



# Ontario County Board of Supervisors

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## ***ORGANIZATIONAL MEETING AGENDA***

***Thursday, January 2, 2020***

***Location: Ontario County Safety Training Facility  
2914 County Road 48, Town of Hopewell, Canandaigua, NY 14424  
at 4:30 P.M.***

4:30 P.M. Meeting Called to Order by Clerk of the Previous Board.

1. Swearing in of the newly elected Supervisor Daryl Marshall by County Clerk Matt Hoose.
2. Roll Call.
3. Nominations for Temporary Chairman by motion, made, seconded, and carried.
4. Temporary Chair presides.
5. Nominations for Permanent Chairman – 2020
6. Election of Permanent Chairman.
7. Permanent Chairman presides.
8. Appointment by Chairman of Vice-Chairman, in accordance with Rule No. 6 of the “Rules and Order of Business” of this Board.
9. Administering Oath of Office to Chairman and Vice-Chairman.
10. Nominations for Clerk by motion, made, seconded, and carried.
11. Nominations for County Attorney by motion made, seconded, and carried.
12. Pledge of Allegiance lead by Chairman of the Board.

### ***PRIVILEGE OF THE FLOOR:***

### ***COMMUNICATIONS:***

13. Resolution No. 523-2019 entitled, “Imploring the State of New York to Immediately Amend or Delay Implementation of Bail and Discovery Reform Laws That Will Endanger the People of New York and Reverse Decades of Bipartisan Progress in Reducing Crime” received from Columbia County.
14. Resolution No. 557-2019 entitled, “Imploring the State of New York to Immediately Amend or Delay Implementation of Bail and Discovery Reform Laws That Will Endanger the People of New York and Reverse Decades of Bipartisan Progress in Reducing Crime” received from Orleans County.
15. Notice of Obligational Authority updating the funding used for the Trade Adjustment Assistance program received from the New York State Department of Labor.
16. Resolution No. 258-2019 entitled, “Support New York State Bill S1406/A1123 Clara’s Law” received from Seneca County
17. Revised Notification of Grant Award and budget pages for the Title III-B, III-C-2, III-D, III-E programs received from the New York State Office for the Aging.

### ***REPORTS OF SPECIAL COMMITTEES:***

### ***RESOLUTIONS (In the absence of Committees, we will go “Round Robin”)***

18. 2020 Rules and Order of Business, Ontario County Board of Supervisors  
*Hicks/Bendzlowicz*
19. 2020 Standing Committees  
*Wickham/Ingalsbe*
20. 2020 Designation of Budget Officer  
*Dan Marshall/Baker*
21. 2020 Designation of Newspapers  
*Gallahan/Vedora*
22. 2019 Payment of Appropriation for Ontario County Soil & Water Conservation District  
*Menikotz/Lightfoote*
23. 2019 Payment of Appropriation of Cooperative Extension Association of Ontario County  
*Campbell/Guard*
24. Creation of Position – Registered Professional Nurse (DBL) – Office of Sheriff  
*Wille/Russell*

### ***UNFINISHED BUSINESS:***

### ***ADJOURNMENT:***

# Ontario County

## Board of Supervisors

Canandaigua, New York 14424

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

**RESOLUTION NO.  
2020 RULES AND ORDER OF BUSINESS  
ONTARIO COUNTY BOARD OF SUPERVISORS**

RESOLVED, That the following be the rules and order of business of this Board:

1. Organization, Date:

The Organization Meeting of the Board of Supervisors shall be held on or before January 8 of each year.

2. Organization Meeting:

The Clerk of the Board of Supervisors shall serve upon each member a notice stating the date, time, and place of such meeting to organize the Board and that a Chair will then be selected. The notice shall be served electronically or by mail addressed to each member at his or her last known post office address at least 48 hours before the date of the meeting. The Clerk shall call the members to order and they, by a majority of the weighted vote, shall select the Temporary Chair who shall preside at such meeting until a Permanent Chair is elected by a majority of the Weighted Vote. Rules of Procedure shall be adopted by a majority of the weighted vote, and, following the Organizational Meeting, shall not be waived, amended, or modified without unanimous consent.

