



GOVERNMENTAL OPERATIONS & IMPROVED METHODS COMMITTEE

AGENDA

Municipal Building

Economic Development Conference Room

Tuesday, November 8, 2016 @ 4:00 p.m.

- **Adopt minutes of the October 18, 2016 meeting**

- **Finance** **Michael Wojcik**
 - **“Ontario County Governmental Operations & Improved Methods Quarterly Fiscal Review for the Quarter Ending September 30, 2016”**

- **County Clerk** **Matthew Hoose**
 - **“Resolution Authorizing Agreement with Identphoto Company for Additional Pistol Permit Identification Card System and Transfer of Funds”**
 - **“Resolution Authorizing Agreement with Identphoto Company for Pistol Permit Identification Card System Upgrade and Transfer of Funds”**
 - **“Resolution Authorizing Purchase of Receipt Printers and Transfer of Funds”-Hand Carry**

- **County Attorney** **Holly Adams**
 - **“Resolution Code of Ethics-Amendment”**

- **County Administrator** **Brian Young**
 - **“Resolution Amendment-Ontario County Whistleblower Non-Retaliation and Non-Intimidation Policy”**
 - **“Resolution Calling on Governor Cuomo and the New York State Legislature to Pass Legislation that Would Promote the Use of Video Conferencing for Court Appearances for Inmates Held at a County Jail”**
 - **“Legislative Issues”**
 - **“Vision and Mission Branding”**

• **Real Property Tax**

Robin Johnson

- **“Resolution 2017 Tax Levy Flint Creek Small Watershed Protection District”**
- **“Resolution Officials Designated To Approve NYSRPTL Correction of Errors”**
- **“Resolution Overages and Shortages for Levy Against Certain Towns in 2017”**
- **“Resolution Authority to Notify Cities of Canandaigua and Geneva of 2017 County Tax Levy”**
- **“Resolution Imposition of Pro Rata Charge and Adjustment of Existing Account Receivable”**
- **“Presentation of 2016 Wholly Exempt Value Review for 2017 Sales Tax Distribution Purposes”**

COMMITTEE INTERESTS

Future Agenda Items

Adjournment

For assistance w/agenda call:

**Cte Chair-Greg Bendzlowicz
Cte Liaison-R. Johnson**

**(315) 521-0820
(585) 396-4382**

**Gregory.Bendzlowicz@co.ontario.ny.us
robin.johnson@co.ontario.ny.us**



GOVERNMENTAL OPERATIONS & IMPROVED METHODS COMMITTEE

DRAFT MINUTES

Tuesday October 18, 2016

Committee Members

*Greg Bendzlowicz, Chair
Tamara Hicks
Margaret Hilton
Dominick Vedora
Mark Venuti
Fred Wille*

Others Present

*Deputy County Administrator Brian Young, Board of Supervisors Clerk
Karen DeMay, County Attorney Gary Curtiss, Director of Finance Mary
Gates, County Clerk Matthew Hoose, Real Property Tax Aide Tammy
Luzzi*

Chairman Bendzlowicz called the meeting to order at 4:00 p.m.

Supervisor Hilton made a motion, seconded by Supervisor Hicks, to adopt the minutes of the September 27, 2016 meeting; motion carried. Supervisor Vedora is absent.

County Clerk Matthew Hoose presented NYSAFE Act update. He discussed unofficial information regarding changes to the NYSAFE Act. The hard deadline for pistol permit recertification is January 31, 2018. New York State residents with pistol permits issued prior to 2013 are required to recertify. According to the State Police interpretation of the law, the responsibility of recertification is met as long as the applications are received by January 31, 2018. As of January 31, 2017 a one year window will open for residents in the state to apply for recertification. Any online or paper application with information that does not match information found in the State Police database will be held up and applicants will need to go the County Clerk's office to correct the information. This is expected to increase the influx of customers to the County Clerk's office. Any active permit holders that do not submit an application for recertification by January 31, 2018, will have their permit deemed revoked. The County Clerk has issued over 12,000 pistol permits of which 3000-4000 are inactive. Recertification will remove the inactive permits. The State is looking to create a larger database and pistol permits similar to the driver license.

