



AGENDA

WAYS AND MEANS COMMITTEE

Location: 74 Ontario Street, 2nd Floor Conference Room 213, Canandaigua, NY 14424

<https://ontariocountyny.webex.com>

Meeting number (access code): 2330 643 0737 Meeting password: WM2023

Call in Number – 1-408-418-9388

June 21, 2023 ~ 2:00 PM

Call to Order

1. Approval of Minutes: Ways and Means meeting held on May 24, 2023
2. Finger Lakes Community College:
 - a. Jason Tack ~ Presentation: FLCC 2023-2024 Operating Budget
 - b. Jason Tack ~ **Resolution:** Fixing Date of Public Hearing on Tentative Budget – Finger Lakes Community College 2023-2024
3. Governmental Operations and Insurance:
 - a. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-C004375-1110000 Technology Innovation and Election Resources (Tier) Grant Program
 - b. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-C004041-1110000 Electronic Poll Books Capital Grant Project
 - c. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-T004600-1110000 Absentee Ballot Pre-Paid Postage Grant Program
 - d. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-C003234-1110000 Help America Vote Act (HAVA) Operations Costs (SHOEBOX) Grant Program
 - e. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-C002558-1110000 Help America Vote Act (HAVA) Voter Education & Poll Worker Training Grant Program
 - f. AJ Magnan ~ **Resolution:** Authorization to Amend Grant BOE01-T002674-1110000 NYS Voting Access for Persons with Disabilities Poll Site Access Improvement Grant Program
4. Capital Projects/Public Works
 - a. Tom Harvey ~ **Resolution:** Authorization to Contract with the FLCC Foundation, Inc. for Funding Local Share of the FLCC Academics Renovation Project
 - b. Tom Harvey ~ **Resolution:** Establish Capital Project No. H096-23 as the FLCC Academics Renovation Capital Project
 - c. Tom Harvey ~ **Resolution:** Capital Project No. H080-21 – Award of Contract for Material Testing Services Related to Construction – FLCC Nursing Expansion Capital Project
 - d. Tom Harvey ~ **Resolution:** Capital Project No. H083-22 – Authorize a Contract Amendment with Ferguson Electric and Budget Transfer for Change Order #1 – 2022 FLCC Maintenance Capital Project
5. Public Safety
 - a. Sheriff Cirencione ~ **Resolution:** Transfer of Funds – 2023 County Budget – Office of Sheriff
 - b. Betsy Landre ~ **Resolution:** Closing Capital Project No. H047-18 – 74 Ontario Street 700 MHZ Project

6. Human Resources
 - a. Sherman Manchester ~ Safety Update
 - b. Michele Smith ~ **Resolution:** Retitle Probation Officer I Position to Probation Officer I/Probation Officer I (Spanish Speaking)
 - c. Michele Smith ~ **Resolution:** Salary Adjustment – Matthew McDonald
 - d. Michele Smith ~ **Resolution:** Salary Adjustment – Andre DeLyser
 - e. Michele Smith ~ **Resolution:** Ontario County Workplace Conduct Standards

7. Ways & Means Standing Committee
 - a. Jenifer Langer ~ **Resolution:** Renewal of Bid for Printing of Specifications & Drawings (R21057)
 - b. Gary Baxter/Holly Adams ~ **Resolution:** Fixing Date and Notice for the Public Hearing on Local Law No. 4 (Intro.) of 2023
 - Local Law No. 4 (Intro.) of 2023 – Ontario County Room Occupancy Tax Law
 - c. Mary Gates ~ Discussion: FLCC Funding Plan
 - d. Mary Gates ~ Finance Update

8. County Administrator
 - a. Chris DeBolt ~ Discussion: Finger Lakes Visitor Connection Funding Update
 - b. Chris DeBolt ~ Discussion: ARPA Community Grant Update: Arts, Culture and Recreation Grants
 - c. Chris DeBolt ~ **Resolution:** Authorization to Contract with MSW Consultants for Landfill Consultant Services
 - d. Chris DeBolt ~ Update

9. Privilege of the Floor

8. Executive Session ~

For discussions regarding proposed, pending or current litigation; collective negotiations pursuant to Article 14 of the Civil Services Law (the Taylor Law); and to confer with counsel

Confirm Next Meeting Date and Time: **Wednesday, July 5, 2023 - 3:00 PM**

Committee Members please let us know ASAP if you won't be able to make this meeting.

Adjournment



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ADDENDUM

1. County Clerk:
 - a. Pam Keefe ~ **Resolution:** Apportionment of Mortgage Tax

2. Human Resources
 - a. Michele Smith ~ **Resolution:** Appointment of Acting Director of Real Property Tax Services – Robin L. Johnson



Minutes

WAYS AND MEANS COMMITTEE

**Location: WebEx Meeting and 74 Ontario St.,
2nd Floor Committee Room, Canandaigua, NY 14424**

May 24, 2023

MEMBERS PRESENT

In Person: Supervisors David Baker, Robert Green, Peter Ingalsbe, Dan Marshall, David Phillips, Richard Russell, and Andrew Wickham.

OTHERS PRESENT

In Person: County Administrator Chris DeBolt, Deputy County Administrator Alissa Bub, County Attorney Holly Adams, Finance Director Mary Gates, Commissioner Bill Wright, Fiscal Manager Nellie Puma, Human Resource Director Michele Smith, Planner Tim Jensen, Safety Coordinator Sherman Manchester, Sr. Assistant County Attorney Ben Gilmour, Purchasing Director Jenifer Langer, Sheriff David Cirencione, Deputy Treasurer Jeff Trickler, and Deputy Clerk to the Board Diane Foster.

Via WebEx: District Attorney Jim Ritts, and Fiscal Manager Kathleen Meyers.

CALL TO ORDER

Supervisor Baker called the committee meeting to order at 3:00 PM.

MINUTES

Motion to approve the minutes of the May 3, 2023 Ways and Means meeting was made by Supervisor Dave Phillips, seconded by Supervisor Dan Marshall, and carried.

CAPITAL PROJECTS/ PUBLIC WORKS

Associate Planner, Tim Jensen, presented a resolution entitled, "Capital Project No. H033-16 – Space Reorganization and Security Enhancement of 3010 County Complex Drive – Contract and Budget Amendment Authorization Consulting Services for Youth Care Facility Hazardous Materials Remediation".

Motion to approve this resolution was made by Supervisor Andrew Wickham. The motion was seconded by Supervisor Dan Marshall. The motion carried.

Mr. Jensen reviewed the budget for the CP H033-16 at Chairman Baker's request. He said there is \$18MM in the budget right now. They anticipated construction costs of approximately \$13MM for a total project cost of \$17,215,000. They got through 30% of the schematic and discovered that the initial estimate did include the reuse of mechanical which is not something they are going to be able to do, so there is a 20% increase in construction costs. They went from \$12.7MM to about \$15.4MM. They have an overall project cost of approximately \$20MM. Mr. Jensen said recommendations have come through that the roof should be replaced. This would be another \$2MM.

Associate Planner, Tim Jensen, presented a resolution entitled, "Capital Project No. H033-16 – Space Reorganization and Security Enhancement of 3010 County Complex Drive – Contract and Budget Amendment Authorization Consulting Services for Preparation of a Project Labor Agreement".

Motion to approve this resolution was made by Supervisor Peter Ingalsbe. The motion was seconded by Supervisor Rich Russell. The motion carried.

Commissioner Wright presented a resolution entitled, “Transfer of Funds – 2023 County Budget – Purchase/Buyout of Leased Vehicle Fleet #E1508 – 2018 Chevrolet Colorado”.

Motion to approve this resolution was made by Supervisor Bob Green. The motion was seconded by Supervisor Dave Phillips. The motion carried.

PUBLIC SAFETY

District Attorney Jim Ritts, presented a resolution entitled, “Authorization for Ontario District Attorney to Accept Funding from the New York State Department of Criminal Justice Services for Discovery Reform Funding”.

Motion to approve this resolution was made by Supervisor Peter Ingalsbe. The motion was seconded by Supervisor Dan Marshall. The motion carried.

Sr. Planner, Betsy Landre, presented a resolution entitled, “Capital Project No. H066-20 – 700 MHz Seneca County Hillside Project – Authorization of Budget Amendment and Amendment to NYS DHSES Grant Agreements” and a resolution entitled, “Capital Project No. H092-22 – Emergency Communications Network Core Upgrade – Authorization of Budget Amendment and Amendment to NYS DHSES Grant Agreements”.

Motion to approve the two resolutions as a block was made by Supervisor Rich Russell. The motion was seconded by Supervisor Dave Phillips. The motion carried.

Sheriff Cirencione presented a resolution entitled, “Acceptance of Bid B23060 for Purchase of Side-Scan Sonar – Ontario County Sheriff’s Office”.

Motion to approve this resolution was made by Supervisor Bob Green. The motion was seconded by Supervisor Andrew Wickham. The motion carried.

Sheriff Cirencione presented a “walk-in” resolution entitled “Transfer of Funds-2023 County Budget-Office of Sheriff”. This resolution is to purchase an X-Ray screening unit for 74 Ontario Street.

Motion to approve this resolution was made by Supervisor Bob Green. The motion was seconded by Supervisor Peter Ingalsbe. The motion carried.

SAFETY REPORT

Safety Coordinator, Sherman Manchester, reviewed the Safety Report. He also noted the fire drills have started. They completed six 2.5-hour general safety refresher classes.

Motion to accept the safety report was made by Supervisor Rich Russel. The motion was seconded by Supervisor Peter Ingalsbe. The motion carried.