3. Committees, Standing:

The Chair of the Board, for the purpose of aiding and assisting the Board in the transaction of its business, shall appoint the following Standing Committees who shall provide general supervision through the County Administrator for the County Departments, Agencies, and activities set opposite them:

**Governmental Operations and Insurance**

*Legislative Board, Clerk of the Board of Supervisors, County Administrator, County Attorney, County Clerk, Bureau of Motor Vehicles, Real Property Tax Services, Board of Elections, Records and Archives, County Historian, Board of Ethics, Dog Control, Humane Society, Information Technology, Regulatory Compliance, County Insurance Programs, Risk Management, Workers' Compensation.*

**Health and Human Services**

*Mental Health, Public Health, Coroners, Ontario ARC, Department of Social Services, STOP-DWI Program, Traffic Safety Board, Youth Bureau, Workforce Development/Workforce Investment Board, Office for the Aging, Veterans Service Agency.*

## **Planning and Environmental Quality**

*Planning, County Planning Board, Agriculture, Cooperative Extension Liaison, Soil and Water Conservation District, Economic Development, Sustainability & Solid Waste Management, Tourism Promotion, Monitoring & Management of Landfill Lease, Solid Waste Management Plan & Environmental Issues.*

## **Public Safety**

*District Attorney, Sheriff, Correctional Facility, Probation and Community Corrections, Youth Care Facility, Emergency Management Office, Public Defender, Conflict Defender, Assigned Counsel, NYS Office of Court Administration.*

## **Public Works**

*Department of Public Works, Capital Improvement Plan, Parks and Recreation, Engineering, Buildings and Grounds, Highways and Bridges, County Sewer Districts, Fleet Management, Weights and Measures, Courier Services, Finger Lakes Community College Projects.*

## **Ways and Means**

*County Treasurer, Department of Finance, County Budget, Capital Improvement Financing, County Purchasing, Fixed Assets Inventory, Finger Lakes Community College Financing, Department of Human Resources and Labor Relations.*

Four (4) committees shall consist of seven (7) members and two (2) shall consist of six (6) members and designation of which committees will have seven (7) or six (6) members shall be at the discretion of the Board Chair; each Supervisor shall serve on at least 2 standing committees.

A quorum of each of the seven (7) member committees shall consist of four (4) members and that a quorum of each of the six (6) member committees shall consist of three (3) members, and no committee shall act upon any matter unless a quorum is present.

The Chair and Vice Chair of the Board shall be members ex-officio of each of the Committees of the Board.

It shall be the duty of the Standing Committees to consider, advise, and report to the Board on matters relating to the departments, agencies, and activities, and they shall have the power to decide governmental matters relating to the several departments subject to final approval or disapproval by the Board.

A member of any Standing Committee shall serve at the pleasure of the Chair.

The Committees are authorized and encouraged to accept advice and counsel from citizens who are not members of the Board of Supervisors.

Each Standing Committee shall maintain minutes and file same regularly with the Clerk of the Board of Supervisors.

4. Committees, Special:

The Board may from time to time create and abolish special committees. Any resolution creating a special committee shall specify the powers and duties of the committees and the number of its members. The Chair shall appoint the members of all special committees.

5. Order of Business:

At each session the Order of Business shall be:

1. Roll Call and Pledge of Allegiance.
2. Reading of the Minutes
3. Public Hearing(s) if applicable
4. Privilege of the Floor.
5. Presentation of petitions and communications.
6. Report of Special Committees.
7. Report of Standing Committees.
8. Resolutions, motions, and notices.
9. Unfinished business.
10. Special Order of the day.

The Order of Business shall be incorporated in an Agenda for each meeting, said Agenda to be prepared by the Chair, subject to his or her discretion, except as otherwise provided herein.

Upon the members being called to order, the minutes of the preceding session shall be approved without being read, unless the reading thereof is called for by a member of the Board.

