any consideration uses, possesses, 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.

OPERATOR - Any person operating a hotel or motel in Tioga County 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.

PERMANENT RESIDENT - A person occupying any room or rooms in a hotel or motel for at least fourteen (14) consecutive days.

PERSON - An individual, partnership, 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.

RENT – The consideration received for occupancy valued in money, whether received in money, or otherwise.

RETURN - Any return filed or requested to be filed as herein provided.

ROOM - Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for rent or otherwise let out for the lodging of guests.

TREASURER – Tioga County Treasurer

**SECTION 4: TAX.**

A tax in the amount of four percent (4%) of the per diem rental rate for each room occupied, is hereby assessed on all hotels and motels in Tioga County, provided, however, that such tax shall not be applicable to a permanent resident of a hotel or motel.

**SECTION 5: EXEMPTION.**

Such tax shall not be imposed on any transaction, by or with any of the following:

(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: REGISTRATION.**

Within three (3) days after commencing business or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

**SECTION 7: ADMINISTRATION AND COLLECTION.**

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga 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 such 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 said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person

entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge 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 Treasurer 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 by the operator or by the person entitled to be paid the rent or charge.

(D) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.

(E) 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, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

(F) Where an occupant claims exemption from the tax under the provisions of section five 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 certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section five of this local law.

#### SECTION 8: 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 Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly

authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer 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 9: RETURNS.

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer 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 Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer 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, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

#### SECTION 10: PAYMENT OF TAX.

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer 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 Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer 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 Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer 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 Treasurer a written request for a hearing before the Treasurer at which the



necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer 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 Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

#### SECTION 11: DETERMINATION OF TAX.

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer 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. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person 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 therefor 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:

(A) 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 this state and approved by the superintendent of insurance of this state 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

(B) 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.

#### SECTION 12: JUDICIAL REVIEW.

(A) 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 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 any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state 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 it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he 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 days after the giving of the notice of such denial, that a final determination of 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 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.

#### SECTION 13: PENALTY AND INTEREST.

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) percent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each

month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME.

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three 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.

SECTION 15: RESERVES.

In cases where the occupant or operator 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 occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS.

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in the general fund of the County, thereafter to be allocated at the discretion of the County Legislature of the County of Tioga for the purposes of tourism and economic development; provided, however, that the County shall be authorized to retain up to a maximum of five percent of such revenue to defer the necessary expenses of the County in administering such tax. The revenue derived from the tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of Tioga County, its cities, towns, and villages, through promotion of tourist activities, conventions, trade shows, special events, and other directly related and supporting activities.

SECTION 17: REMEDIES EXCLUSIVE.

The remedies provided by sections eleven (11) and twelve (12) 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 on 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 Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 18: PROCEEDINGS TO RECOVER TAX.

(A) Whenever any operator or other person shall fail to collect and pay over any tax 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 Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

(B) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the 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 Treasurer and to pay to the Treasurer 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 mentioned in the warrant and the amount of tax, 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 interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property 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 Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator 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 purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer 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.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer 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 subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, 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.

#### SECTION 19: GENERAL POWERS OF THE TREASURER.

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer 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, any other provision of this local law to the contrary notwithstanding

(D) To delegate said functions hereunder to any employee or employees of the Treasurer

(E) To prescribe methods for determining the rents for occupancy and to determine the taxable and nontaxable 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 Treasurer

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

#### SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY.

(A) The Treasurer, or the Treasurer'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 Treasurer's powers and duties under this local law.

(B) The Treasurer 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 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 Treasurer or excused 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 Treasurer 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 Treasurer 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 Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer 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 21: 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: "Tax on occupancy of hotel or motel rooms"; 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 22: RETURNS TO BE SECRET.

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer 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 not 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 Treasurer 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 in evidence, so much of said 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 duly authorized representative or a certified copy of any return filed in connection with his 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 Treasurer permits them to be destroyed.

(B) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 23: EFFECTIVE DATE.

This local law shall become effective December 1, 2023 and shall remain in effect until November 30, 2026.

SECTION 24: SEVERABILITY.

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 its provisions to other persons or circumstances shall not be affected thereby.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. 350-23 ADOPT LOCAL LAW NO. 4 OF 2023

WHEREAS: A public hearing was held on August 24, 2023, following due notice thereof to consider the adoption of Local Law Introductory No. D of the Year 2023; A Local Law establishing the position of County Administrator for the County of Tioga; and

WHEREAS: It is in the best interest of the residents of Tioga County to adopt such Local Law which will be Local Law No. 4 of 2023; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted:

County of Tioga

Local Law No. 4 of the Year 2023.



A Local Law Establishing the Position of County Administrator for the County of Tioga.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: LEGISLATIVE INTENT.

The Tioga County Legislature recognizes the growing complexities of County Government by the many mandated programs on both the Federal and State level of government and the need for increased direction, control and coordination of County governmental functions would provide a more efficient administration of the various departments and agencies of Tioga County.

It is the purpose and intent of this local law to provide administrative assistance to the County Legislature, in order to provide uniformity in the day-to-day operations and management of County affairs. It is not the purpose or intent of the County Legislature in the adoption of this local law to curtail, diminish, or transfer the power of any elected or appointed County official.

SECTION 2: COUNTY ADMINISTRATOR.

There shall be a County Administrator who shall be directly responsible to the Tioga County Legislature and perform the functions of a Chief Administrative Officer on behalf of the County Legislature with the County Legislature retaining the final administrative authority. The position of County Administrator shall be unclassified for Civil Service purposes.

SECTION 3: APPOINTMENT, TERM OF OFFICE.

The County Administrator shall be appointed by and serve at the pleasure of the Tioga County Legislature based on the minimum qualifications outlined in this local law and run coextensively on the same terms as the Legislative Clerk, County Attorney, and Public Defender. The position of County Administrator shall be unclassified for Civil Service purposes. Upon hiring, the County Administrator will work with the Chairperson of the Legislature for a period of up to 52 weeks.

SECTION 4: MINIMUM QUALIFICATIONS.

At the time of appointment, the County Administrator shall have the following training and/or experience:

- A. Graduation from a regionally accredited or New York State registered college or university with a Master's degree preferably in Business or Public Administration or a related field and four (4) years of professional experience in the field of public or business administration, including experience in budgeting and financial management with government experience preferred; or

- B. Graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree preferably in Business or Public Administration or a related field and six (6) years of professional experience in the field of public or business administration, including experience in budgeting and financial management with government experience preferred.