HUMAN RESOURCES

Human Resources Director, Michele Smith, presented a resolution entitled, “Adoption of Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, As Amended” and a resolution entitled, “Adoption of Ontario County Lactation Accommodation Policy”.

Motion to approve the two resolutions as a block was made by Supervisor Dave Phillips. The motion was seconded by Supervisor Rich Russell. The motion carried.

**WAYS AND
MEANS**

Purchasing Director, Jenifer Langer, presented a 2024 CIP project for software to manage RFP's, quotes and bidding. Ms. Langer noted they do not have all the quotes in and expect a lower rate.

Motion to support the 2024 CIP project for software to manage RFP's, quotes, and bidding was made by Supervisor Bob Green. The motion was seconded by Supervisor Rich Russell. The motion carried.

Finance Director, Mary Gates, presented a resolution entitled, "Authorizing Contract with TD Bank for Banking Services".

Motion to approve this resolution was made by Supervisor Andrew Wickham. The motion was seconded by Supervisor Dave Phillips. The motion carried.

Finance Director, Mary Gates, presented a resolution entitled, "Fixing Date and Notice for the Public Hearing on Local Law No. 3 (Intro.) of 2023". The Local Law No. 3 (Intro) of 2023 is entitled, "Overriding Tax Levy Limit for 2024".

Motion to approve this resolution was made by Supervisor Peter Ingalsbe. The motion was seconded by Supervisor Dan Marshall. The motion carried.

**COUNTY
ADMINISTRATOR**

County Administrator, Chris DeBolt presented a "walk-in" resolution entitled "Resolution Expressing Concern with the Unplanned Relocation of Asylum Seekers from New York City to Ontario County".

Motion to approve this resolution was made by Supervisor Peter Ingalsbe. The motion was seconded by Supervisor Dave Phillips. The motion carried.

Mr. DeBolt said there will be a press release in regards to the proposed resolution.

**EXECUTIVE
SESSION**

At 3:44 PM, Supervisor Andrew Wickham made the motion, seconded by Supervisor Dave Phillips, to go into executive session regarding discussions of the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation AND of collective negotiations pursuant to Article 14 of the Civil Services Law (the Taylor Law); motion carried.

At 3:49 PM, Supervisor Andrew Wickham made the motion, seconded by Supervisor Bob Green, to leave executive session; motion carried.

ADJOURNMENT

Motion to adjourn made at 3:50 PM by Supervisor Dave Phillips, seconded by Supervisor Peter Ingalsbe, and carried.

**RESPECTFULLY
SUBMITTED**

Diane R. Foster, Deputy Clerk to the Board

**FIXING DATE OF PUBLIC HEARING ON TENTATIVE BUDGET
FINGER LAKES COMMUNITY COLLEGE-2023-2024**

BE IT RESOLVED, That a Public Hearing on the Tentative Budget for the Finger Lakes Community College for the year 2023-2024 will be held on July 13, 2023, at 6:30 p.m at 74 Ontario St. Board of Supervisors Room, Canandaigua, New York 14424.



STATE OF NEW YORK }
County of Ontario }

I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Board of Supervisors at Canandaigua, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Board of Supervisors of Ontario County held at Canandaigua, New York on June 23, 2022.

Given under my hand and official seal June 24, 2022.

Kristin A. Mueller

Kristin A. Mueller, Clerk of the Board of Supervisors of Ontario County, NY

**AUTHORIZATION TO AMEND GRANT BOE01-C004375-1110000 TECHNOLOGY
INNOVATION AND ELECTION RESOURCES (TIER) GRANT PROGRAM**

WHEREAS, The Ontario County Board of Elections has the requirement to upgrade software, technology, equipment, and infrastructure to improve connectivity and security; and

WHEREAS, The State of New York has provided a grant (BOE01-C004375-1110000) to reimburse Ontario County for said costs; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 552-2021; and

WHEREAS, The State of New York has added additional funding and extended the period of grant program through January 28, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said additional NYS funds; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing upgrades to the Board of Elections equipment, software, technology, and election security; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts NYS grant funding for an amount up to \$220,984.67 for the period April 07, 2021 through January 28, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502112 43089	State Aid, Other	Increase \$ 102,008.67
14502112 52051	Equipment Voting Machines	Increase \$ 29,884.05
14502112 54101	Equipment Minor	Increase \$ 72,124.62

and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending January 28, 2024; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS BOE.

AUTHORIZATION TO AMEND GRANT BOE01-C004041-1110000 ELECTRONIC POLL BOOKS CAPITAL GRANT PROJECT

WHEREAS, The Ontario County Board of Elections is required by New York State Election Law to conduct Early Voting utilizing electronic poll books; and

WHEREAS, The State of New York has provided a grant (BOE01-C004041-1110000) to reimburse Ontario County for related to the procurement and deployment of electronic poll books including equipment, software, licenses and associated training and support; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant and establishing project number G19031 with Resolution No.'s 553-2019, 720-2019 and 361-2022; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$29,191.00 the for purchases of electronic poll book equipment; and

WHEREAS, The State of New York has extended the period of the grant program through January 28, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said grant extension; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing upgrades to the Board of Elections electronic poll book equipment, software, licenses and associated training and support; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts NYS grant funding for an amount up to \$105,726.38 for the period April 12, 2019 through January 28, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
AA1450PL 43089	State Aid, Other	Increase \$ 76,535.38
AA1450PL 54101	Equipment Minor	Increase \$ 76,535.38

and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending January 28, 2024; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS BOE.

**AUTHORIZATION TO AMEND GRANT BOE01-T004600-1110000 ABSENTEEE BALLOT
PRE-PAID POSTAGE GRANT PROGRAM**

WHEREAS, The New York State Legislature passed a resolution authorizing all New York counties to prepay postage for absentee ballot returns on April 9, 2022; and

WHEREAS, The Ontario County Board of Elections has the requirement to provide pre-paid return mail postage for absentee ballots as well as incur additional costs associated with the preparation, handling and processing of absentee ballots; and

WHEREAS, The State of New York has provided a grant (BOE01-T004600-1110000) to reimburse Ontario County for said costs listed above; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 552-2021; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$30,725.71 for costs associated with absentee ballot postage and other associated costs; and

WHEREAS, The State of New York has added additional funding and extended the period of grant program through December 31, 2023; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said additional NYS funds; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of providing pre-paid return postage for absentee ballots and other associated costs; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts this grant funding from the NYS Board of Elections, 40 North Pearl Street, Suite 5, Albany, NY 12207 for an amount up to \$62,134.08 for the period April 07, 2021 through December 31, 2023; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502218 43089	State Aid, Other	Increase \$ 31,067.05
14502218 51800	PT Hourly	Increase \$ 10,000.00
14502218 54120	Maint Eqp/Repair	Increase \$ 2,300.00
14502218 54140	Postage	Increase \$ 13,000.00

14502218 54613	Supplies Election	Increase \$ 5,767.05
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and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS Board of Elections.

AUTHORIZATION TO AMEND GRANT BOE01-C003234-1110000 HELP AMERICA VOTE ACT (HAVA) OPERATIONS COSTS (SHOEBOX) GRANT PROJECT

WHEREAS, The Ontario County Board of Elections is required by New York State Election Law to conduct elections in accordance with the Help America Vote Act (HAVA); and

WHEREAS, The State of New York has provided a grant (BOE01-C003234-1110000) to reimburse Ontario County for related expenses related to implement, install, store and maintain voting machines required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 260-2012 and subsequent extensions in 2014, 2016, 2019 and 2021; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$66,775.00 for purchases of voting equipment; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said grant extension; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing equipment, supplies and support services necessary to remain compliant with HAVA; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts this grant funding from the NYS Board of Elections, 40 North Pearl Street, Suite 5, Albany, NY 12207 for an amount up to \$294,649.32 for the period April 1, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
AA1450PL 43089	State Aid, Other	Increase \$ 227,874.32
AA1450PL 52051	Equipment, Voting Machines	Increase \$ 220,000.00
AA1450PL 54120	Maint/Repair Equipment	Increase \$ 7,874.32

and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending March 31, 2024; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS BOE.

**AUTHORIZATION TO AMEND GRANT BOE01-C002558-1110000
HELP AMERICA VOTE ACT (HAVA) VOTER EDUCATION &
POLL WORKER TRAINING GRANT PROGRAM**

WHEREAS, The Ontario County Board of Elections is required by New York State Election Law to conduct elections in accordance with the Help America Vote Act (HAVA); and

WHEREAS, The State of New York has provided a grant (BOE01-C002558-1110000) to reimburse Ontario County for related expenses related to implement, install, store and maintain voting machines required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 354-2007 and subsequent extensions through March 31, 2023; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said grant extension; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting the extension from NYS Board of Elections for the purpose of conducting voter education and poll worker training; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts this grant funding from the NYS Board of Elections, 40 North Pearl Street, Suite 5, Albany, NY 12207 for an amount up to \$62,874.00 for the period April 1, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502308 43089	State Aid, Other	Increase \$ 62,874.00
14502308 54580	Printing	Increase \$ 12,500.00
14502308 54750	Training and Conferences	Increase \$ 15,000.00
14502308 54160	Books/Manuals/Subscriptions	Increase \$ 2,500.00
14502308 54180	Mileage/Day Training	Increase \$ 7,874.00
14502308 51800	PT Hourly	Increase \$ 25,000.00

and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending March 31, 2024; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS BOE.