6. Meetings; Vice Chair; Meeting Schedule:

Meeting Schedule: A regular session of the Board of Supervisors shall be held every third Thursday of the year commencing with January 23, 2020, except that the first meeting of the year shall be the organizational session, and the last meeting of the year shall occur on the second Thursday following the previous meeting. All meetings except the organizational meeting shall be held in the evening. The Chair shall take the chair at 6:30 P.M. at each evening session, unless otherwise ordered.

Board Vice Chair: The Chair of the Board shall appoint from among the members of the Board a Vice Chair to serve at his or her pleasure who, in the absence or inability to act of the Chair, shall possess all powers and perform all the duties of the Chair of the Board. A vacancy in the Office of Chair of the Board shall be filled in accordance with County Law Section 151.

Special Meetings: A special meeting shall be held at the call of the Clerk of the Board upon direction of the Chair of the Board of Supervisors or upon written request signed by a simple majority of the members of the Board of Supervisors and shall require notice stating the time, place, and purpose of the special meeting to be served electronically, personally, or by mail upon each member by the Clerk of the Board at least 48 hours before the date fixed for holding such meeting, or a member may waive the service of the notice for such meeting in writing.

Agendas: An Agenda of the Order of Business shall be given to each Supervisor two days prior to the regular meetings. All informational meeting materials shall also be given at such time.

Review of Resolutions: All Supervisors shall review correspondence, proposed resolutions, or any other matters presented to them prior to the scheduled Board meeting.

7. Order:

The Chair shall preserve order and decorum and shall decide all questions of order, including but not limited to the interpretation of the Rules and Order of Business, subject to an appeal by the Board.

8. Chairman, Right to Vote:

The Chair shall in all cases have the right to vote.

9. Members, Speaking:

Every member, previous to his or her speaking, shall rise if able from his or her seat and address himself or herself to the Chair.

10. Order, Speaking:

When two or more members shall rise at once, the Chair shall name the member who is to speak first.

11. Order, Speaking:

No member shall speak more than once on any question until every member choosing to speak shall have had the opportunity to speak.

12. Order:

A member called to order shall immediately come to order, and, if standing, be seated, except that he or she be permitted to explain. If an appeal be taken from the decision of the Chair, the Board shall decide the case without debate, and the question shall be stated by the Chair to be, "Shall the decision of the Chair be overruled by the Board?"

13. Permission of the Floor, Chair:

Persons not members of the Board may, with the Chair's permission, be permitted to speak in regard to matters pending before the Board.

14. Voting, Requirement of:

Every Supervisor present when a vote is stated by the Chair shall vote thereon, unless excused by the Chair. When excused by the Chair the reason for abstaining or being excused shall be stated publicly.

15. Motions, Offering and Seconding:

All motions shall be first offered, then seconded, then stated by the Chair before debate, and then debated, except that a member invoking the rule to divide a question (Rule No. 17) shall require no second, no debate, and no vote. All motions requiring a vote shall be decided by a total majority of the weighted vote, except the following motions:

- to put the question which shall require two-thirds of the weighted vote
- a resolution to standardize, which shall require two-thirds of the weighted vote

- a motion to approve any project in the program budget of the capital improvement plan, scheduled to be funded through bonding, which shall require two-thirds of the weighted vote
- except where otherwise required by law.

16. Motions, Withdrawal:

After a motion is stated by the Chair, it shall be before the Board, but may be withdrawn by the person offering the motion and the person seconding the motion at any time before decision or amendment.

17. Motions, Dividing the Question:

If any question in debate contains several distinct propositions, any member may have the same divided for purposes of debate and voting. (See Rule No. 15)

18. Motions, When in Order:

When a question is under debate, no motion shall be received except:

- to amend the question,
- to put the question,
- to adjourn it to a day certain,
- to lay it on the table,
- to commit it to a committee,
- or a motion to adjourn the Board.

19. Motions, When in Order:

A motion to adjourn shall always be in order.

20. Resolutions, Names of Members in Minutes:

The names of the members offering and seconding a resolution shall be entered in the minutes.

21. Votes, When Recorded:

The ayes and noes upon a question shall be taken and entered in the minutes, when required by law or if requested by any member. The Chair of the Committee and then the members of the Committee offering the resolution shall be polled first.