The County Administrator position requires a thorough knowledge of the principles and procedures of public administration which includes management supervision, intergovernmental relations, thorough knowledge of the principles and procedures of governmental accounting and budget, good knowledge of report writing and statistical interpretation, knowledge of public relations practices and procedures, good knowledge of and experience with purchasing processes. Communication skills are critical in the ability to communicate effectively, both orally and written, ability to analyze problems and make recommendations, ability to prepare and maintain written reports and records, ability to follow and issue complex oral and written instructions, ability to establish and maintain good relationships both within the County and with outside agencies, ability to supervise the work of others, ability to exercise good judgment in evaluating situations, establishing priorities, and making decisions.

The County Administrator shall be appointed on the basis of these, and such other qualifications as may be required for the responsibilities of the position.

#### SECTION 4: SALARY.

The County Administrator shall receive an annual salary to be fixed by the County Legislature.

#### SECTION 5: POWERS AND DUTIES.

Without curtailing, diminishing, or transferring the powers of any elected County official, the County Administrator shall be responsible for the overall administration of Tioga County Government under the direction of the Tioga County Legislature and shall provide and coordinate staff services to the County Legislature, Chairperson of the Legislature, and its Committees. The County Administrator will act as the Budget Officer and Public Information Officer and oversee the day-to-day departmental operations to carry out the directives of the County Legislators efficiently, economically, and effectively, as well as assist with short and long-term capital and fiscal planning. The County Administrator will also perform related work as required and assigned. The County Administrator shall have all the powers and perform all the duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, are the following:

*A. Departmental Management & Labor Relations:*

- Act as day-to-day primary Operations Director in accordance with policies established by the Legislature.
- Provide interdepartmental leadership and unify overall management of County affairs by supporting the operations of Department Heads, implement administrative policies approved by the Legislature, address common issues among departments, identify interdepartmental efficiencies, attend and participate in monthly Department Head meetings.
- Work with Department Heads to implement and ensure compliance with New York State legislation.
- Make recommendations to the Legislature regarding appointment/termination of non-elected Department Heads.
- Conduct non-elected Department Head performance evaluations and prepare Department Head performance reports, including recommending to the Legislature any changes to salaries or benefits as consistent with the current salary plan in conjunction with the Legislative Standing Committee Chairperson.
- Participate in collective bargaining negotiations with employee labor unions.
- Ensure that County policies are followed.

*B. Financial Management & Budgeting:*

- Act as Budget Officer monitoring expenditures, establishing budgetary controls, and updating the Legislature on the County's financial status.
- Review tentative operating and capital budgets with Department Heads and make recommendations to the Legislature.
- Serve as an advisor to the Legislature preparing and executing short and long-term capital plans.
- Facilitate grants and shared services activity, when appropriate.

*C. Administration & Communication:*

- Lead Purchasing Policy evaluation and improvement to current procedures.
- Execute contracts in the name of Tioga County, authorize filling vacant funded positions, authorize routine expenditures, budget transfers and modifications below a predetermined threshold, provide adequate insurance.
- Attend all regular Legislature meetings, special Legislature meetings, public hearings, and Legislative Standing Committee meetings.
- Act as Public Information Officer and spokesperson for the Legislature.

- Serve as liaison and represent the Legislature in contacts with political subdivisions, State and Federal officials and agencies.
- Prepare and present annual report on the State of the County to the Legislature and public.
- Create and deliver necessary projects and reports as required by the County and State of New York such as Shared Services, surveys, and information required by the State.
- Assist the Legislature with developing short and long-term policies and procedures, recommend and advise the Legislature of implications of policies and procedures under construction.
- Facilitate Leaders Meetings, participate in Executive Team Meetings, and other such related meetings that pertain to leadership activities with the County.

*D. Other Duties as Assigned*

SECTION 6: ACTING COUNTY ADMINISTRATOR.

The Chairperson of the Legislature shall be the acting County Administrator in the event of the County Administrator's absence from the County or inability to perform and exercise the powers and duties of the position. In the event of the Chairperson's inability to serve as acting County Administrator, the Chairperson, with the approval of the Legislature, shall appoint an acting County Administrator. In no event may a person serve as acting County Administrator for a period greater than sixty days in any calendar year, unless authorized by the Legislature. The acting County Administrator shall have all the powers and duties of the County Administrator during the period of their designation or until a new County Administrator shall be appointed, pursuant to this local law, and shall qualify to assume that position.

SECTION 7: NO DIVESTITURE OF POWERS AND DUTIES OF LEGISLATURE.

Nothing contained in this local law shall operate or be construed to divest the County Legislature of Tioga County of any of its functions, powers and duties.

SECTION 8: SEVERABILITY OF PROVISIONS.

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 have been rendered.

SECTION 9: CONFLICT WITH PREVIOUS LOCAL LAWS AND RESOLUTIONS.

In the event of a conflict or inconsistency between this local law and any previous local law or resolution of the County Legislature, this local law shall govern.

SECTION 10: EFFECTIVE DATE.

This local law shall take effect when all applicable statutory requirements for its passage and adoption have been complied with fully and it has been duly filed as provided by the Municipal Home Rule Law.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 351-23 ESTABLISH EQUALIZATION RATES

RESOLVED: That under the provisions of Section 804 of the Real Property Tax Law, equalization rates for the purpose of apportioning 2023 County taxes among the several Towns are hereby established as follows:

Town of Barton	60.00
Town of Berkshire	76.00
Town of Candor	72.50
Town of Newark Valley	49.00
Town of Nichols	21.00
Town of Owego	54.00
Town of Richford	80.50
Town of Spencer	86.00
Town of Tioga	4.50

## ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

## RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 352-23      *APPOINT MEMBER TO THE  
TIOGA COUNTY PLANNING BOARD*

WHEREAS: The Town of Richford position on the Tioga County Planning Board has been vacant for several years; and

WHEREAS: The Richford Town Board has found Vicki Davis willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Vicki Davis to the Tioga County Planning Board representing the Town of Richford for the term of 9/12/23 – 12/31/25.

Legislator Flesher spoke. “I would just like to say for the record that Vicki Davis is an excellent candidate for this position. Her community service is extensive, and she is going to bring a value to the Planning Board, and we are lucky to have her.”

## ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

## RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 353-23      *DESIGNATION OF TIOGA COUNTY LOCAL  
DEVELOPMENT CORPORATION, D.B.A.  
TIOGA COUNTY TOURISM, AS AUTHORIZED  
TOURISM PROMOTION AGENCY FOR 2024*

WHEREAS: The Tioga County Local Development Corporation, d.b.a. the Tioga County Tourism Office, is the not-for-profit corporation that develops and implements a tourism promotion and marketing program for the county; and

WHEREAS: The Tioga County Tourism Office coordinates with the State in its tourism grants program; and

WHEREAS: The New York State Tourism Grants Program is designed to encourage tourism promotion throughout the regions of New York State; and

WHEREAS: The guidelines for this local assistance program require counties to appoint an official Tourism Promotion Agency (TPA), therefore be it

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2024 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Roberts moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. 354-23      *APPROVE TECHNICAL ASSISTANCE  
PROVIDED BY ED&P STAFF*

WHEREAS: A resolution is required by County policy to disclose matching cash and or in-kind contributions from the County for grant applications written for the County and/or by the County on behalf of a municipality or entity; and

WHEREAS: The Tioga County Economic Development and Planning staff provided technical assistance for the following:

<u>Organization</u>	<u>Source</u>	<u>Amount</u>	<u>Purpose</u>
Shady Strong	TSB	TBD	Operating Expenses for Event
Campville Fire Department	Floyd Hooker	TBD	Purchase Fire Safety Training Equipment
Tioga Field Hockey	Floyd Hooker	TBD	Purchase Safety Equipment
Candor EMS	Tioga Downs	TBD	Purchase Ventilators
Chamber Foundation	Mildred Faulkner	TBD	Fund Non-Profit Workshop Series
Chamber Foundation	TSB	TBD	Program Funding
Chamber Foundation	Tioga Downs	TBD	Program Funding
Chamber Foundation	Floyd Hooker	TBD	Purchase Jr. Chamber Training Materials
Julia Zepkowski Memorial Foundation	TSB	TBD	Purchase Equipment

And

WHEREAS: There is no further obligation by the County; therefore be it



RESOLVED: That the Tioga County Legislature hereby authorizes the technical assistance provided as noted above.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. 355-23      *AUTHORIZE CONTRACT WITH A NEW HOPE CENTER  
SOCIAL SERVICES*

WHEREAS: The Department of Social Services contracts with A New Hope Center to provide two Advocates, funded through the New York State Office of Victim Services, to assist the Child Advocacy Center in their mission; and

WHEREAS: The Department of Social Services wishes to renew the contract for October 1, 2023 through September 30, 2024 in the amount of \$122,237; therefore be it

RESOLVED: That the Tioga County Department of Social Services is authorized to contract with A New Hope Center for the period October 1, 2023 through September 30, 2024

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: ADMINISTRATION SERVICES COMMITTEE  
FINANCE/LEGAL COMMITTEE  
ITCS COMMITTEE

RESOLUTION NO. 356-23 *AUTHORIZE AND FUND SaaS AGREEMENT WITH TYLER TECHNOLOGIES, INC. WITH APPROPRIATION FROM CAPITAL SOFTWARE RESERVE ACCOUNT*

WHEREAS: The Tioga County Legislature recognizes the importance of a safe and secure electronic records management system for the County Clerk's Office; and

WHEREAS: The Tioga County Clerk's Office utilizes an electronic records management system for critical daily operations; and

WHEREAS: Tyler Technologies, Inc. has presented the County Clerk with a Software as a Service agreement that meets the requirements for electronic records management; and

WHEREAS: Due to a lack of confidence in the vendor for the software currently in use due to a recent cyber security breach, the SaaS agreement with Tyler Technologies, Inc. must be executed as expeditiously as possible; and

WHEREAS: The Tioga County Chief Information Officer has been involved in the selection process and both supports and recommends the conversion of the County Clerk's electronic records management program to Tyler Technologies, Inc.; and

WHEREAS: Tyler Technologies participated in the competitive bid process in response to Sourcewell RFP #090320 by submitting a proposal, on which Sourcewell awarded Tyler a Sourcewell contract, numbered 090320-TTI; and

WHEREAS: The Tioga County Chief Information Officer would like to transfer \$117,435.00 from H387804 Software Reserve fund to H1680 520620 Software to cover the initial purchasing requirements for the migration; and

WHEREAS: The Tioga County Clerk has budgeted \$43,009 for the recurring software fee in the 2024 operational budget and the County Clerk will be responsible for paying all recurring software fees for years two through five; and

WHEREAS: Legislative approval is needed to amend the 2023 ITCS Capital budgets; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following budget modification, appropriation, and transfer of funds from the General Fund Balance to the Capital Software Reserve Fund via Interfund Transfer:

FROM:	A9950 593000 Interfund Transfer	\$150,000.00
TO:	H5110 450310 Interfund Transfer	\$150,000.00
FROM:	H 390900 Fund Balance Unrestricted	\$150,000.00
TO:	H 387804 Capital Software Reserve	\$150,000.00

And be it further

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Capital Budget:

FROM:	H387804 Capital Software Reserve	\$117,435.00
TO:	H1680 520620 IT Capital Software	\$117,435.00

And be it further

RESOLVED: That after County Attorney review, the Chair of the County Legislature is authorized to execute a five-year agreement between Tioga County and Tyler Technologies using Sourcewell contract 090320-TTI in the amount of \$117,435.00 for year one, and \$43,009 for years two through five, for an Electronics Records Management System.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS COMMITTEE

RESOLUTION NO. 357-23      *AWARD DESIGN SERVICES TO  
MCFARLAND JOHNSON FOR BIN 3335020*

WHEREAS: Tioga County was awarded funding from NYSDOT to rehabilitate a bridge, East Spencer Road over South Branch Catatonk Creek BIN 3335020, in the Town of Spencer; and

WHEREAS: The Commissioner of Public Works received a proposal for design services for this project from McFarland Johnson, Binghamton, NY; and

WHEREAS: The proposal for this project came in at \$211,394; therefore be it

RESOLVED: That the Tioga County Legislature approve the proposal for East Spencer Road over South Branch Catatonk Creek to McFarland Johnson not to exceed \$211,394 to be paid out of the East Spencer over South Branch Catatonk Creek account H5110.540004.H2303.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO: PUBLIC WORKS COMMITTEE  
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 358-23      *AMEND 2023 BUDGET  
PUBLIC WORKS*