County Clerk Hoose discussed the pistol permit system. It is currently outdated and has mechanical issues. A \$12,000 upgrade is needed which will include a second work station to accommodate increased traffic. Receipt printers need to be replaced at a cost of \$3400. The funds for the upgrade and replacement printers would come from the County Clerk reserve account.

Deputy County Administrator Brian Young presented the resolution Reappointment of Michael J Northrup Commissioner of Elections.

Supervisor Venuti made a motion, seconded by Supervisor Hicks, to approve "Reappointment of Michael J Northrup Commissioner of Elections." All in favor, motion carried.

Deputy County Administrator Brian Young presented Humane Society-Waiver of Fees. The Human Society, as a team agency, has asked Real Property Tax Services for a list of addresses for Town of Canandaigua residents for recruitment purposes. It has requested a waiver for the processing fee of \$98.65 to reduce costs. There are currently 100 members and the Humane Society is attempting to increase membership and income.

Supervisor Hilton made a motion, seconded by Supervisor Venuti, to approve Humane Society-Waiver of Fees." All in favor, motion carried.

Board of Supervisors Clerk Karen DeMay discussed 2017 Rules and Order of Business. Clerk DeMay reviewed the proposed resolution changes: Committee and member numbers, quorum, and meeting date. *Supervisor Venuti made a motion, seconded by Supervisor Wille, to approve resolution changes to the 2017 Rules and Order of Business. "All in favor, motion carried.*

Being no further business to come before the committee, *Supervisor Venuti made a motion, seconded by Supervisor Hilton to adjourn, motion carried. Meeting adjourned at 4:27p.m.*

Respectfully Submitted,
Tammy Luzzi
Real Property Tax Services Aide

DRAFT

AUTHORIZING AGREEMENT WITH IDENTIPHOTO COMPANY
FOR ADDITIONAL PISTOL PERMIT IDENTIFICATION CARD SYSTEM
AND TRANSFER OF FUNDS

WHEREAS, The County Clerk has justified the need for an additional pistol permit identification card station; and

WHEREAS, An evaluation conducted by the County Clerk determined that the current vendor providing this equipment, software and support, IDentiphoto Company, with offices at 1810 Joseph Lloyd Parkway, Willoughby, Ohio 44094 is the most cost effective option; and

WHEREAS, Funding to obtain the hardware, software, goods and services for this system is not in the current County Clerk's budget and will require a budget transfer from the County Clerk's Equipment Reserve Fund; and

WHEREAS, The Governmental Operations and Improved Methods and Financial Management Committees have reviewed and recommend the selected system; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney, the Board of Supervisors hereby approves an agreement with IDentiPhoto Company at a cost not to exceed \$5,344.00; and further

RESOLVED, That the County Administrator is authorized to sign the agreement; and further

RESOLVED, That the following transfers be made:

	<i>From</i>	<i>To</i>	<i>Net Difference</i>
County Clerk's Fee Reserve Fund		A0511B7199	- \$5,344.00
Office Equipment		A1410E4120	+ \$5,344.00

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; and further

RESOLVED, That certified copies of this resolution be forwarded by the Clerk of this Board to IDentiphoto, County Clerk and Department of Finance.

AUTHORIZING AGREEMENT WITH IDENTIPHOTO COMPANY
FOR PISTOL PERMIT IDENTIFICATION CARD SYSTEM
UPGRADE AND TRANSFER OF FUNDS

WHEREAS, The County Clerk has justified the need to upgrade the current five year old pistol permit identification card system; and

WHEREAS, An evaluation conducted by the County Clerk determined that continuing with the current vendor providing this equipment, software and support, IDentiphoto Company, with offices at 1810 Joseph Lloyd Parkway, Willoughby, Ohio 44094 is the most cost effective option; and

WHEREAS, Funding to obtain the hardware, software, goods and services for this system is not in the current County Clerk's budget and will require a budget transfer from the County Clerk's Equipment Reserve Fund; and

WHEREAS, The Governmental Operations and Improved Methods and Financial Management Committees have reviewed and recommend the selected system; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney, the Board of Supervisors hereby approves an agreement with IDentiPhoto Company at a cost not to exceed \$4,599.90; and further

RESOLVED, That the County Administrator is authorized to sign the agreement; and further

RESOLVED, That the following transfers be made:

	<i>From</i>	<i>To</i>	<i>Net Difference</i>
County Clerk's Fee Reserve Fund		A0511B7199	- \$4,599.90
Office Equipment		A1410E4120	+ \$4,599.90

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; and further

RESOLVED, That certified copies of this resolution be forwarded by the Clerk of this Board to IDentiphoto, County Clerk and Department of Finance.