**AUTHORIZATION TO AMEND CONTRACT BOE01-T002674-1110000
NYS VOTING ACCESS FOR PERSONS WITH DISABILITIES POLL SITE
ACCESS IMPROVEMENT GRANT PROGRAM**

WHEREAS, The Ontario County Board of Elections is required the Help America Vote Act (HAVA) to improve access to polling places for voters with disabilities; and

WHEREAS, The State of New York has provided a grant (BOE01-T002674-1110000) to reimburse Ontario County for related expenses incurred to improve poll site access for voters with disabilities as required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors originally accepted this grant with Resolution 157-2007 and subsequent extensions through March 31, 2023; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$5,358.69 for costs incurred to improve poll site access; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said grant extension; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of improving poll site access for voters with disabilities; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts this grant funding from the NYS Board of Elections, 40 North Pearl Street, Suite 5, Albany, NY 12207 for an amount up to \$26,078.31 for the period April 1, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502307 43089	State Aid, Other	Increase \$ 26,078.31
14502307 54103	Poll Site Expenses	Increase \$ 26,078.31

and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with NYS BOE and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting

entries to effectuate the intent of the resolution; and further

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending March 31, 2024; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS BOE.

**AUTHORIZATION TO CONTRACT WITH
THE FLCC FOUNDATION, INC. FOR FUNDING LOCAL SHARE
OF THE FLCC ACADEMICS RENOVATION PROJECT**

WHEREAS, Resolution No. 712-2022 approved the 2023-2028 Ontario County Capital Improvement Plan (CIP) which included the FLCC Hemlock Hall Project FLCC02-23 to be funded 50% by SUNY and 50% locally through funding from the FLCC Foundation, Inc.; and

WHEREAS, The FLCC Foundation, Inc. has agreed to provide up to One Hundred Thousand Dollars (\$100,000.00) in funding for said Project; and

WHEREAS, State funding for said project refers to it as the “FLCC Academics Renovation Project,” and

WHEREAS, A draft contract between the County and the FLCC Foundation is on file with the Clerk of this Board; and

WHEREAS, The Public Works and Ways and Means Committees recommend approval of said contract with the FLCC Foundation, Inc.; now, therefore, be it

RESOLVED, That the proposed contract between the FLCC Foundation, Inc., and the County of Ontario wherein the FLCC Foundation, Inc. shall provide up to One Hundred Thousand Dollars (\$100,000.00) of funding as the local share of the cost of the FLCC Academics Renovation Project incurred by the County, is hereby approved; and further

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute said contract with the Foundation, subject to the review and approval of such contract by the County Attorney as to form; and further

RESOLVED, That the term of said contract shall commence on June 23, 2023, and terminate on December 31, 2024; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Finance Department, the Executive Director of the FLCC Foundation, Inc., 3325 Marvin Sands Drive, Canandaigua, NY 14424, and the Vice President of Administration and Finance at Finger Lakes Community College.

**ESTABLISH CAPITAL PROJECT NO. H096-23
AS THE FLCC ACADEMICS RENOVATION CAPITAL PROJECT**

WHEREAS, Resolution No. 712-2022 approved the 2023-2028 Ontario County Capital Improvement Plan (CIP); and

WHEREAS, Said CIP contained the FLCC Hemlock Hall Project (FLCC02-23) at \$400,000 in 2023 to be funded 50% by State funding through the State University of New York (SUNY funding) and 50% from a contract with the FLCC Foundation, Inc.; and

WHEREAS, Said Project has been re-evaluated and is expected to cost no more than \$200,000; and

WHEREAS, Said Project is referred to in the NYS 2023-24 New York State Budget as the FLCC Academics Renovation Project and has been assigned SUNY Project C11109; and

WHEREAS, Resolution No. XXX-2023 approved a contract with the FLCC Foundation, Inc. wherein the FLCC Foundation, Inc. shall provide up to One Hundred Thousand Dollars (\$100,000.00) of funding as the local share of the cost of the FLCC Academics Renovation Capital Project incurred by the County; and

WHEREAS, The Public Works and the Ways and Means Committees recommend adoption of this resolution; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby establishes Capital Project No. H096-23 entitled FLCC Academics Renovation Capital Project; and further

RESOLVED, That the budget for Capital Project No. H096-23 be, and hereby is, established as follows:

Line	Description	Amount
Appropriations:		
HHH09623 52100	Furniture & Furnishings	\$15,000.00
HHH09623 54491	General Construction	\$85,000.00
HHH09623 54493	Electric Work	\$10,000.00
HHH09623 54521	HVAC	\$90,000.00
Revenue:		
HHH09623 42397	FLCC Revenue	\$100,000.00
HHH09623 43297	State Aid	\$100,000.00

and further

RESOLVED, That the Public Works Committee is hereby designated to oversee this Capital Project; and further

RESOLVED, That the FLCC Director of Facilities and Grounds shall serve as the Administrative Project Manager for this project; and further

RESOLVED, That the County Planning Department will remain responsible as liaison to FLCC for the implementation of this project, for retaining all relevant capital project files, and for entering all contracts and payment requests into the County's Financial Management System; and further

RESOLVED, That the Department of Finance is directed to make cash advances to this project while awaiting reimbursement from the FLCC Foundation, Inc, and SUNY; and further

RESOLVED, That in the event that the anticipated state aid is denied by SUNY then FLCC shall be responsible for replacing the State funding and will reimburse the County for any advanced funds; and further

RESOLVED, That the Department of Finance is directed to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of Two Hundred Thousand Dollars (\$200,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department and the Vice President of Administration and Finance at Finger Lakes Community College.

**CAPITAL PROJECT NO. H080-21
 AWARD OF CONTRACT FOR MATERIAL TESTING SERVICES
 RELATED TO CONSTRUCTION
 FLCC NURSING EXPANSION CAPITAL PROJECT**

WHEREAS, Resolution No. 582-2021 established Capital Project No. H080-21 as the FLCC Nursing Expansion Phase II Capital Project; and

WHEREAS, Resolution No. 290-2023 awarded bids and authorized contracts for construction of said FLCC Nursing Expansion Phase II; and

WHEREAS, Resolution No. 292-2023 hired LeChase Construction Services LLC (LeChase) to provide construction management services for said project; and

WHEREAS, Material testing services are required during construction to ensure various materials and work are performed in accordance with the bid documents prepared by PLAN and LeChase; and

WHEREAS, LeChase provided an estimate of the quantities and types of material testing services required during construction and obtained quotes from three qualified vendors to provide said material testing services; and

WHEREAS, Copies of the quotes obtained are on file with the Clerk of this Board; and

WHEREAS, The Director of Planning recommends award to the vendor proposing the lowest overall quote, and recommends award of a contract of Twelve Thousand Dollars (\$12,000) as quantities of testing and related material testing services that will need to be provided may vary from the estimate prepared by LeChase as the details of the actual construction schedule develop; and

WHEREAS, The Public Works and Ways & Means Committees recommend adoption of this resolution; now, therefore, be it

RESOLVED, That the budget of Capital Project No. H080-21 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH08021 52100	Furniture & Furnishings	\$200,000.00	\$0.00	\$200,000.00
HHH08021 52300	Equipment, Computer	\$80,000.00	\$0.00	\$80,000.00
HHH08021 54053	Construction Inspections	\$0.00	+ \$15,000.00	\$15,000.00

HHH08021 54260	Consultation & Professional	\$287,260.00	\$0.00	\$287,260.00
HHH08021 54491	General Construction	\$1,237,000.00	\$0.00	\$1,237,000.00
HHH08021 54493	Electric	\$142,952.09	\$0.00	\$142,952.09
HHH08021 54494	Plumbing	\$93,700.00	\$0.00	\$93,700.00
HHH08021 54495	Architectural/ Engineering	\$165,500.00	\$0.00	\$165,500.00
HHH08021 54521	HVAC	\$154,374.00	\$0.00	\$154,374.00
HHH08021 54731	Contingency	\$166,213.91	- \$15,000.00	\$151,213.91
HHH08021 54743	Change Order Contingency	\$82,000.00	\$0.00	\$82,000.00
HHH08021 54865	Administration	\$1,000.00	\$0.00	\$1,000.00
Revenues:				
HHH08021 43297	State Aid	\$2,055,000.00	\$0.00	\$2,055,000.00
HHH08021 45031	A – Interfund Transfer	\$555,000.00	\$0.00	\$555,000.00

and further

RESOLVED, That the quote from Atlantic Testing Laboratories, 3495 Winton Place, Building B-Suite 4A, Rochester, NY 14623, dated April 20, 2023, is hereby accepted; and further

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby authorizes and empowers the County Administrator to execute a contract with Atlantic Testing Laboratories for material testing services, with the total contract price to be Twelve Thousand Dollars (\$12,000.00) with the number and type of material testing services determined by LeChase in the field under the supervision of the Director of Planning with such services to be billed at the rates provided in the vendor’s proposal; and further

RESOLVED, That the term of said contract shall commence on June 22, 2023 and terminate on January 31, 2024; and further

RESOLVED, That the cost of said contract with Atlantic Testing Laboratories be paid from budget line HHH08021 54053 – Construction Inspections of Capital Project No. H080-21; and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project budget of Two Million Six Hundred Ten Thousand Dollars (\$2,610,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department, Atlantic Testing Laboratories., and the Vice President of Administration and Finance at Finger Lakes Community College.