WHEREAS: Tioga County is the recipient of funding through New York State Department of Transportation (BRIDGE NY) consisting of Federal funds for a project, East Spencer Road over South Branch Catatonk Creek PIN 9755.59; and

WHEREAS: Total cost for this project is \$1,661,362, including design, construction, and construction inspection, in which 95% of the project will be Federal Funds reimbursed to Tioga County; and

WHEREAS: Budget Amendments require Legislative approval; therefore be it

RESOLVED: That expense account is established as follows:

H5110.540004.H2303	
East Spencer Road over South Branch Catatonk Creek	\$1,661,362

And be it further

RESOLVED: That revenue account is established as follows:

H5110.445020.H2303	
East Spencer Road over South Branch Catatonk Creek	\$1,578,294

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:	PUBLIC WORKS COMMITTEE
	FINANCE COMMITTEE

RESOLUTION NO. 359-23	<i>AMEND CAPITAL BUDGET AND TRANSFER FUNDS FOR ¾ TON 4X4 PICKUP – PUBLIC WORKS</i>
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WHEREAS: The Commissioner of Public Works has budgeted for the purchase of a ¾ Ton 4X4 Pickup within the 2023 Capital Budget; and

WHEREAS: The Commissioner of Public Works has received a quote for a 2024 D28L92 Tradesman 3500 Crew, 8 Foot Box, 4X4; and

WHEREAS: The quote came in higher than the budgeted amount; and

WHEREAS: Cost savings was achieved in another 2023 Capital Budget line and Legislative approval is needed to authorize all Capital Expenses and Capital Budget Amendments and Transfers; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the Capital Budget:

From: H1620.521920	Tractor w/5 ft. Bucket	\$3,000.00
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To: H1620.520917	¾ Ton 4X4 Pickup	\$3,000.00
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#### ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standinger.

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 360-23	<i>AMEND 2023 BUDGET SOCIAL SERVICES</i>
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WHEREAS: Tioga County Department of Social Services will exceed the budgeted amount for JD Foster Care due to a higher number of placements; and

WHEREAS: Funds are available for transfer from expense account A6109 Family Assistance; and

WHEREAS: Transfer of funds between A6123 JD Program Expense and A6109 Family Assistance requires Legislative approval; therefore be it

RESOLVED: That funding be transferred as follows:

From: A6109.540487 Family Assistance	\$ 350,000.00
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To: A6123.540487 JD Program Expense	\$ 350,000.00
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Legislator Standinger spoke. "This expense is exorbitant and one of the reasons is it is kind of a state mandate. What gets done, has to get done so unfortunately, we have to dish out the money."

#### ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO:	HEALTH & HUMAN SERVICES COMMITTEE FINANCE COMMITTEE
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RESOLUTION NO. 361-23	<i>APPROPRIATION OF FUNDS AND AMEND 2023 BUDGET SOCIAL SERVICES</i>
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WHEREAS: Tioga County Department of Social Services has budgeted 2023 A6055 Day Care expenses based on historical trends; and

WHEREAS: 2023 A6055 Day Care expenses will exceed the budgeted amount due to State policy and eligibility changes; and

WHEREAS: Day Care expenses receive 100% reimbursement from the NYS Child Care Block Grant; and

WHEREAS: Appropriation of funds and budget modification requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated as follows:

From: A6055.436550 State Aid: Day Care \$ 580,000

To: A6055.540487 Day Care Program Expense \$ 580,000

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
FINANCE COMMITTEE

RESOLUTION NO. 362-23 *APPROPRIATION OF FUNDS AND  
AMEND 2023 BUDGET  
SOCIAL SERVICES*

WHEREAS: Tioga County Department of Social Services has received additional HEAP infrastructure administrative funds; and

WHEREAS: The department has identified the need to replace telephone headsets for eligibility workers; and

WHEREAS: Appropriation of funds and budget modification requires Legislative approval; therefore be it



RESOLVED: That funding be appropriated as follows:

From: A6010.446100 Federal Aid: Administration	\$ 3,816
To: A6010.520200 Office Equipment	\$ 3,816

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 363-23      *TRANSFER OF FUNDS*  
*BUDGET MODIFICATION*  
*DISTRICT ATTORNEY*

WHEREAS: The District Attorney's Office has a need for an external/stackable storage tower with software for the voluminous data received from law enforcement that will need to be provided to defense attorneys for criminal cases; and

WHEREAS: The ITCS Department has provided the recommended quote through the Omnia Cooperative Purchase Program; and

WHEREAS: Amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That the District Attorney's budget be modified and the following sums be transferred from within the District Attorney's budget to cover the costs of said office furnishings.

From: A1165 540140 Contracting Services	\$3,285.74
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To: A1165 520090 Computer \$3,285.74

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Flesher.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 364-23 *REQUEST AND TRANSFER OF CONTINGENCY FUNDS & MODIFY 2023 BUDGET ASSIGNED COUNSEL*

WHEREAS: The Assigned Counsel Attorney reimbursement rate was increased effective April 1, 2023 and the Assigned Counsel account will not have sufficient funds for the remainder of 2023; and

WHEREAS: Contingency Funds will need to be transferred from the Contingency Account to the Assigned Counsel Account, & Modify Assigned Counsel 2023 Budget to accommodate the increase in the rates for 2023; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer as follows:

From: A1990 540715 Contingency Account \$60,000

To: A1172 540030 Assigned Counsel \$60,000

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Weston.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 365-23 *REQUESTING TIOGA COUNTY VETERANS' SERVICE AGENCY BE ALLOWED TO EXCEED FOOD & BEVERAGE PURCHASE GUIDELINES*

WHEREAS: The Tioga County Veterans Service Agency (TCVSA) conducts multiple community outreach events monthly and at these events provides food, beverages, and supplies to those in attendance as well as information on resources, benefits, and services available to veterans, military and their families; and

WHEREAS: County Policy – Section III; Subsection H. Purchase of Food, Beverages, and Supplies limit expenses to \$150 per event; and

WHEREAS: The TCVSA will be holding the following events in September, with grant funds being used, that will exceed the \$150.00 per event limit, and requests to exceed the event limit must be made by resolution and require the approval of the County Legislature:

September 8 – Lunch & Learn @ TCVSA in Owego, MH Outreach: \$200.00

September 9 – Family Day & BBQ @ Army Reserve Center in Nichols, Dwyer Program: \$3600.00

September 10-13 – Onward Ops @ Ft. Drum, ETS Sponsorship: \$300

September 22 – Coffee Mess @Julie Perkins Fishing Access in Owego, MH Outreach: \$350.00

September 30 – Ruck March for Suicide Awareness @ Waverly Glen Park in Waverly, Dwyer Program: \$8500.00

Therefore be it

RESOLVED: That the Tioga County Legislature allow the Tioga County Veterans' Service Agency to exceed the per event limit using grant funding as identified, noting that TCVSA will not exceed the total amount mentioned for each event above.

## ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

## RESOLUTION ADOPTED.

Legislator Monell moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO:	PERSONNEL COMMITTEE LEGISLATIVE WORKSESSION FINANCE, LEGAL & SAFETY COMMITTEE
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RESOLUTION NO. 366-23	<i>AMEND RESOLUTION NO. 193-18; AS AMENDED BY RESOLUTION NO. 45-23; AS AMENDED BY RESOLUTION NO. 255-23; AS AMENDED BY RESOLUTION 296-23; ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN</i>
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WHEREAS: The Tioga County Legislature adopted the Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan by way of Resolution No. 193-18 on August 17, 2018, and amended the Plan by way of Resolution No. 45-23 on January 10, 2023, and Resolution No. 255-23 on June 13, 2023, and Resolution No. 296-23 on July 11, 2023; and

WHEREAS: The Department of Labor recently audited the County's Title VI Plan for recertification purposes; and

WHEREAS: The Department of Labor is requiring revisions to the County's Title VI Plan as follows:

- Title VI Plan Table of Contents Attachment 6: Public Participation Plan be added.
- Title VI Plan Table of Contents Attachment 7: American with Disabilities (ADA) Transition Plan be added.
- Title VI Plan Table of Contents Attachment 8: ADA Authorizing Resolution(s) be added.

- Tioga County Public Participation Plan be added to the Title VI Plan.
- American with Disabilities (ADA) Transition Plan be added to the Title VI Plan.
- Amend Equal Employment Opportunity/Affirmative Action/ADA Policy.
- Font is updated to Century Gothic 12.

Therefore be it

RESOLVED: That this resolution shall amend Resolution No. 193-18, as amended by Resolution No. 45-23, as amended by Resolution No. 255-23, as amended by Resolution 296-23 only for the following revisions to the Tioga County Title VI Plan:

- Title VI Plan Table of Contents Attachment 6: Public Participation Plan be added.
- Title VI Plan Table of Contents Attachment 7: American with Disabilities (ADA) Transition Plan be added.
- Title VI Plan Table of Contents Attachment 8: ADA Authorizing Resolution(s) be added.
- Tioga County Public Participation Plan be added to the Title VI Plan.
- American with Disabilities (ADA) Transition Plan be added to the Title VI Plan.
- Amend Equal Employment Opportunity/Affirmative Action/ADA Policy.
- Font is updated to Century Gothic 12.

And be it further

RESOLVED: That Attachment 6 Tioga County Public Participation Plan is hereby added to read as follows:

## **ATTACHMENT 6**

### **TIOGA COUNTY PUBLIC PARTICIPATION PLAN**

#### **Introduction:**

The purpose of this Public Participation Plan ("the Plan") is to describe Tioga County's Public Participation Program which comprises the various outreach activities that Tioga County engages in to ensure that all members of the public, including populations that have lacked access to the decision-making process, are given the opportunity to participate in the planning processes that shape Tioga County.

#### **Strategies and Desired Outcomes:**

To promote inclusive public participation, Tioga County will employ the following strategies, as appropriate:

- Provide for early, frequent, and continuous engagement by the public.

- Select accessible and varied meeting locations and times.
- Employ different meeting sizes and formats.
- Use social media in addition to other resources to gain public involvement.
  
- Use newspaper ads in publications that serve LEP populations.
  
- Contract with outside agency(ies) for additional outreach methods to engage minority and LEP populations.

### **Public Outreach Activities:**

The public outreach and involvement activities conducted by Tioga County since the last Title VI Program submission in 2018 are summarized below.

Tioga County staff have reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 1,496 individuals in the Tioga County service area comprising 3.2% of the population speak a language other than English.
  
- b. Of those, 503 individuals have limited English proficiency; that is; they speak English less than "very well" or "not at all." This is only 1.046% of the overall population in the service area.
  
- c. In the Tioga County service area, of those persons with limited English proficiency:
  - 0.2 % speak Asian and Pacific Island languages.
  - 0.01% speak other languages.
  - 1.9% speak other Indo-European languages.
  - 1% speak Spanish.

Tioga County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits and found Tioga County staff members have had little to no contact with LEP persons.

There is not a large geographic concentration of any type of LEP individuals in the service area for Tioga County. The overwhelming majority of the population, 96.8%, speaks only English. As a result, there are few social; service; or professional and leadership organizations within the Tioga County service area that focus on outreach to LEP individuals.

Tioga County has identified organizations willing to provide voluntary language and document translation and interpretation services if needed within a reasonable time frame. Other translation services are provided by telephone from LanguageLine for which Tioga County pays a fee for. Language Identification Tool posters were sent to all departments to be posted in areas open to the public with trainings offered on use of the poster.

Services to use for Hearing-impaired was updated to include information for the NYS Call 711 Relay Service, Southern Tier Independence Center (STIC), and Registry of Interpreters of the Deaf (RID).

### **Getthere:**

Tioga County does not have public transportation services but does have a contract for the administration of Getthere Mobility Management Project. Getthere does extensive marketing and outreach for this project and has a dedicated website, (<https://gettherescny.org/home>) to announce any changes or events. Getthere does outreach to many non-profits within the project area. Tioga County, Achieve, AVRE and the Office of the Aging actively participate in the Getthere quarterly advisory meetings to ensure outreach efforts are appropriate and accessible to all residents. Tioga County attends quarterly meetings of the Binghamton Metropolitan Transportation Study.