CODE OF ETHICS – AMENDMENT

WHEREAS, Resolution No. 205-1970 established a code of ethics for the County of Ontario, its public officers and employees; and

WHEREAS, The Board of Supervisors of the County of Ontario continues to recognize the necessity of the rules of ethical conduct for the attainment of a high degree of moral conduct and the achievement and maintenance of public confidence in local government: and

WHEREAS, Such awareness requires periodic review and discussion of the code of ethics to insure compliance with the laws of the State of New York and of the County of Ontario; and

WHEREAS, Said discussions have indicated individuals are held to differing standards between the laws of the State of New York and of the County of Ontario; and

WHEREAS, There are towns within Ontario County who comply with New York State Law which causes conflict for town officials operating under two standards; and

WHEREAS, The lack of continuity between New York State and Ontario County causes confusion in the interpretation and administration of the code of ethics; and

WHEREAS, As a result of the differing standards there is a need to clarify and amend a portion of the code of ethics with respect to “Section 3 Standards of Conduct” to comply with General Municipal Law Sec. 805-a(1); and

WHEREAS, The Governmental Operations and Improved Methods Committee recommends adoption of this resolution; now therefore, be it

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the amendment of Resolution No. 205-1970 Section 3 (a) to read as follows:

- (a) **Gifts.** No municipal officer or employee shall: 1. directly or indirectly, solicit any gifts in any amount, or accept or receive any gifts having a total value of seventy-five dollars or more per year, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances, in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his official duties or was intended as a reward for any official action on his or her part; 2. Said monetary limits set forth in this section shall be indexed to NYS General Municipal Law Section 805-a(1); and further

RESOLVED, This resolution shall be effective upon adoption; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this board to The Governmental Operations and Improvement Methods Committee, all Department Heads and the Ontario County Board of Ethics.

AMENDMENT - ONTARIO COUNTY WHISTLEBLOWER
NON-RETALIATION AND NON-INTIMIDATION POLICY

WHEREAS, Pursuant to Resolution No. 57-2003, this Board of Supervisors authorized the implementation of a formal regulatory compliance program; and

WHEREAS, Pursuant to State and Federal laws and regulations, the County is required to institute policies encouraging anyone with a reasonable suspicion or knowledge of acts of official misconduct or violation of law (known as "whistleblowers") to report such conduct to designated County officials for investigation and remedial action as warranted; and

WHEREAS, Pursuant to State and Federal laws and regulations, the County is further required to institute policies prohibiting retaliation and intimidation against whistleblowers; and

WHEREAS, Pursuant to Resolution No. 486-2007, this Board of Supervisors adopted policies encouraging whistleblower reports and prohibiting retaliation against whistleblowers ("Whistleblower Protections and Policy"); and

WHEREAS, Pursuant to Resolution No. 355-2011, this Board of Supervisors adopted the Ontario County Whistleblower and Non-Retaliation Policy which amended the Whistleblower Protections and Policy by prohibiting non-retaliation; and

WHEREAS, Both the Governmental Operations and Improved Methods and Health and Medical committees have reviewed and recommend approval of this amendment to the County Whistleblower and Non-Retaliation Policy prohibiting intimidation; now, therefore, be it

RESOLVED, That the Ontario County Whistleblower, Non-Retaliation and Non-Intimidation Policy filed herewith is hereby adopted and shall be effective on the date of this adoption; and further

RESOLVED, That copies of this resolution and the Ontario County Whistleblower, Non-Retaliation and Non-Intimidation Policy shall be provided to all County department heads.