**CAPITAL PROJECT NO. H083-22
 AUTHORIZE A CONTRACT AMENDMENT WITH FERGUSON ELECTRIC AND
 BUDGET TRANSFER FOR CHANGE ORDER #1
 2022 FLCC MAINTENANCE CAPITAL PROJECT**

WHEREAS, Resolution No. 296-2022 created Capital Project No. H083-22 as the 2022 FLCC Maintenance Capital Project in the amount of One Million Dollars (\$1,000,000.00); and

WHEREAS, Resolution No. 342-2022 authorized a contract with Ferguson Electric to replace electrical equipment for the amount of Nine Hundred Sixty-Six Thousand Three Hundred Seventy-Five Dollars (\$966,375.00); and

WHEREAS, Ferguson Electric submitted a change order proposal dated May 25, 2023, to provide three (3) sets of 350 MCM copper cable to feed two chillers located in the mechanical room for a cost of Six Thousand Three Hundred Ninety-Four Dollars and Seventy-One Cents (\$6,394.71), a copy of which is on file with the Clerk of this Board; and

WHEREAS, Sufficient funds exist in the budget of the 2022 FLCC Maintenance Capital Project; and

WHEREAS, The Public Works Committee and the Ways and Means Committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, That the budget of Capital Project No. H083-22 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH08322 54491	General Construction	\$43,188.72	\$0.00	\$43,188.72
HHH08322 54493	Electric Work	\$435,107.75	+\$6,394.71	\$441,502.46
HHH08322 54495	Architectural & Engineering	\$25,000.00	\$0.00	\$25,000.00
HHH08322 54498	Asbestos & Related Testing	\$5,000.00	\$0.00	\$5,000.00
HHH08322 54521	HVAC	\$450,673.53	\$0.00	\$450,673.53
HHH08322 54743	Change Order Contingency	\$36,030.00	-\$6,394.71	\$29,635.29
HHH08322 54865	Administration	\$5,000.00	\$0.00	\$5,000.00
Revenues:				
HHH08322 43297	State Aid	\$500,000.00	\$0.00	\$500,000.00
HHH08322 45031	General Fund – Interfund Revenue	\$500,000.00	\$0.00	\$500,000.00

and further

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts the proposal from Ferguson Electric for three (3) sets of 350 MCM

copper cable at a cost not to exceed Six Thousand Three Hundred Ninety Four Dollars and Seventy One Cents (\$6,394.71) and hereby authorizes and empowers the County Administrator to execute a contract amendment with said firm increasing the total of said contract to Nine Hundred Seventy Two Thousand Seven Hundred Sixty Nine Dollars and Seventy One Cents (\$972,769.71); and further

RESOLVED, That the cost of said contract amendment shall be paid from budget line HHH08322 54493 – Electric Work of Capital Project No. H083-22; and further

RESOLVED, That the Department of Finance is directed to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of One Million Dollars (\$1,000,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department, and the Vice President of Administration and Finance at Finger Lakes Community College.

**TRANSFER OF FUNDS - 2023 COUNTY BUDGET
OFFICE OF SHERIFF**

WHEREAS, Transfers to the Equipment Replacement Reserve Account for the purposes of funding several communications projects inadvertently closed to Fund Balance; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed and approved the following transfer to appropriately fund the Equipment Replacement Reserve; now, therefore, be it

RESOLVED, That the following transfer be made:

	ACCOUNT	REVENUES	EXPENSE
Transfer to Reserve EQ07-17	AA302099 59023		\$767,500.00
Transfer to Reserve EQ03-19	AA302099 59023		\$600,000.00
Transfer to Reserve EQ06-20	AA302099 59023		\$540,000.00
Transfer to Reserve EQ06-21	AA302099 59023		\$715,000.00
Appropriated Fund Balance	AA 30599	\$2,622,500.00	

RESOLVED, That the County's Department of Finance is authorized to make the necessary budgetary and accounting entries to effectuate the intent of this resolution.

**CLOSING OF CAPITAL PROJECT NO. H047-18
74 ONTARIO STREET 700 MHZ PROJECT**

WHEREAS, Resolution No. 250-2018 created Capital Project No. H047-18 (formerly CP No. 2-2018) as the 74 Ontario Street 700 MHz Project to 1) improve coverage and coordination with local and state agencies by further building out the County's communications network, and 2) providing and upgrading necessary emergency communications equipment; and

WHEREAS, Said Project was budgeted and funded to an authorized amount of \$682,338.00 by the New York State Division of Homeland Security and Emergency Services (DSHES) FY 2017 State Interoperable Communications (SIC) Formula Grant (Project SI17-1012-D00, Contract No. WM17198218); and

WHEREAS, All of the designated and approved projects within the 2017 SIC Grant work plan and Capital Project No. H047-18 have been completed; and

WHEREAS, All expenditures attributable to Capital Project No. H047-18 have been made, with a cash balance of \$1,013.52 remaining at this date; and

WHEREAS, All State Aid requested for said Project has been received, and Contract No. WM17198218 has been closed by DHSES; and

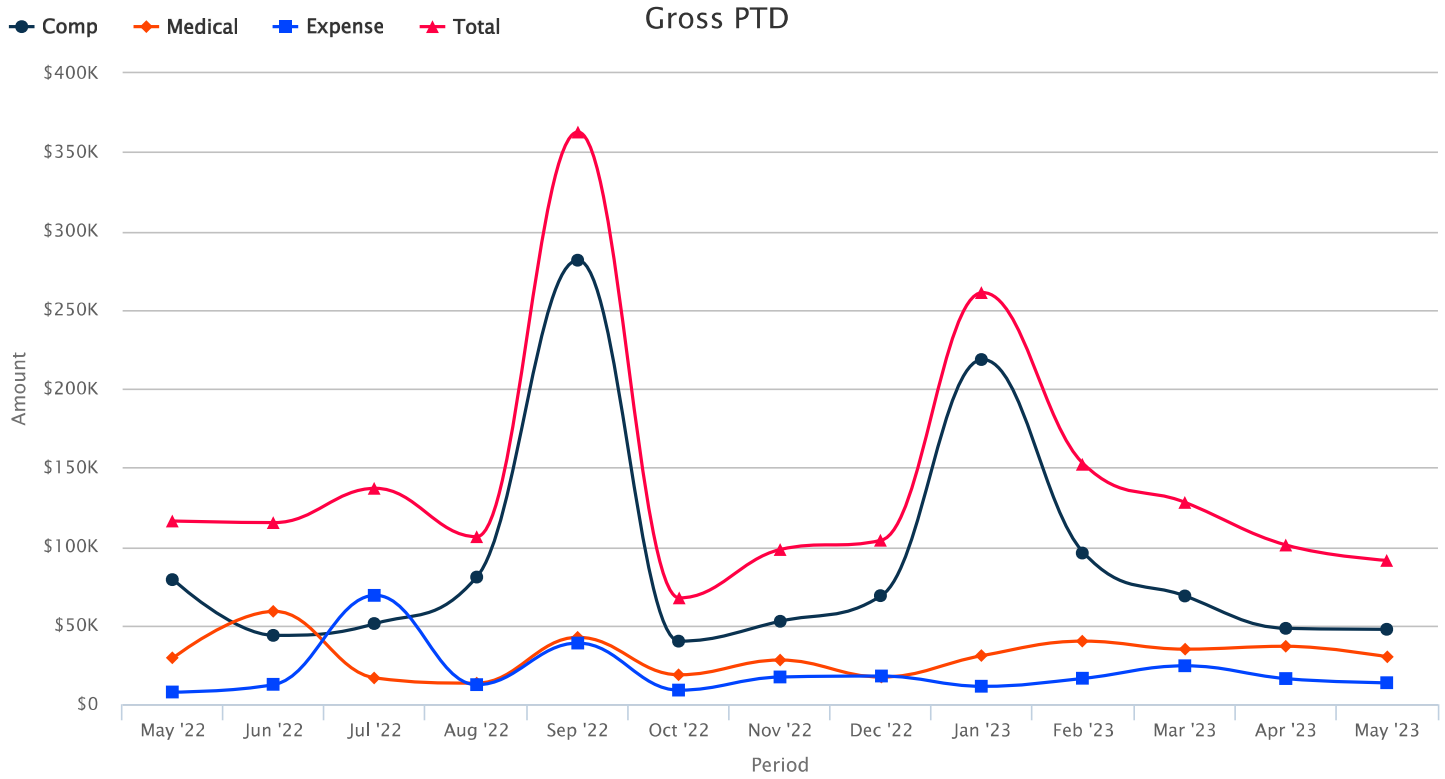
WHEREAS, The Public Safety and Ways and Means Committees have reviewed and recommend adoption of this resolution; now, therefore, be it

RESOLVED, That the cash balance and any additional interest earnings remaining in Capital Project No. H047-18 be transferred by the Department of Finance to the General Fund; and further