Getthere is the mobility management program of the Rural Health Network of South-Central New York, whose mission is to advance the health and well-being of rural people and communities. Getthere operates a transportation information and assistance call center, open Monday-Friday, 7 AM to 5:30 PM, that helps those with transportation needs to find workable, affordable solutions. Serving five counties, Getthere provides transportation information and case management services, financial assistance for eligible individuals who need transportation to healthcare appointments, transportation to employment services, and training on how to use public transportation. Getthere works collaboratively with partners and stakeholders in Broome, Chenango, Delaware, Otsego, and Tioga counties.

### **Public Meetings:**

The Tioga County Legislature meets three times per month, departmental committees meet once a month, and numerous boards and sub-boards meet once per month. All meetings and public hearings are noticed for public involvement.

All Tioga County Legislative meetings are held at the Ronald E. Dougherty County Office Building, an accessible facility. Legislative meetings are recorded and available to the public with written minutes of departmental committee meetings provided on the County's website. Special language services are provided in

response to citizen requests. Tioga County posts all information, agendas, minutes, and public documents on its public website which is fully accessible by both computer and cellular technologies and is designed to be maximally acceptable by people with disabilities.

And be it further

RESOLVED: That the Equal Employment Opportunity/Affirmative Action/ADA Policy amended policy be added to the Title VI Plan; and be it further

RESOLVED: That Attachment 7 Americans with Disabilities (ADA) Transition Plan is hereby added to read as follows:

## **ATTACHMENT 7**

### **AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

#### **AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

This ADA Transition Plan reflects Tioga County's long-term commitment to ADA compliance, and details the stages of Tioga County's plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

#### **INTRODUCTION**

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, Tioga County has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that Tioga County identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

The ADA requires that the Transition Plan include the following components:

1. Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;



2. Identification of the methods to be used to remove any barriers limiting accessibility;
3. A schedule for completion of the necessary steps to achieve accessibility in public facilities; and
4. The name of the public entity's ADA Coordinator.

### **STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN TIOGA COUNTY FACILITIES**

The first phase of the ADA Transition Plan is to evaluate Tioga County's public facilities for accessibility. The ADA Coordinator along with Public Works

will coordinate to conduct accessibility evaluations of the following:

- Sidewalks, crosswalks, and curb ramps
- Publicly accessible buildings
- Parking lots serving publicly accessible buildings

For each facility evaluated, a Survey of Tioga County's Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey.

#### **Schedule for Completion**

The ADA Coordinator and Public Works will coordinate each spring to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. The evaluations will be scheduled to evaluate outdoor facilities prior to the winter months to avoid snow cover that may impede a thorough review and will be completed by May 31 of each year.

### **STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS**

The second phase of Tioga County's ADA Transition Plan is a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements.

Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented to the Tioga County Legislature at the public meeting of the Tioga County's Finance, Legal and Safety Committee. It is Tioga County's practice to provide public notice of the dates and agendas of Committee meetings on the Tioga County's website. This will provide the public with an opportunity to participate in the formulation of the ADA Transition Plan.

#### A. Nature of Improvements and Structural Feasibility

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of Tioga County facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that the ADA Coordinator determines are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

#### B. Priority of Improvements

##### Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition Plan is to address all ADA noncompliant facilities.

The priority of improvements to these facilities will be as follows:

1. Those serving publicly accessible Tioga County facilities;
2. Those serving commercial and employment centers; and
3. Those serving other areas.

##### Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in Tioga County buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. All new construction or renovations to existing facilities have complied with ADA standards. As such, Tioga County does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

### **STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS**

Once the Survey of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, Tioga County will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements.

**ADA COORDINATOR:**

Kevin Humes  
ADA Coordinator  
Tioga County  
56 Main Street, Room 102  
Owego, NY 13827  
607-687-8677  
[HumesK@tiogacountyny.gov](mailto:HumesK@tiogacountyny.gov)

**PUBLIC COMPLAINT/GRIEVANCE PROCESS**

Formal complaints or grievances regarding ADA compliance of public facilities can be made directly to the Tioga County ADA Coordinator using the [Civil Rights Complaint Form](#) found on Tioga County's website; and be it further

RESOLVED: That the remainder of the Tioga County Title VI Plan remains unchanged.

**ROLL CALL VOTE**

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Ciotoli.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 367-23 AUTHORITY OUT-OF-TITLE PAY  
DEPARTMENT OF MOTOR VEHICLES

WHEREAS: Article 4 Section E of the current collective bargaining agreement allows for out-of-title pay if an employee performs the duties of a higher pay grade for more than 20 calendar days; and

WHEREAS: Joyce Costantini, Motor Vehicle Bureau Supervisor (CSEA SG XI), was on a leave of absence from July 20, 2023 through August 16, 2023; and

WHEREAS: At the request of the County Clerk, Lisa Chandler, Principal Motor Vehicle License Clerk (CSEA SG VII) carried out the duties of Motor Vehicle Bureau Supervisor for the said duration; and

WHEREAS: At the request of the County Clerk, Robert Palanza, Motor Vehicle License Clerk (CSEA SG V) carried out the duties of Principal Motor Vehicle License Clerk for the said duration; and

WHEREAS: Legislative approval is required to authorize the payment of out-of-title salary at the applicable higher pay grade; therefore be it

RESOLVED: That the Tioga County Legislature authorizes out-of-title pay for Lisa Chandler reflective of a retroactive annual increase of \$8,475.00 for the duration from July 20, 2023 through August 16, 2023; and be it further

RESOLVED: That the Tioga County Legislature authorizes out-of-title pay for Robert Palanza reflective of a retroactive annual increase of \$7,146.00 for the duration from July 20, 2023 through August 16, 2023.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: HEALTH AND HUMAN SERVICES COMMITTEE  
 PERSONNEL COMMITTEE  
 FINANCE COMMITTEE

RESOLUTION NO. 368-23 UNFUND AND CREATE POSITION  
 MENTAL HYGIENE

WHEREAS: Legislative approval is required to unfund and create any position within a Tioga County department or office; and

WHEREAS: After discussing with the Personnel Officer, the Director of Community Services has determined she can better address staffing needs and workload by unfunding a position in order to create a full-time Accounting Supervisor position; therefore be it

RESOLVED: That one (1) Billing Specialist position (\$41,318 CSEA SG VIII) shall be unfunded effective September 23, 2023; and be it further