22. Reconsideration, Motion for:

No motion for reconsideration shall be in order unless the motion be made on the same day or on the next session day following that on which the decision proposed to be reconsidered took place. The motion to reconsider must be made by a member who voted with the majority upon the decision to be reconsidered. Where any motion or resolution failed to receive a majority of the weighted voting power of the Board, the motion to reconsider must be made by a member who voted in the negative. A motion to reconsider having been put and lost shall not be renewed nor shall any subject be a second time reconsidered without unanimous consent of the members present and voting.

Notwithstanding the above; any member necessarily absent may, at the next regular session after the adoption or consideration of any motion or resolution, move a reconsideration of the same. Any motion to reconsider shall not be in order at a subsequent regular meeting unless said motion is filed with the Clerk of the Board in accordance with Rule 31, or at a special meeting unless said motion is properly noticed in accordance with Rule 6.

No member, whose attendance at any session has been noted in the record thereof, but who was absent at the time of the adoption or reconsideration of any motion or resolution at such session, shall be deemed to have been "necessarily absent" unless prior to such absence he or she shall have been excused by the Chairman, such excuse to be noted in the minutes.

23. Rules, Waiver of:

No standing rule or order shall be rescinded, suspended, or changed or any additional rule or order be adopted thereto except by unanimous vote of the members present and voting at a regular or adjourned or special session.

24. Layover:

Every resolution and local law as amended, before the Board, shall lay over until the next regular session of the Board if so demanded by any member. No further action may be taken on the resolution or local law or its amendments, but limited debate may continue at the discretion of the Chair. No member shall be required to tell his or her reason for lay-over of the resolution or local law. Any action on a laid-over resolution or local law must take place at the next regular session. A special meeting may be called, pursuant to Rule 6, for purposes of considering a laid-over resolution or local law, prior to the next regular session. If a special meeting is called for that purpose, any action on the laid over resolution must take place at said special meeting. Amendments to such a resolution or local law being considered are not subject to lay-over. No resolution or local law may lay over a second time. When a motion, resolution or local law is presented at the last session of any year, then, and in that event, the Board must take a vote upon such motion, resolution or local law on that day unless such motion, resolution or local law be laid on the table by a weighted majority of the members present and voting.

25. Purchasing Practice:

No Officer of the County, nor any employee thereof, including officers and employees of the Finger Lakes Community College, shall make any purchase or incur any expenses chargeable in whole or part to this County without first obtaining the authorization of the County Purchasing Agent pursuant to Resolution No. 759, adopted on December 30, 1982, as well as amendments pertaining thereto. No claim for any purchase made or any expense incurred in violation of this rule shall be audited.

This rule shall not apply to purchases made or expenses incurred by the County Commissioner of Social Services or other County Officer or employee when such is authorized or directed by general or special statute or order of a court of competent jurisdiction, or by resolution, or local law passed by the Board.

This Rule No. 25 may be rescinded, suspended, or changed in accordance with Rule No. 23 in order that a claim for any purchase made or an expense incurred which violates this Rule may be audited by this Board.



26. Officers, Compensation of Elected:

Any motion or resolution relating to compensation of elected County Officers shall be presented at a regular session of the Board of Supervisors at least eight months prior to the beginning of the term of office of such officers, but if presented at the last regular session in the month of April, it shall be acted upon at such April session; this rule supersedes all provisions to the contrary as set forth in Rule No. 24. Nothing in this rule shall be deemed to deny or curtail the powers given the Board of Supervisors to increase salaries of elected officers during the term of office in accordance with Subdivision h, subparagraph 2 of Section 24 of the Municipal Home Rule Law.

27. Committee, Chair's Power to Refer to:

All petitions, communications, and reports and motions requiring action of a committee shall be referred by the Chair, without motion, to the committee having charge of matters relating to the same.

28. Attendance, Late Arrivals:

Any member attending a session of this Board subsequent to roll call shall address the Chair and request that his or her attendance be noted in the record.