RESOLVED, That Capital Project No. H047-18 is hereby closed; and further

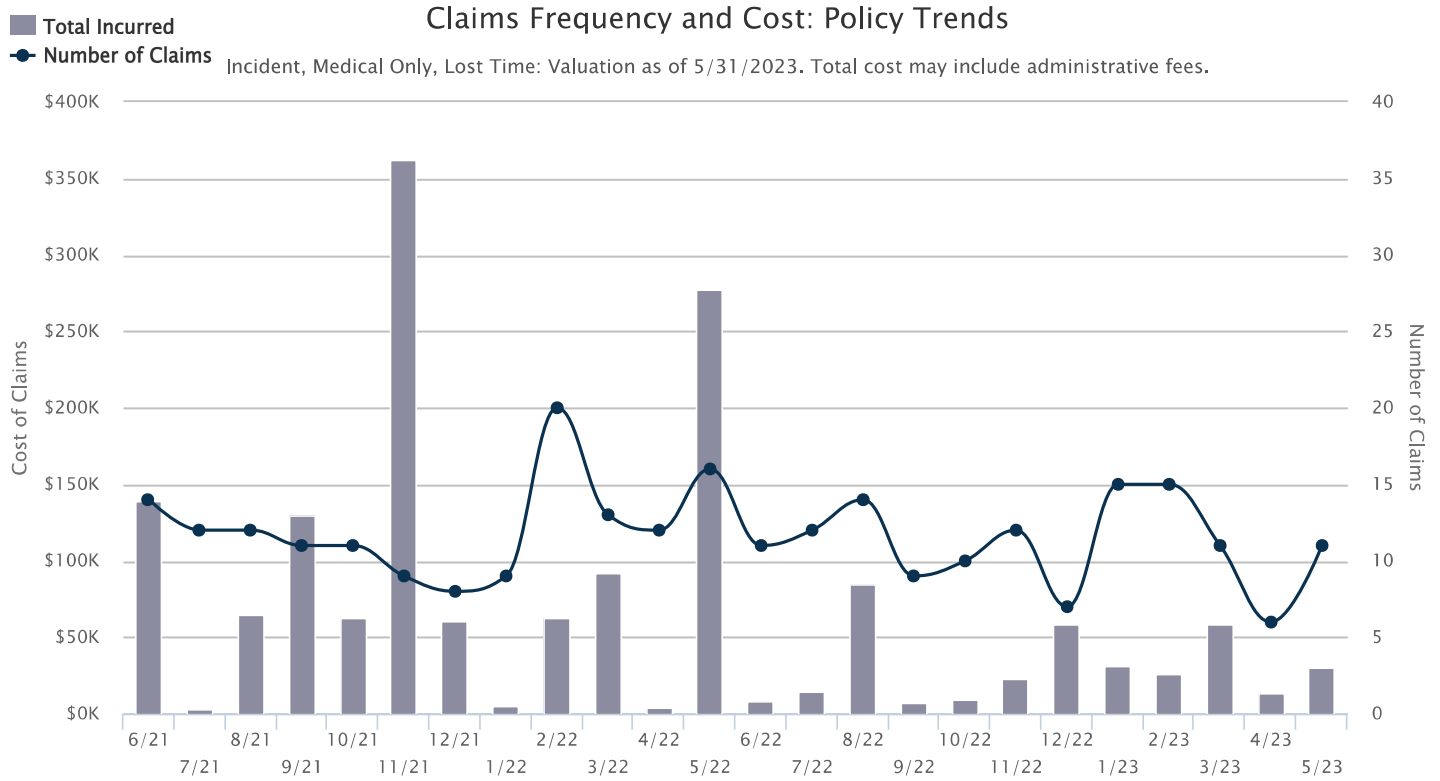
RESOLVED, That the Finance Department is authorized to make the necessary budgetary and accounting entries to effect the intent of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Finance Department.



All figures are Gross Paid To Date - checks cut minus voids. All year figures are calendar years.

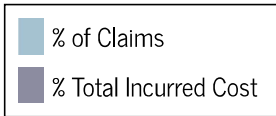
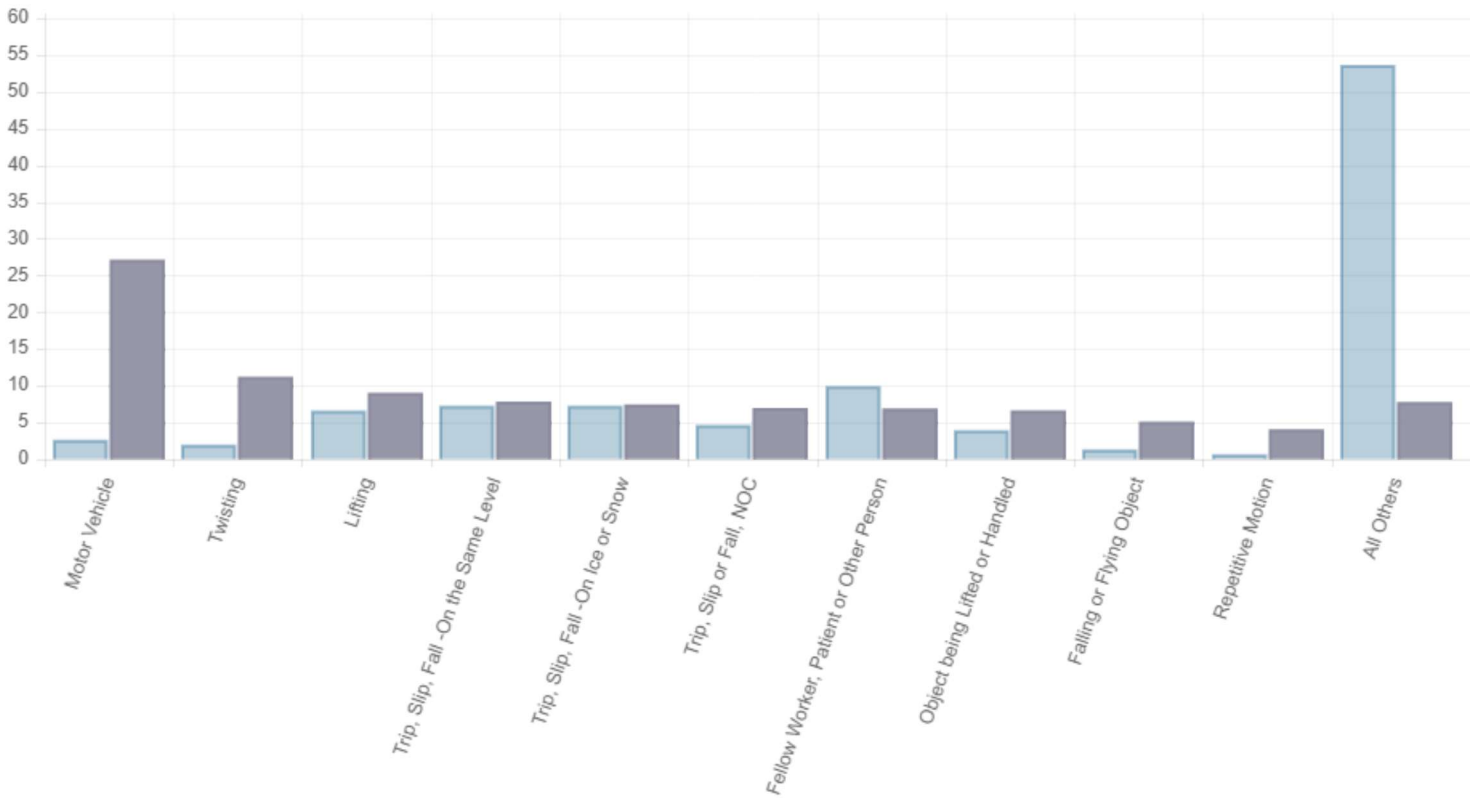
Period	Comp PTD	Medical PTD	Expense PTD	Total PTD
May '22	\$78,891	\$29,435	\$7,715	\$116,041
Jun '22	\$43,629	\$58,855	\$12,613	\$115,097
Jul '22	\$51,216	\$16,617	\$69,009	\$136,843
Aug '22	\$80,531	\$13,330	\$12,404	\$106,266
Sep '22	\$281,424	\$42,473	\$38,698	\$362,596
Oct '22	\$39,980	\$18,643	\$8,875	\$67,499
Nov '22	\$52,612	\$28,113	\$17,284	\$98,010
Dec '22	\$68,803	\$17,288	\$17,901	\$103,992
Jan '23	\$218,526	\$30,911	\$11,447	\$260,885
Feb '23	\$95,744	\$39,922	\$16,483	\$152,150
Mar '23	\$68,593	\$34,944	\$24,460	\$127,998
Apr '23	\$48,052	\$36,664	\$16,216	\$100,932
May '23	\$47,463	\$30,026	\$13,597	\$91,087



Total Cost of Claims by Accident Period		
Accident Period	Claims	Total Cost*
06/2021	14	\$139,447
07/2021	12	\$3,590
08/2021	12	\$64,444
09/2021	11	\$129,687
10/2021	11	\$62,767
11/2021	9	\$362,806
12/2021	8	\$61,192
01/2022	9	\$5,662
02/2022	20	\$62,699
03/2022	13	\$91,793
04/2022	12	\$3,993
05/2022	16	\$277,373
06/2022	11	\$8,411
07/2022	12	\$14,920
08/2022	14	\$84,612
09/2022	9	\$7,410
10/2022	10	\$9,623
11/2022	12	\$23,027
12/2022	7	\$58,553
01/2023	15	\$31,742
02/2023	15	\$26,635
03/2023	11	\$58,316
04/2023	6	\$13,211
05/2023	11	\$30,806

* Total costs for life of claim grouped into original accident period. Valuation as of 5/31/2023. Total cost may include administrative fees.