RESOLVED: That one (1) full-time Accounting Supervisor position (\$47,516 CSEA SG XI) shall be created effective September 23, 2023; and be it further

RESOLVED: That funding be appropriated as follows:

From: A4309 510020	Part-Time/Temporary	\$ 4,206.87
To: A4309 510010	Full Time Salary	\$ 2,450.00
A4309 581088	State Retirement Fringe	\$ 216.20
A4309 583088	Social Security Fringe	\$ 148.88
A4309 584088	Workers Compensation Fringe	\$ 65.55
A4309 585588	Disability Insurance Fringe	\$ 3.50
A4309 586088	Health Insurance Fringe	\$ 1,321.99
A4309 588988	EAP Fringe	\$ 0.75

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Standinger moved for the adoption of the following resolution, seconded by Legislator Brown.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 369-23      *AUTHORIZE APPOINTMENT OF  
DEPUTY COMMISSIONER OF SOCIAL SERVICES;  
GRANT LEAVE OF ABSENCE  
DEPARTMENT OF SOCIAL SERVICES*

WHEREAS: Legislative approval is required for any appointment to a Management/Confidential position within Tioga County; and

WHEREAS: Gary Grant has announced that he will retire as Deputy Commissioner of Social Services effective September 30, 2023; and

WHEREAS: The Commissioner of Social Services would like to backfill this position from within his department; therefore be it

RESOLVED: That Elizabeth Myers is appointed to the title of Deputy Commissioner of Social Services at an above the base annual Management/Confidential salary of \$88,585.00, effective October 2, 2023, with no increase in pay on January 1, 2024; and be it further

RESOLVED: That Ms. Myers shall be granted a leave of absence from her current position, Director of Social Services, for which she holds permanent competitive classified status; and be it further

RESOLVED: That, until further notice, the vacant Director of Social Services position shall be left vacant and unfunded effective October 2, 2023.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Weston moved for the adoption of the following resolution, seconded by Legislator Standing.

REFERRED TO: PUBLIC WORKS COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 370-23 *CREATE (1) FULL-TIME CLEANING SUPERVISOR POSITION AND (7) FULL-TIME CLEANER I POSITIONS PUBLIC WORKS*

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: A need has been identified within the Public Works Department to maintain the cleanliness of the county buildings adequately; and

WHEREAS: The Commissioner of Public Works can provide an adequate level of cleanliness by creating (1) permanent, full-time Cleaning Supervisor position and (7) permanent, full-time Cleaner I positions; and

WHEREAS: Funding for the new positions will be transferred from within the current budget; therefore be it

RESOLVED: That the Commissioner of Public Works is hereby authorized to create (1) permanent, full-time Cleaning Supervisor position at an hourly rate of \$19.53 (CSEA SG 4) and (7) permanent, full-time Cleaner I positions at an hourly rate of \$14.86 (CSEA SG 9) effective September 12, 2023.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standing, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. 371-23 AMEND EMPLOYEE HANDBOOK:  
SECTION II-ETHICS RULES; ADD NEW  
WHISTLEBLOWER POLICY

WHEREAS: By Local Law No. 5 of the Year 1990 Tioga County adopted the Tioga County Ethics Law to provide guidance to county officers, employees, and appointed officials regarding Tioga County's expectations for standards of ethics and conduct; and

WHEREAS: The County Attorney, in conjunction with the Legislative Clerk, have determined Tioga County would benefit from a comprehensive whistleblower policy codified in a single location and that provides greater clarity and guidance to county officers, employees, and appointed officials regarding the reporting of unlawful and unethical activity without fear of retaliation and provides procedures for reporting and investigating such activity; and

WHEREAS: The County Attorney has written and proposed a new program entitled Whistleblower Policy; therefore be it

RESOLVED: That Section II-Ethics Rules: Whistleblower Policy is hereby added to read as follows:

## **SECTION II – ETHICS RULES**

### **WHISTLEBLOWER POLICY**

Sections:

- I. Purpose
- II. Provisions
- III. Definitions
- IV. Reporting Wrongdoing
- V. Protections
- VI. No Retaliation or Interference
- VII. Other Legal Rights Not Impaired
- VIII. Trainings



## I. PURPOSE

It is the policy of Tioga County to afford certain protections to individuals who in good faith report violations of Tioga County's Code of Ethics or instances of potential wrongdoing within Tioga County.

## II. PROVISIONS

New York State Labor Law section 740 and the Federal False Claims Act of 1863 (revised 1986) provides protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action covered by the Labor Law or under the False Claims Act.

## III. DEFINITIONS

**Good faith:** Information concerning potential wrongdoing is disclosed in "good faith" when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

**Personnel Action:** Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement, or evaluation of performance.

**Qui Tam:** A provision of the Federal Civil False Claims Act that allows private citizens to file a lawsuit in the name of the U.S. Government charging fraud by government contractors and others who receive or use government funds, and to share in any money recovered.

**Tioga County Employee:** All employees employed with Tioga County whether full-time, part-time, employed pursuant to contract, employees on probation, temporary employees, and interns.

**Whistleblower:** Any Tioga County employee who in good faith discloses information concerning wrongdoing by another Tioga County employee or concerning the business of Tioga County itself.

**Wrongdoing:** Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by a Tioga County employee that relates to Tioga County.

## IV. REPORTING WRONGDOING

All employees who discover or have knowledge of potential wrongdoing concerning employees of Tioga County, or a person having business dealings with Tioga County, or concerning Tioga County itself, shall report such activity in accordance with the following procedure:

- a. The Tioga County employee shall disclose any information concerning wrongdoing either orally or in a written report to their supervisor or to the County Attorney and/or Personnel Officer. However, reports may be submitted anonymously by mailing or interofficing a written statement to the County Attorney and/or the Personnel Officer.
- b. All Tioga County employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c. The identity of the whistleblower and the substance of their allegations will be kept confidential to the best extent possible. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal right of defense.
- d. The County Attorney and/or Personnel Officer or their designee will investigate and document the claim in a timely and reasonable manner.
- e. Should a Tioga County employee believe in good faith that disclosing information would likely subject them to adverse personnel action or be wholly ineffective, the employee may instead disclose the information to an appropriate law enforcement agency.