29. Quorum:

A quorum shall consist of enough members present having at least a weighted voting majority. If those present do not have a majority of such voting power, those present shall adjourn forty-five minutes after the time set for the session.

30. Committees, Weighted Vote:

Because committee reports and recommendations are not binding upon the Board, Standing and Special Committees shall not use a weighted vote in the work of the committees, but however, any member of the Board may offer, at any time, a motion or resolution regarding any matter referred to Committee with or without the benefit of the Committee's report or recommendation.

31. Resolutions, Filing Deadline:

No resolution shall be offered unless it first has been filed with the Clerk of the Board by noon of the fourth working day prior to and not including the day of the session at which it is offered. Any resolution which has been filed in accordance with this rule may be offered by any member of the Board at the next scheduled Board meeting. This rule shall not apply to special meetings of the Board under Rule 6, nor to the Organization Meeting of the subsequent year, under Rule 2. All informational materials for resolutions being considered shall also be given at such time.

32. Local Laws, Procedure for Adoption:

A resolution shall introduce a proposed Local Law and authorize the setting of a date for all necessary public hearings and may authorize the Clerk to give notice thereof. Each local law shall be presented by the delivery of a copy thereof to each supervisor, and by notation thereof as a Communication. Each local law shall be adopted as a local law, with a resolution of adoption, and the Clerk is hereby authorized to renumber local laws as necessary to satisfy the requirements of the Municipal Home Rule Law.

# Ontario County

## Board of Supervisors

Canandaigua, New York 14424

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

### RESOLUTION NO.

#### STANDING COMMITTEES

RESOLVED, That the Chairman of the Board be, and he hereby is, directed to appoint Standing Committees of the Board within five days from this date and to have such a list properly printed and a copy thereof delivered to each member of the Board of Supervisors within five days after each appointment, said Standing Committees to be set forth in the Rules and Order of Business adopted by this Board.

PROPOSED

# Ontario County

## Board of Supervisors

Canandaigua, New York 14424

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

### **RESOLUTION NO. DESIGNATION OF BUDGET OFFICER**

WHEREAS, Subdivision 3 of Section 351 of the County Law provides, among other things, that the Board of Supervisors may appoint as Budget Officer the Chairman of the committee of the Board of Supervisors designated to review the tentative budget; now, therefore, be it

RESOLVED, That the Ways and Means Committee of the Board of Supervisors be, and it hereby is, designated the Committee to review the tentative budget; and further

RESOLVED, That the Chairman of the Ways and Means Committee shall be, and hereby is, appointed as Budget Officer.

PROPOSED

**Ontario County**  
**Board of Supervisors**  
**Canandaigua, New York 14424**

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

**RESOLUTION NO.**  
**DESIGNATION OF NEWSPAPERS - 2020**

WHEREAS, The Republican members of the Board of Supervisors have filed a certificate designating the **Finger Lakes Times** to publish Concurrent Resolutions in Ontario County for the ensuing year, and the **Daily Messenger** as one of the papers to publish the Election Notices and Official Canvass; and

WHEREAS, The Democratic members of the Board of Supervisors have filed a certificate designating the **Daily Messenger** to publish the Concurrent Resolutions in Ontario County for the ensuing year, and the **Finger Lakes Times** as one of the papers to publish the Election Notices and Official Canvass; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby approves of such designations and hereby designates the **Daily Messenger** and the **Finger Lakes Times** as the papers to publish the Concurrent Resolutions, Election Notices, and Official Canvass for the ensuing year - all notices to be published at legal rates; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the County Clerk, New York State Department of State – Bureau of State Records, and the Commissioners of Elections.