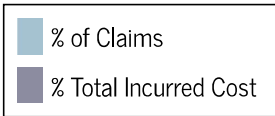
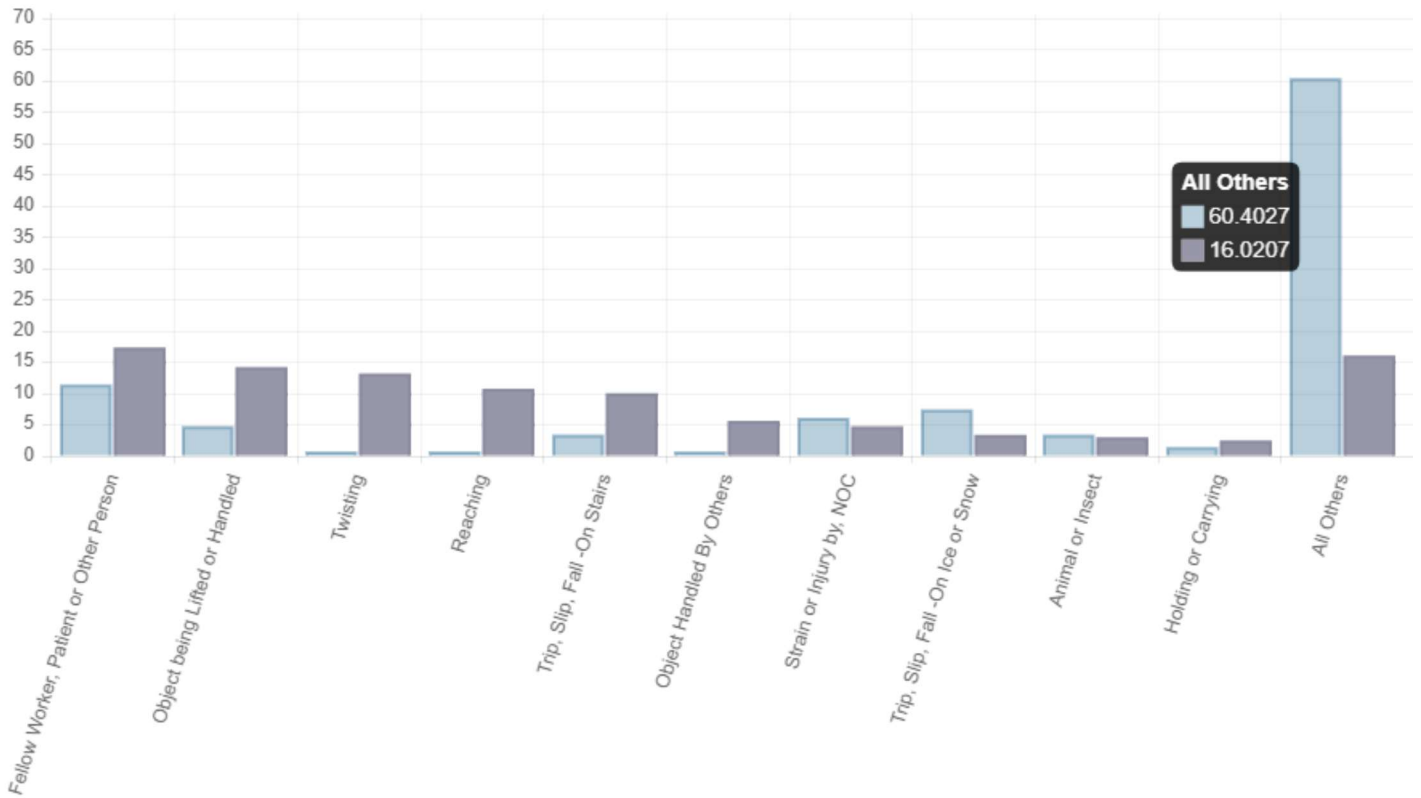
Top Claims by Cause - Frequency vs. Severity
Incident, Medical Only, Lost Time: May 2021 through May 2022



*Total cost of claims originating in specified period. Valuation as of 5/31/2023. Total cost may include administrative fees.

Claims by Cause				
Cause	% of Claims	Claims	% Total Incurred Cost	Incurred*
Motor Vehicle	2.6	4	27.2	\$345,861
Twisting	2.0	3	11.2	\$143,052
Lifting	6.6	10	9.0	\$114,641
Trip, Slip, Fall -On the Same Level	7.3	11	7.8	\$99,563
Trip, Slip, Fall -On Ice or Snow	7.3	11	7.4	\$94,767
Trip, Slip or Fall, NOC	4.6	7	6.9	\$88,331
Fellow Worker, Patient or Other Person	9.9	15	6.9	\$87,581
Object being Lifted or Handled	4.0	6	6.6	\$84,597
Falling or Flying Object	1.3	2	5.1	\$64,831
Repetitive Motion	0.7	1	4.1	\$51,761
All Others	53.6	81	7.8	\$98,823
Totals:	100.00	151	100.00	\$1,273,808

Top Claims by Cause - Frequency vs. Severity
Incident, Medical Only, Lost Time: May 2022 through May 2023



*Total cost of claims originating in specified period. Valuation as of 5/31/2023. Total cost may include administrative fees.

Claims by Cause				
Cause	% of Claims	Claims	% Total Incurred Cost	Incurred*
Fellow Worker, Patient or Other Person	11.4	17	17.3	\$111,353
Object being Lifted or Handled	4.7	7	14.2	\$91,373
Twisting	0.7	1	13.1	\$84,671
Reaching	0.7	1	10.7	\$68,689
Trip, Slip, Fall -On Stairs	3.4	5	10.0	\$64,212
Object Handled By Others	0.7	1	5.5	\$35,720
Strain or Injury by, NOC	6.0	9	4.6	\$29,837
Trip, Slip, Fall -On Ice or Snow	7.4	11	3.3	\$21,342
Animal or Insect	3.4	5	2.9	\$18,554
Holding or Carrying	1.3	2	2.4	\$15,613
All Others	60.4	90	16.0	\$103,276
Totals:	100.00	149	100.00	\$644,640

**RETITLE PROBATION OFFICER I POSITION TO
PROBATION OFFICER I/PROBATION OFFICER I (SPANISH SPEAKING)**

WHEREAS, Mr. Jeff Rougeux, Probation Director, has filed the necessary paperwork with the Director of Human Resources to re-title a vacant Probation Officer I position; and

WHEREAS, Said position has been reclassified as Probation Officer I/Probation Officer I (Spanish Speaking) by Personnel Officer Classification Certification No. 57-2023; and

WHEREAS, The Management Compensation Plan Committee and the Ways and Means Committee recommend the retitle of this position to Probation Officer I/Probation Officer I (Spanish Speaking); now, therefore, be it

RESOLVED, That a vacant position of Probation Officer I be reclassified to Probation Officer I/Probation Officer I (Spanish Speaking), effective upon adoption and is authorized to be filled immediately; and further

RESOLVED, That sufficient funds exist within the Probation Department's budget to cover the cost of this position; and further

RESOLVED, That the Ontario County Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution.

SALARY ADJUSTMENT – MATTHEW MCDONALD

WHEREAS, Ms. Patricia Zimmer, Human Resources Consultant, Finger Lakes Community College (FLCC), has recommended the salary adjustment of Mr. Matthew McDonald, Campus Safety Officer, from Grade 10, Step 1 (\$19.29/hr.) to Grade 10, Step 3 (\$23.55/hr.) based on his years of experience; and

WHEREAS, The Ways and Means Committee has reviewed and approved the salary adjustment for Mr. McDonald, effective upon adoption; and

WHEREAS, Sufficient funding exists within the Finger Lakes Community College budget for this salary adjustment; now, therefore, be it

RESOLVED, That the salary for Mr. Matthew McDonald, Campus Safety Officer, be set at Grade 10, Step 3 (\$23.55/hr.) effective upon adoption; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Human Resources Department at FLCC.

SALARY ADJUSTMENT – ANDREW DELYSER

WHEREAS, Ms. Patricia Zimmer, Human Resources Consultant, Finger Lakes Community College (FLCC), has recommended the salary adjustment of Mr. Andrew DeLyser, Campus Safety Officer, Part-Time (Temporary), from Grade 10, Step 1 (\$19.29/hr.) to Grade 10, Step 3 (\$23.55/hr.) based on his years of experience; and

WHEREAS, The Ways and Means Committee has reviewed and approved the salary adjustment for Mr. DeLyser, effective upon adoption; and

WHEREAS, Sufficient funding exists within the Finger Lakes Community College budget for this salary adjustment; now, therefore, be it

RESOLVED, That the salary for Mr. Andrew DeLyser, Campus Safety Officer, Part-Time (Temporary), be set at Grade 10, Step 3 (\$23.55/hr.) effective upon adoption; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Human Resources Department at FLCC.

ONTARIO COUNTY WORKPLACE CONDUCT STANDARDS

WHEREAS, Ontario County understands that all of its employees are critical to help the County achieve its vision and mission; and

WHEREAS, A culture and work environment that is tolerant and respectful of all employees is essential for employees to work together; and

WHEREAS, Ontario County intends to promote a productive work environment by declaring the minimum expectations for employee workplace conduct in order to attract and retain a diverse and talented work force and foster a respectful work culture among employees; now, therefore, be it

RESOLVED, That this Board does hereby approve the attached “Ontario County Workplace Conduct Standards”, which is also filed with the Clerk of the Board; and, be it further

RESOLVED, That this policy shall be effective on the date of this adoption; and be it further

RESOLVED, That copies of this resolution and attached policy be sent by the Clerk of this Board to all County Department Heads; and further resolved that the Director of Human Resources shall ensure the standards are provided to all employees.

Ontario County Workplace Conduct Standards

Date:

Approved by Resolution:

Objective:

This document is intended to provide a general guide of appropriate behavior that is expected of all Ontario County employees. In all instances employees are held accountable for their own conduct and shall not shift the burden of responsibility to another for their own behavior.

Application:

The policy is applicable to all employees in all departments, although each department may supplement this policy with conduct standards specific to their own department. Failure to comply with this policy may result in discipline up to and including termination.