## **V. PROTECTIONS**

Tioga County employee disclosures are protected if the employee who first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or client(s) and the employee believes in good faith that reporting to a supervisor would not result in corrective action. This policy is intended to support the reporting of illegal activities and to protect officers and employees from retaliation who, in good faith, have reported a concern of improper governmental action. This policy implements New York State Labor Law §740 and Civil Service Law §75-b.

Any officer or employee of the County who becomes aware of improper governmental action by an officer or employee of Tioga County must report such conduct. No office or employee of Tioga County shall take retaliatory action against an employee because the employee makes a good faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule, or regulation governing officers and employees of Tioga County. Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation.

## **VI. NO RETALIATION OR INTERFERENCE**

No Tioga County employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority.

No Tioga County employee shall interfere with the right of any other Tioga County employee by any improper means aimed at deterring disclosure of potential wrongdoing.

Any attempts at retaliation or interference are strictly prohibited and:

- a. No Tioga County employee who in good faith discloses potential violations of this Public Authority Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation, or adverse personnel action.
- b. Any allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by Tioga County.
- c. Any Tioga County employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of Tioga County's Code of Ethics or other instances of potential wrongdoing is subject to disciplinary action, which may include termination of employment.
- d. Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

## **VII. OTHER LEGAL RIGHTS NOT IMPAIRED**

The Whistleblower Policy and procedures set forth herein are not intended to limit, diminish, or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

Specifically, this Whistleblower Policy and procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York.

## **VIII. TRAININGS**

Supervisors will be trained on this policy and Tioga County's prohibition of retaliation in accordance with this policy.

### **ROLL CALL VOTE**

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Legislator Ciotoli moved for the adoption of the following resolution, seconded by Legislator Monell.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. 372-23      *AMEND EMPLOYEE HANDBOOK:  
SECTION IV. PERSONNEL RULES; SUBSECTION K.  
EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE  
ACTION/ADA POLICY*

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with Title VI recertification and has identified the need to amend Section IV. Personnel Rules; Subsection k. Equal Employment Opportunity/Affirmative Action/ADA Policy with the revision of Sections III, IV and V; and

WHEREAS: The Employee Handbook and Tioga County Title VI Plan requires updating of the Equal Employment Opportunity/Affirmative Action/ADA Policy; and

WHEREAS: The County Attorney has updated and proposed Subsections III., IV. and V. of the Equal Employment Opportunity/Affirmative Action/ADA Policy; therefore be it

RESOLVED: That Section III. Implementation Responsibilities is hereby amended to read as follows:

### **III. Implementation Responsibilities**

**A. Personnel Officer:** The Personnel Officer shall have the ultimate authority and responsibility for ensuring that the objectives of the County EEO/Affirmative Action/ADA policy are met with regard to employment practices, and for enforcing Federal and State equal employment opportunity and anti-discrimination laws within County government. Specific responsibilities include, but are not limited to:

- Effectuating corrective action, to the extent permissible under Federal, State, and County laws, collective bargaining agreements, and as

- otherwise deemed necessary to implement the objectives of this policy and the fact-finding determinations resulting from any investigation.
- Reviewing and approving all goals and objectives of the EEO/Affirmative Action/ADA Policy.
  - Shall serve as the Equal Employment Opportunity/Affirmative Action Officer. Specific responsibilities include, but are not limited to:
    1. Providing administrative oversight for development and implementation of the EEO/Affirmative Action/ADA Policy.
    2. Monitoring personnel procedures and policies that relate to recruitment, classification, compensation, training, resignation, retirement, and other terms, conditions, and benefits of employment.
    3. Ensuring distribution of the EEO/Affirmative Action/ADA Policy to all new hires through the New Employee Orientation process.
    4. Consulting with the County Attorney, as needed, on the overall policy, plan, and program administration.
- B. Commissioners/Department Heads/Appointing Authorities (“Department Heads”):** Department Heads are generally responsible for ensuring that the County's EEO/Affirmative Action/ADA Policy is fully implemented within their departments. Specific responsibilities include, but are not limited to:
- Disseminating the EEO/Affirmative Action/ADA Policy to their employees on an on-going basis.
  - Ensuring the implementation of any actions as determined or requested by the Personnel Officer, with regard to attaining the goals of the EEO/Affirmative Action/ADA Policy within their department, including corrective actions.
- c. County Attorney:** The County Attorney shall be the recipient of all complaints filed under this policy and shall arrange for necessary investigations, in consultation with the County Legislative Chair.
- D. ADA Coordinator(s):** The ADA Coordinator(s) is responsible for investigation of all issues of accessibility to County buildings and shall forward recommendations on issues/problems requiring legislative action through the County Attorney to the Legal, Finance and Safety Committee.

And be it further

RESOLVED: That Section IV. Employment Discrimination Complaint Procedure paragraphs three and four be amended to read as follows:

Any complaint of discrimination from an employee or applicant for employment shall be handled in the same manner as outlined in the Title VI Plan: Title VI Complaint Procedures. The Tioga County Title VI Complaint Form can be found

on the County's website under County Attorney-Compliance Reporting Forms or by using the link below:

<https://www.tiogacountyny.gov/media/t5foh1yh/civil-rights-complaint-form.pdf>.

In addition, complaints may be filed with the New York State Division of Human Rights regional office located at: 44 Hawley Street, Room 603, Binghamton, New York 13901 or emailed to [complaints@dhr.ny.gov](mailto:complaints@dhr.ny.gov).

And be it further

RESOLVED: That Section V. Accessibility Complaint Procedure be amended to read as follows:

Tioga County will make every effort to ensure all facilities meet Federal guidelines for accessibility. Employees are expected to report problems in this regard, whether affecting the public or themselves promptly.

Complaints may be filed with a Supervisor, Department Head, County Attorney or Personnel Officer. The incumbents of all the above listed positions are eligible to receive such complaints and are obliged to document the complaint and forward it to the ADA Coordinator(s) to allow for investigation and coordination of avenues to correct or mitigate identified issues.

And be it further

RESOLVED: That the remainder of the Section IV. Personnel Rules, Subsection k. Equal Employment Opportunity/Affirmative Action/ADA Policy remains unchanged.

ROLL CALL VOTE

Yes – Legislators Monell, Roberts, Sauerbrey, Standinger, Weston, Brown, Ciotoli, and Flesher.

No – None.

Absent – Legislator Mullen.

RESOLUTION ADOPTED.

Meeting was adjourned at 12:51 P.M.