RESOLUTION CALLING ON GOVERNOR CUOMO AND THE NEW YORK STATE
LEGISLATURE TO PASS LEGISLATION THAT WOULD PROMOTE THE USE OF
VIDEO CONFERENCING FOR COURT APPEARANCES FOR INMATES HELD AT A
COUNTY JAIL

WHEREAS, Under current law, video conferencing of inmates for arraignment or other court appearances is permitted in several counties, but is actually not in practice because the law requires the inmate to agree to such an appearance; and

WHEREAS, Many counties have state of the art video conferencing systems which are not used for inmate court appearances, simply because inmates routinely chose to be transported to court rather than make an appearance by video conference; and

WHEREAS, Expanded use of video conferencing for court appearances would save much time and county taxpayer expense by avoiding transporting inmates to court for minor or routine matters, make courtrooms safer, and avoid problems which might happen when inmates are transported by auto or van to a courtroom many miles away from the jail; and

WHEREAS, The Governmental Operations and Improved Methods and Public Safety Committees have reviewed and recommend this resolution for adoption; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors supports legislation to promote the full and expanded use of video conferencing for court appearances for inmates held at a county jail; and further

RESOLVED, That the applicable judge in the presiding court, and not the inmate, should make the determination as to whether video conferencing is appropriate for the particular court appearance to be made; and further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Michael Nozzolio and Senator Rich Funke.

2017 TAX LEVY FLINT CREEK SMALL WATERSHED PROTECTION DISTRICT

WHEREAS, By Resolutions No. 616 of 1977 and No. 693 of 1978, this Board of Supervisors approved the establishment of the Flint Creek Small Watershed Protection District, pursuant to Article 5-D of the County Law; and

WHEREAS, The 2017 budget of the Flint Creek Small Watershed Protection District, approved by the Flint Creek Administrative Board on July 6, 2016, has been filed with the Clerk of this Board of Supervisors for inclusion in the 2017 Ontario County Budget, and a public hearing was duly held thereon; and

WHEREAS, Resolution No. 1-15 of the Flint Creek Administrative Board requested that Ontario County levy and collect assessments on their behalf against cleared and uncleared acreage in the District, pursuant to paragraph 9 of the agreement between Yates and Ontario Counties, which agreement was approved by the Ontario County Board of Supervisors by Resolution No. 693 of 1978, in accordance with County Law 271; and

WHEREAS, The 2017 assessment roll for the Flint Creek Small Watershed Protection District has been filed with the Clerk of this Board; now, therefore, be it

RESOLVED, That the 2017 appropriation of \$5,016.00 be levied and assessed upon the property liable therefore, pursuant to the assessment roll filed with the Clerk of this Board for the fiscal year January 1, 2017, through December 31, 2017; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Department of Finance and the Flint Creek Small Watershed Protection District Administrative Board, % Edward Hansen, Jr., 3995 Old Mill Rd, Stanley, New York 14561.

OFFICIALS DESIGNATED TO APPROVE
NYSRPTL CORRECTION OF ERRORS

WHEREAS, Chapter 515, Laws of 1997, Sections 554 and 556, New York State Real Property Tax law, have been amended to permit a tax levying body to authorize designated officials to approve correcting the tax roll and tax bill, and to authorize the payment of refunds less than \$1,500 (one thousand five hundred dollars) for correction of errors appearing on assessment and tax rolls; and

WHEREAS, Ontario County annually processes some 35-50 correction of errors resolutions causing related administrative effort and legislative action which can be minimized, resulting in time and cost savings; and

WHEREAS, The County Treasurer and the Director of Real Property Tax Services recommend that this amendment be adopted in order to make these corrections and/or refunds to the taxpayer erroneously assessed in a more timely and efficient fashion; now, therefore, be it

RESOLVED, That the County Treasurer and the Deputy County Treasurer are hereby designated pursuant to the provisions of Chapter 515, New York State Real Property Tax Law for the period beginning January 1, 2017; and be it further

RESOLVED, Also pursuant to Chapter 515, that on or before the 15th day of each month, the County Treasurer shall submit a report to the County Board of Supervisors of the corrections and refunds processed by him/her during the preceding month indicating the name of each recipient, the location of the property, and the amount of the correction or refund, and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Department of Finance and NYS-ORPTS/ Albany, NY.