Professional Conduct:

This policy is not intended to be an all-inclusive guide to professional workplace conduct and may not anticipate all the various situations in which an employee may become involved. Additionally, some professional behaviors are identified separately in already existing county policies, such as the Non-Discrimination and Sexual Harassment Prevention Policy, the Workplace Violence Prevention Policy, and the Drug-Free Workplace Policy. Failure of a behavior to be specifically listed in this policy is not permission for any employee to act in a manner which may negatively reflect on any department or Ontario County.

BE RESPECTFUL

In all interactions employees shall be respectful to co-workers, supervisors/subordinates, clients, customers, visitors, guests, and any other person with whom they interact. This respect shall be shown in the tone, volume, and words used by employees in communicating with others. Employees shall not yell or scream at another person, nor direct any profanity or derogatory language, whether verbal or in writing, towards another employee or person.

BE COURTEOUS

In all interactions, employees shall be courteous to co-workers, supervisors/subordinates, clients, customers, visitors, guests, and any other person with whom they interact. Employees are expected to exercise patience and good judgment in all communications. Employees shall not use derogatory words or name-calling when communicating about, or with, another person. Employees should be mindful that strong scents and music can be distracting at work. A Department Head may ask an employee to reduce or stop the use of cologne, perfume, air diffusers/fresheners, music, or sound machines.

COOPERATION

All employees shall foster a high degree of cooperation within their work unit and shall help complete tasks to the extent they are able. Behavior that undermines a cooperative work environment or is otherwise unproductive is not permissible.

GOSSIP

All employees shall refrain from participating in the receipt or spreading of details of a personal, sensational, or intimate nature about a fellow Ontario County employee. The spreading of gossip

or groundless rumors are prohibited regardless of the manner of dissemination (i.e. verbal or written including email, text messages, instant messages).

SPACE, PROPERTY AND EQUIPMENT

Every Ontario County employee is responsible for the care and use of the Ontario County workspace, property, and equipment assigned to them by each department, as well as equipment/property that is shared among employees. No co-worker should enter the workspace or use or take equipment or property assigned to another employee, or within the employee's workspace without the employee's express permission, unless directed to do so by a supervisor.

COMPLIANCE WITH ORDERS/DIRECTIVES

Every employee is expected to comply with any lawful order or directive of a supervisor or department head whether given verbally or in writing. Failure to do so will be considered insubordination.

REPORTING FOR WORK

Employees are expected to be present at work for the duration of their shift/workday, unless otherwise excused by a supervisor. Department Heads have discretion to approve or deny leave when advance notice is not given. An unexcused or unapproved absence may result in the denial of the use of paid leave for the time taken (time will be taken unpaid if not worked). Employees with repeated unexcused absences or absences that lack proper notice/pre-authorization may be subject to discipline.

WHILE AT WORK

Employees are expected to conduct themselves in a professional manner while at work or representing Ontario County. They are expected to perform their duties and tasks in an effective, timely and efficient way. Loitering, sleeping, conducting personal business, or otherwise shirking work responsibilities, while at work are prohibited.

FALSE REPORTS

No employee shall knowingly make or submit any internal or official document, report, record, or communication, containing any false, inaccurate, or improper information.

PERSONAL APPEARANCE

Employees are expected to be mindful of their own appearance and professionalism. Employees shall be mindful not to appear in such a way that would create any negative public perception. All attire should be neat, clean, and appropriate for each work setting. Clothing that is perceived as provocative or inflammatory by the Department Head will not be tolerated.

CONFIDENTIALITY

Any employee who receives confidential information, including a person's personal protected information, is prohibited from disclosure of such information unless otherwise permitted by law. Such information should not be discussed or disseminated to any other co-worker or County employee unless permission is explicitly given by the person who such information pertains to, or disclosure is necessary for the provision of County services.

RENEWAL OF BID FOR PRINTING OF SPECIFICATIONS & DRAWINGS (R21057)

WHEREAS, The Purchasing Department issued a bid for the printing of drawings for large County projects and advertised for and received sealed proposals for said printing (R21057) which was awarded on resolution 362-2021 which was renewed on resolution 320-2022; and

WHEREAS, This is a demand contract and the County spends less than \$10,000 per year for printing; and

WHEREAS, The Department of Public Works and Planning use this bid and agree that having specifications and drawings for large projects printed using this bid is a less expensive option to being included in the project pricing; and

WHEREAS, The RFP award allows for the option of two (2) one, twelve (12) month renewal and the vendor Rotolite Elliott Corp., PO Box 97, One Grove Street, Pittsford, New York 14534, has agreed to a renewal of twelve (12) months at the current bid pricing structure; and

WHEREAS, This will be the final renewal of the RFP; and

WHEREAS, The Ways and Means Committee has reviewed and recommends the renewal of this bid; now, therefore, be it

RESOLVED, That RFP (R21057) for the printing of specifications and drawings be renewed with Rotolite Elliott Corp., for a period of twelve (12) months starting on July 16, 2023 through July 15, 2024 at the current bid pricing; and

RESOLVED, That certified copies of this resolution be sent to Rotolite Elliott Corp., selliott@rotoliteelliott.com , by the Clerk of this Board.

**Ontario County
Purchasing Department**

20 Ontario Street
Canandaigua New York 14424

Stacy L. Schmitt, Buyer
stacy.schmitt@ontariocountyny.gov

RECEIVED

APR 28 2023

ONTARIO COUNTY
PURCHASING DEPT
Phone 585-396-4442
Fax 585-396-4250

Date: March 28, 2023

To: Rotolite Elliott
One Grove Street
P.O. Box 97
Pittsford, NY 14534

The current contract for **Printing for Various Drawings & Specifications (R21057)** expires on **July 15, 2023**. The contract contains the option for an additional renewal of twelve month if mutually agreeable by both parties.

We need to know if you are willing to renew the existing contract for an additional (12) months, beginning July 16, 2023 and ending July 15, 2024 at the pricing structure agreed upon. If agreeable, this may offer the County the opportunity to continue purchasing all goods and/or services indicated in the above-mentioned contract from your company without the need to re-bid. **This would be the 2nd and final renewal available.**

If this is not acceptable, or to discuss a price adjustment under the terms of the bid, please contact the Purchasing Office at (585)396-4442 prior to returning this letter.

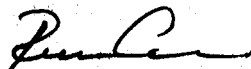
Please check the appropriate line below and return this letter, **completed, signed and notarized** to the above address **no later than April 30, 2023.**

Thank you,
Stacy L. Schmitt
Stacy L. Schmitt

Yes, we agree to renew for an additional twelve months per the above conditions. Please send me all the appropriate paperwork.

Yes, we agree to renew for an additional twelve months with an increase of _____% to the current pricing – **ONLY AFTER a discussion with County Purchasing** about the amount available under the contract. All other terms and conditions remain the same.

No, we are not able to renew this contract at the pricing indicated. We understand that the County may be required to re-bid this contract.


Signature (blue or non-black ink)

RAYMOND M. ELLIOTT
Name Printed

VP
Title

4/26/23
Date

Georgia Bardusch
Notary Public

4/26/23
Date

GEORGIA BARDUSCH
Notary Public, State of New York
No. 01BA6423507
Qualified in Monroe County
Commission Expires October 12, 2025

Ontario County Attorney

MUNICIPAL BUILDING
20 ONTARIO STREET, 3RD FLOOR
CANANDAIGUA, NEW YORK 14424

June 6, 2023

MEMORANDUM

TO: Planning and Environmental Quality and Ways and Means Committees

FROM: Holly A. Adams, County Attorney

RE: **Occupancy Tax – Renewal**

The County's current occupancy tax local law expires on August 31, 2023 and is up for renewal for another three year period, from September 1, 2023 through August 31, 2026. By way of history, you will recall in January 2020 the Board approved a resolution requesting that the State Legislature amend the County's occupancy tax statute in order to remove the tax exemption for 3 rentable units or less and adjust the allocation of revenues. That request was not acted upon by the State Legislature. To date, the request has not been made for this renewal. The proposed resolution and local law now before the Committees simply renews the current provisions of the County's occupancy tax local law for another 3 years.

HISTORICAL NOTES:

The Board first imposed an Occupancy Tax on persons occupying hotel or motel rooms in Ontario County through Local Law No. 4 of 2002. This was authorized by the State through NYS Tax Law 1202-t, which authorized the tax for an indefinite period, while specifying that each local law enactment can be no longer than three years.

Since the initial enactment in 2002, the Board has extended it, unchanged, for additional three year periods by local laws enacted in 2005, 2008, 2011, 2014, 2017 and 2020.

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 4 (INTRO.) OF 2023**

WHEREAS, There has been presented and introduced at a meeting of this Board held on June 22, 2023 a proposed local law entitled "The Ontario County Room Occupancy Tax Law"; now, therefore, be it

RESOLVED, That a public hearing shall be held on July 13, 2023, at 6:30 P.M. at the 74 Ontario Street, Canandaigua, New York; and be it further

RESOLVED, That at least five days' notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the Supervisors' bulletin board at the Ontario County Court House, and by publishing such notice at least once in the official newspapers of the County.