**Ontario County**  
**Board of Supervisors**

**Canandaigua, New York 14424**

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

**RESOLUTION NO.**  
**PAYMENT OF APPROPRIATION FOR ONTARIO COUNTY**  
**SOIL AND WATER CONSERVATION DISTRICT - 2020**

WHEREAS, The sum of One Hundred Ninety-Six Thousand, Seven Hundred Fifty-Nine Dollars (\$196,759.00) was appropriated in the County Budget for the Ontario County Soil and Water Conservation District for the year 2020 (“Base Appropriation”); and

WHEREAS, An additional sum of Five Thousand One Hundred Eighty-Nine Dollars (\$5,189) was appropriated in the 2020 County Budget for Ontario County Soil and Water Conservation District’s administration of the New York State Environmental Facilities Corporation Septic System Replacement Fund (“Septic Replacement Fund”) for Ontario County (“Septic Appropriation”); now, therefore, be it

RESOLVED, That upon application for said funds by the properly bonded Treasurer of said Ontario County Soil and Water Conservation District, the County Treasurer be, and hereby is, authorized and directed to pay said sum of Two Hundred One Thousand, Nine Hundred Forty-Eight Dollars (\$201,948.00) to said Treasurer of the Ontario County Soil and Water Conservation District; and further

RESOLVED, That the Septic Appropriation shall not be paid if the Septic Replacement Fund is terminated or non-County funding is available for administrative costs; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Ontario County Soil and Water Conservation District.

**Ontario County**  
**Board of Supervisors**  
**Canandaigua, New York 14424**

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

**RESOLUTION NO.**  
**PAYMENT OF APPROPRIATION TO COOPERATIVE EXTENSION**  
**ASSOCIATION OF ONTARIO COUNTY – 2020**

WHEREAS, The sum of Four Hundred Forty-Eight Thousand, Six Hundred and Forty-Five Dollars (\$448,645.00) has been appropriated by this Board of Supervisors for the Cooperative Extension Association of Ontario County for the fiscal year beginning January 1, 2020, and ending December 31, 2020; now, therefore, be it

RESOLVED, That the County Treasurer be, and he hereby is, authorized and directed to pay the sum of Four Hundred Forty-Eight Thousand, Six Hundred and Forty-Five Dollars (\$448,645.00) in two installments of Two Hundred Twenty-Four Thousand, Three Hundred and Twenty-Two Dollars and Fifty Cents (\$224,322.50), payments to be made on January 1, 2020 and July 1, 2020, or as soon thereafter as there may be compliance with the terms of this resolution, to the duly elected and properly bonded Treasurer of the Cooperative Extension Association of Ontario County, the bond to be filed by the aforesaid Treasurer and to be submitted to the County Administrator; and further

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between with the Cooperative Extension Association of Ontario County for the period January 1, 2020 to December 31, 2020; and further

RESOLVED, That the County Administrator be, and he hereby is, authorized and directed to sign the Memorandum of Agreement bearing the date of January 1, 2020, duly approved as to form by the Comptroller of the State of New York, executed by the Cooperative Extension Association of Ontario County, and approved as to substance by the State Leader of County Agents, outlining the above conditions and methods of payment and directing said Association to expend funds for the purposes set forth in said budget and referred to herein, and requiring an annual report at the end of the year containing a true and accurate account of all receipts and expenditures of said County Association for the fiscal year hereinbefore mentioned; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Cornell Cooperative Extension.

**Ontario County**  
**Board of Supervisors**  
**Canandaigua, New York 14424**

Supervisor \_\_\_\_\_ offered the following resolution and moved its adoption:

**RESOLUTION NO.**  
**CREATION OF POSITION – REGISTERED PROFESSIONAL NURSE (DBL)**  
**OFFICE OF SHERIFF**

WHEREAS, Sheriff Kevin Henderson, has filed a New Position Duties Statement with the Director of Human Resources for a position he would like to create temporarily during the absence of a Registered Professional Nurse; and

WHEREAS, Said position has been classified as Registered Professional Nurse (DBL) by Personnel Officer Classification Certification No. 114-2019; and

WHEREAS, The County Administrator and the Ways and Means Committee recommend the creation of this position; now, therefore, be it

RESOLVED, That the position of temporary, full-time Registered Professional Nurse (DBL) (52068/#11) be and hereby is created upon adoption for a period of up to 90 days or when the incumbent returns to work, whichever occurs first; and further

RESOLVED, That sufficient funding exists within the Board of Elections' budget for this position.