**OVERAGES AND SHORTAGES FOR
LEVY AGAINST CERTAIN TOWNS IN 2017**

WHEREAS, There were overages and shortages of tax amounts billed and collected on the 2016 Tax Rolls due to rounding; now, therefore, be it

RESOLVED, That there is levied and assessed against the following named Towns the amount set opposite the name of said Town as its share of overages and shortages on previous tax rolls to be charged or credited against the various Towns of the County of Ontario on the 2017 Tax Rolls as follows:

	Over (-)	Short (+)	Combined Totals
Bristol	(.46)		(.46)
Canadice		.10	.10
Canandaigua		.29	.29
East Bloomfield	(.48)		(.48)
Farmington		.24	.24
Geneva Town		.36	.36
Gorham		.46	.46
Hopewell	(.06)		(.06)
Manchester	(1.47)		(1.47)
Naples			.00
Phelps	(.39)		(.39)
Richmond	(.26)		(.26)
Seneca	(.19)		(.19)
South Bristol		.31	.31
Victor		.02	.02
West Bloomfield		.38	.38
Town Totals	(3.31)	2.16	(1.15)

and further

RESOLVED, That certified copies of this resolution be sent electronically by the Clerk of this Board to the Department of Finance and each Town Supervisor.

AUTHORITY TO NOTIFY CITIES OF CANANDAIGUA AND GENEVA
OF 2017 COUNTY TAX LEVY

WHEREAS, Section 999 of the NYS Real Property Tax Law requires the City of Geneva be annually notified by December 7th of its apportionment of the ensuing year's fiscal County property tax levy; and

WHEREAS, Adoption later than December 7th would violate the provisions of Section 999 of NYS Real Property Tax Law, as well as cause administrative hardship on the Cities of Canandaigua and Geneva; and

WHEREAS, It is the wish of the Ontario County Board of Supervisors to timely advise both cities in accordance with the Law and without causing undue hardship; now, therefore, be it

RESOLVED, That the Ontario County Agency for Real Property Tax Services provide the appropriate 2017 County property tax levy amounts to both cities, once the 2017 County Budget Levy has been adopted, prior to December 7, 2016; and that same be provided as advisory in nature; and further

RESOLVED, That said advisory levy amounts may be utilized by the two cities until such calendar 2016 date upon which the Ontario County Board of Supervisors shall ratify those amounts through resolution adoption; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Department of Finance and to the Cities of Canandaigua and Geneva.

IMPOSITION OF PRO RATA CHARGE AND ADJUSTMENT OF EXISTING ACCOUNT
RECEIVABLE

WHEREAS, Section 520 of the New York State Real Property Tax law requires that properties receiving partial or full exemptions from real property taxation that have been transferred to a non-exempt entity during the tax year be charged pro rata to repay the benefit for the remaining portion of the fiscal year; and

WHEREAS, such taxes are to be levied on the next ensuing tax cycle and deducted from the aggregate amount of tax to be levied by that taxing jurisdiction, in theory to repay the taxpayers who have carried the burden of shifted taxes; and

WHEREAS, Spelman Development Co., LLC located in the Town of East Bloomfield entered into a PILOT agreement with the Ontario County Industrial Development Agency on May 1, 2004; and

WHEREAS, the PILOT agreement expired on May 31, 2015 and the property was transferred from the Ontario County Industrial Development Agency to James Spelman on 2/29/2016 by deed recorded in Liber 1356, Page 616; and

WHEREAS, the final January 1, 2016 billing for the Ontario County portion of the PILOT agreement of \$3,270.06 remains unpaid; and

WHEREAS, Mr. Spelman was notified in April 2016 of the impending pro rata chargeback to be imposed on the 2017 County and Town tax bill for the period 2/29/2016 through 12/31/2016 in the amount of \$3,176.83; now therefore be it

RESOLVED, That the Governmental Operations and Improved Methods Committee and the Financial Management Committee have reviewed the information and support the recommendation of the Real Property Tax Director, and direct the Director of Finance to reduce the receivable for Customer # 972, bill number 392260 to \$93.23 and bill number 420331 to \$12.50 for the January 2016 County PILOT billing and subsequent interest; and be it further

RESOLVED, that copies of this resolution be forwarded to the Ontario County Industrial Development Agency, the Ontario County Treasurer and the Director of Finance.