

<p>Agenda</p> 	<p style="text-align: center;">TIOGA COUNTY LEGISLATURE</p> <p style="text-align: right;">10/13/2020 12:00 PM EDWARD D. HUBBARD AUDITORIUM Ronald E. Dougherty County Office Building 56 Main Street Owego NY 13827</p>	
<p>Meeting called by:</p>	<p>Chair Martha Sauerbrey</p>	
<p>Type of meeting:</p>	<p>10th Regular</p>	
<p>Attendees:</p>	<p>Legislator Balliet Legislator Hollenbeck Legislator Monell Legislator Mullen Legislator Roberts Legislator Sauerbrey Legislator Standinger Legislator Sullivan Legislator Weston</p>	
	<p style="text-align: center;">Agenda topics</p>	
<p>Invocation Pledge of Allegiance Proclamation (1) Privilege of the Floor Approval of Minutes Petitions, Communications & Notices Appointments/Reappointments Reports Standing Committees</p>	<p>Legislator Hollenbeck Legislator Hollenbeck • Sudden Infant Death Syndrome Awareness Month September 15 and 23, 2020</p>	

RESOLUTIONS:

1. Re-Appoint Stuart Yetter, Jr. to the Tioga County Property Development Corporation Board
2. Re-Appoint Lesley Pelotte to the Tioga County Property Development Corporation Board
3. Re-Appoint David Astorina to the Tioga County Property Development Corporation Board
4. Designation of Tioga County Local Development Corporation D.B.A. Tioga County Tourism, as Authorized Tourism Promotion Agency for 2021
5. Adopt the Spencer Agricultural District (#1) as Modified and Submit Same to the New York State Department of Agriculture and Markets for Approval
6. Adopt Local Law No. 1 of 2020 A Local Law Establishing the Tioga County Mandatory Source Separation Law Commencing January 1, 2021 and Repealing Local Law No. 2 of the Year 1992, Enacted on August 1, 1992, Entitled Tioga County Recycling and Source Separation Law
7. LOCAL LAW TO BE INTRODUCED – A Local Law Providing for the Collection of a Hotel and Motel Tax in Tioga County
8. Schedule Public Hearing Local Law Introductory No. C of 2020 – Collection of a Hotel and Motel Tax in Tioga County
9. Set Public Hearing 2021 Budget
10. Authorize 2021 Contracts with SADD School Associates
11. Authorize Contract with Excellus Blue Cross/Blue Shield to Administer Health Insurance Benefits
12. Authorize Purchase of Specific Excess and Employer's Liability Insurance for Workers' Compensation Program
13. Authorize Contract with Lifetime Benefit Solutions, Inc. to Administer Flexible Spending and Health Reimbursement Account Programs
14. Authorize Contract with Employee Network, Inc. (eni) for Employee Assistance Program
15. Authorize and Sign Voluntary Collection Agreement
16. Authorize the Submission of EMPG20 Grant Application – Office of Emergency Services
17. Accept CTCL COVID-19 Response Grant Award and Amend BOE Budget
18. Transfer of Funds 2020 Budget Modification County Liability

Insurance Fund

19. Abolish One Vacant Full-Time Clinical Social Worker and One Vacant Full-Time Senior Clinical Social Worker (School/Community Based) Positions - Mental Hygiene
20. Amend Resolution # 165-20 to Reflect Adjusted Hire Dates for Two (2) Seasonal Office Specialist I Positions for the HEAP Program – Department of Social Services
21. Appointment of Republican Election Commissioner
22. Amend Tioga County Non-Union Benefits Policy

COUNTY OF TIOGA
EXECUTIVE PROCLAMATION

WHEREAS: Sudden infant death syndrome, or SIDS, is the unexpected death, usually during sleep, of a seemingly healthy baby less than a year old; and

WHEREAS: In the United States approximately 1,360 babies died of SIDS in 2017, making SIDS the leading cause of death among babies one month to one year of age; and

WHEREAS: The Tioga County 2019-2024 Community Health Assessment identified the infant mortality rate as a topic of concern; and

WHEREAS: In 2017, Tioga County's infant mortality rate was 2.3 per 1,000 live births; and

WHEREAS: Raising awareness and educating new parents on SIDS prevention methods, such as safe sleeping conditions, laying infants on their backs, placing infants' cribs in their parents' room, and breastfeeding is of the utmost importance; and

WHEREAS: Tioga County values the lives of infants and the local services that strive to protect them; therefore

The TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby proclaim and designate the month of October 2020 as:

SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH IN TIOGA COUNTY

and urges parents to consult with local resources, such as: their child's pediatrician, Women, Infants, and Children (WIC), Family Planning, Parents and Children Together (PACT), Mothers and Babies Perinatal Network, Tioga County Department of Social Services, or Tioga County Public Health for more information on SIDS and how to prevent it.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 RE-APPOINT STUART YETTER, JR.
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD

WHEREAS: Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, was re-appointed via Resolution 14-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a two year term of 1/1/19 - 12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Stuart Yetter, Jr. is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Stuart Yetter, Jr., as a public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 RE-APPOINT LESLEY PELOTTE
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD

WHEREAS: Lesley Pelotte, as a public officer of a municipality within Tioga County, was appointed via Resolution 197-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) to fill an unexpired term of 7/10/19 -12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member holding the public office and confirmed by the governing board of the municipal representative's municipality; and

WHEREAS: Lesley Pelotte is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints Lesley Pelotte, as an public officer of a municipality within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 RE-APPOINT DAVID ASTORINA
TO THE TIOGA COUNTY PROPERTY
DEVELOPMENT CORPORATION BOARD