Local Law Filing

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

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

County **City** **Town** **Village**
(Select one:)

of Ontario

Local Law No. 4 (Intro.) **of the year** 20 23

A local law entitled, The Ontario County Room Occupancy Tax Law
(Insert Title)

Be it enacted by the Board of Supervisors **of the**
(Name of Legislative Body)

County **City** **Town** **Village**
(Select one:)

of Ontario **as follows:**

see pages below

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Ontario County Room Occupancy Tax Law

Section

1. Short Title
2. Statement of Intent
3. Definitions
4. Imposition of Tax
5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and Collection
10. Records to be Kept
11. Returns
12. Payment of Tax
13. Determination of Tax
14. Refunds
15. Reserves
16. Disposition of Revenues
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of the Treasurer
20. Administration of Oaths and Compelling Testimony
21. Reference to Tax
22. Penalties and Interest
23. Returns to be Secret
24. Notices and Limitations of Time
25. Separability
26. Limitations of Effect of Local Law
27. Effective Date

Section 1. Short Title

This local law shall be known as the “Ontario County Room Occupancy Tax Law”.

Section 2. Statement of Intent

The intent of this local law shall be to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for the official tourism promotion agency as designated by the County.

Section 3. Definitions

When used in this local law, the following terms shall mean:

- (a) **County.** Ontario County, New York.
- (b) **County Treasurer.** The Ontario County Treasurer, or such other fiscal officer(s) of Ontario County.
- (c) **County Legislature.** The legislature of the County of Ontario.

- (d) **Hotel or Motel.** Any facility providing lodging on an overnight basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.
- (e) **Occupancy.** The use or possession, or the right to the use or possession of any room in a hotel or motel.
- (f) **Occupant.** A person who, for a charge or any consideration uses, 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.
- (g) **Operator.** Any person operating a hotel or motel in Ontario 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.
- (h) **Permanent Resident.** Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.
- (i) **Person.** An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (j) **Rent.** The charge and/or consideration received for occupancy valued in money, whether received in money, or otherwise.
- (k) **Return.** Any return filed or required to be filed as herein provided.
- (l) **Room.** Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for, rented or otherwise let out for the lodging of guests.
- (m) **State.** The State of New York.

Section 4. Imposition of Tax

Effective September 1, 2023, there is hereby imposed and there shall be paid a tax of three percent (3%) of the per diem rental rate upon the rent for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel, or to a facility having three (3) rentable units or less.

Section 5. Transitional Provisions

The tax imposed by this local law shall be paid upon any occupancy on or after September 1, 2023, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on or after September 1, 2023.

Section 6. Exempt Organizations

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

- (a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the State;
- (b) The United States of America, insofar as it is immune from taxation;
- (c) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 7. Territorial Limitations

The tax imposed by this local law shall apply only within the territorial limits of Ontario County.

Section 8. Registration

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

Section 9. Administration and Collection

- (a) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Ontario 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 that 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 six 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 six of this local law.

Section 10. 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 11. Returns

- (a) Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year on or after September 1, 2023. 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 12. 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 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 13. 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 14. Refunds

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

may in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.

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

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of Ontario County and shall be credited to and deposited in the general fund of the County and shall be available thereafter for the promotion of tourism and tourist attractions in Ontario County and that not more than five percent (5%) of such revenue shall be used for the cost of administering such tax. Such promotion may be carried out by an appropriate organization or organizations as designated by the Ontario County Board of Supervisors.

Section 17. Remedies Exclusive

The remedies provided by sections thirteen (13) and fourteen (14) 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 thirteen (13) 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 County Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of

Ontario 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 Ontario 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 County Treasurer.
- (e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents.
- (f) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County 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. Penalties and Interest

- (a) Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this local law shall be subject to a penalty of five percent (5%) of the amount of the tax due. In addition to the aforementioned penalty, 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, shall accrue. The Treasurer, if satisfied the delay was excusable, may remit or waive all or any part of the penalty, but not the interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.
- (b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate

affidavit, representation, information, testimony, or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required pursuant to section thirteen (13) of this local law, failing to file a registration certificate and such data in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax or any evidence of occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by section ten (10) of this local law, shall in addition to the penalties herein or elsewhere prescribed, 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. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalty herein above imposed.

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

Section 23. 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, and if the offender be an officer or employee of the County such officer or employee shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

Section 24. Notices and Limitations of Time

- (a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time which is determined according to the provisions of the local law giving of notice shall commence to run from the date of such notice.
- (b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.
- (c) Where, before the expiration of the period described herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 25. Separability

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

Section 26. Limitation of Effect of Local Law

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

Section 27. Effective Date

This local law shall take effect September 1, 2023.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

**AUTHORIZATION TO CONTRACT WITH MSW CONSULTANTS
FOR LANDFILL CONSULTANT SERVICES**

WHEREAS, The Board of Supervisors is in a contract with Casella Waste Management, LLC. for landfill operations through 2028; and

WHEREAS, The Board of Supervisors desires to thoroughly examine all possible next steps for Ontario County waste management beyond 2028; and

WHEREAS, The Board of Supervisors solicited proposals via RFP (R23052) for a qualified consultant, or team of consultants, to provide insight and guidance through economic impact analysis, an evaluation of economic and environmental impacts of alternatives to current landfill operations, considerations of post-closure details, and the impact of state and federal legislation, to inform the Board of Supervisors in the creation of an economically sustainable and comprehensive waste diversion and management program; and

WHEREAS, Following a thorough review of the three proposals received, it is recommended to award the contract to MSW Consultants, 11875 High Tech Ave, Suite 150, Orlando, FL, 32817, a total project cost not to exceed \$190,000 using the landfill reserve funds; and

WHEREAS, The Planning and Environmental Quality Committee and the Ways and Means committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, The County Administrator is hereby authorized to sign the contract with MSW Consultants upon review and approval of the County Attorney as to form and any other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the term of said contract shall commence on June 23, 2023 and end on March 24, 2024; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the Planning and Environmental Quality; and further

RESOLVED, That the following appropriation of reserve and budget transfer be authorized:

Line Item	Title	Budget Change
AA 30511 BQ800	Appropriated Reserve - Landfill	+ \$190,000
AA 1010 54260	Consultation and Professional	+ \$190,000

RESOLVED, That the Department of Finance is authorized to make all necessary budgetary and accounting entries to affect the intent of this resolution.

APPORTIONMENT OF MORTGAGE TAX

WHEREAS, The amount received by the County Clerk from mortgage taxes for the period October 1, 2022 to March 31, 2023 was \$1,483,174.30 and the County's share to be distributed among the several tax districts in the County amounts to the sum of \$1,481,392.31 including interest earned less County Clerk's expense; now, therefore, be it

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed this resolution and recommends the distribution of these funds to the tax districts below; now, therefore, be it

RESOLVED, That pursuant to Section 261 of the Tax Law, the County Treasurer be, and hereby is, authorized and directed to issue checks for the distribution thereof to the several districts in the County of Ontario entitled thereto, as set forth below:

CITIES, TOWNS, VILLAGES

		Distributed To <u>Villages</u>	Distributed To Cities & <u>Towns</u>
3895	Bristol		\$ 29,414.50
3897	Canadice		\$ 15,294.60
0708	Canandaigua City		\$ 165,411.78
3899	Canandaigua Town		\$ 143,120.92
4081	Bloomfield Village	\$ 3,971.86	
3893	East Bloomfield		\$ 25,474.53
3902	Farmington		\$ 304,662.32
0705	Geneva City		\$ 82,535.72
3904	Geneva Town		\$ 57,289.48
4088	Rushville Village	\$ 351.89	
3906	Gorham		\$ 37,993.35
3908	Hopewell		\$ 30,245.64
4080	Clif Spg T/Man	\$ 5,941.09	
4083	Manchstr T/Man	\$ 5,371.97	
4089	Shortsvil T/Man	\$ 4,645.33	
3910	Manchester Town		\$ 49,256.00
4084	Naples Village	\$ 4,368.18	
3912	Naples Town		\$ 24,340.98
4086	Phelps Village	\$ 4,397.95	
4080	Clif Spg T/Phelps	\$ 1,562.99	
3928	Phelps Town		\$ 45,960.30
3915	Richmond		\$ 21,895.16
3918	Seneca		\$ 28,595.60
3921	South Bristol		\$ 52,745.59
4087	Victor Village	\$ 16,710.81	
3923	Victor Town		\$ 308,671.20
3925	West Bloomfield		\$ 11,162.57
	TOTALS	\$ 47,322.07	\$ 1,434,070.24
	Total Villages/Cities/Towns		\$ 1,481,392.31

**APPOINTMENT OF ACTING DIRECTOR OF REAL PROPERTY TAX SERVICES
ROBIN L. JOHNSON**

WHEREAS, There is a current vacancy in the position of Director of Real Property Tax Services; and

WHEREAS, The Board of Supervisors has convened a Search Committee to evaluate candidates to fill this position; and

WHEREAS, The needs and operations of the department require a Director to be in place while the search is being conducted; and

WHEREAS, Ms. Robin L. Johnson had faithfully served Ontario County for 29 years before her retirement and 18 of those years was as the Director of Real Property Tax Services; and

WHEREAS, Ms. Robin L. Johnson has agreed to serve as Acting Director of Real Property Tax Services, in a limited capacity; and

WHEREAS, The County Administrator and the Director of Human Resources recommends to the Board of Supervisors, the appointment of Ms. Johnson as Acting Director of Real Property Tax Services for half-time hours; now, therefore, be it

RESOLVED, That, Ms. Robin L. Johnson is hereby appointed as Acting Director of Real Property Tax Services, effective immediately; and further

RESOLVED, That Ms. Johnson shall be compensated at a rate of pay of \$47.95 per hour without additional benefits and shall work no more than 20 hours per week; and further

RESOLVED, That the Ontario County Finance Department is authorized to make all necessary budgetary and accounting entries to effect the intent of this resolution.