WHEREAS: David Astorina, as a member of a County Agency within Tioga County, was appointed via Resolution 59-19 by the Tioga County Legislature as a Board Member to the Tioga County Property Development Corporation (TCPDC) for a term from 1/1/19 - 12/31/20; and

WHEREAS: The TCPDC Bylaws allows for consecutive terms; and this re-appointment is conditioned upon the board member being a member of a public agency; and

WHEREAS: David Astorina is willing and able to continue to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby re-appoints David Astorina, as a member of a County Agency within Tioga County, to the Tioga County Property Development Corporation Board as a Board Member for a two year term of 1/1/21 – 12/31/22.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 DESIGNATION OF TIOGA COUNTY LOCAL
DEVELOPMENT CORPORATION, D.B.A.
TIOGA COUNTY TOURISM, AS AUTHORIZED
TOURISM PROMOTION AGENCY FOR 2021

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

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

WHEREAS: The New York State tourism grants program is designed to encourage tourism promotion throughout the regions of New York State; and

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

RESOLVED: That the Tioga County Tourism Office be and hereby is designated by the Tioga County Legislature as their Tourism Promotion Agency for the 2021 budget year and authorized to make application for and receive grants on behalf of the county pursuant to the New York State Tourism Promotion Act.

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 ADOPT THE SPENCER AGRICULTURAL DISTRICT (#1) AS MODIFIED AND SUBMIT SAME TO THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROVAL

WHEREAS: Pursuant to the New York State Agriculture and Markets Law Article 25AA and upon 300-day notice by the Department of Agriculture and Markets, the Tioga County Legislature has initiated a review of the existing Spencer Agricultural District (#1) to determine if it should be modified or terminated; and

WHEREAS: The Agricultural and Farmland Protection Board has been requested by the Legislature to review the District and make a recommendation for revision or termination; and

WHEREAS: The Tioga County Planning Department has conducted this review and has created a corresponding plan based on public comments, surveys and extensive consultation with area farmers that results in expanding the Spencer Agricultural District to a total of 49,711 acres with 32,663 acres in farms, including 19 added farms; and

WHEREAS: By unanimous resolution the Agriculture and Farmland Protection Board did adopt said proposed plan for modification of the Spencer Agricultural District; and

WHEREAS: A public hearing was held on August 25, 2020 where the District map and findings along with the proposed modifications were presented to the public; and

WHEREAS: The proposed district review report is comprised of the map and findings filed with the Clerk of the County Legislature for the public comment period and copies showing proposed revisions were presented at the public hearing; and

WHEREAS: The County Legislature has indicated its desire to be designated lead agency for SEQR (State Environmental Quality Review) requirements; and

WHEREAS: This plan has been found to have "little likelihood of significant adverse environmental impact..." consistent with the programmatic review of environmental effects of agricultural districting by the New York State Department of Agriculture & Markets; therefore be it

RESOLVED: That based upon Tioga County Planning's review of the above as outlined on the SEQR Short Environmental Assessment Form, the Tioga County Legislature make a SEQR Negative Declaration regarding said modifications to the Spencer Agricultural District; and be it further

RESOLVED: That the Tioga County Legislature does hereby approve said proposed plan to modify the Spencer Agricultural District, and directs the Planning Department to prepare a submission package as required by the NYS Department of Agriculture and Markets describing this proposal, along with the associated SEQR Environmental Assessment Form, and to submit same on behalf of the Legislature to that agency for review as described in Article 25AA; and be it further

RESOLVED: That it is intent of this body, upon approval by the Commissioner of NYS Department of Agriculture & Markets, to make this Spencer District modification effective immediately.

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -20 ADOPT LOCAL LAW NO. 1 OF 2020
A LOCAL LAW ESTABLISHING THE
TIOGA COUNTY MANDATORY
SOURCE SEPARATION LAW COMMENCING
JANUARY 1, 2021 AND REPEALING LOCAL LAW
NO. 2 OF THE YEAR 1992, ENACTED ON
AUGUST 1, 1992, ENTITLED TIOGA COUNTY
RECYCLING AND SOURCE SEPARATION LAW

WHEREAS: A public hearing was held on September 23, 2020, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2020 A Local Law establishing the Tioga County Mandatory Source Separation Law commencing January 1, 2021 and repealing Local Law No. 2 of the Year 1992, enacted on August 1, 1992, entitled Tioga County Recycling and Source Separation Law; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 1 of 2020; therefore be it

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

County of Tioga

Local Law No. 1 of the Year 2020.

A Local Law establishing the Tioga County Mandatory Source Separation Law and repealing Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law.

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

SECTION 1: TITLE

Local Law No. 2 of the Year 1992 entitled Tioga County Recycling and Source Separation Law is hereby REPEALED and REPLACED with the establishment of Local Law No. 1 of the Year 2020 entitled Tioga County Mandatory Source Separation Law.

SECTION 2: PURPOSE

The purpose of this article is to encourage, facilitate, and mandate the source separation of recyclable materials on the part of each and every household, business, and institution within Tioga County. The Tioga County Legislature

acknowledges that control of the collection, transportation, disposal of solid waste and recycling with emphasis on source reduction and reuse in the county is essential to the economy and general welfare of the citizens of Tioga County. The current version is intended to replace Local Law No. 2 of 1992 entitled Tioga County Recycling and Source Separation Law.

SECTION 3: AUTHORITY

This Local Law is hereby enacted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law and Section 120-aa of the General Municipal Law of the State of New York.

SECTION 4: DEFINITIONS

- A. Terms as used or referred to in this article, unless a different meaning clearly appears from the context, are as defined in Title 6 Part 360 of the New York Codes, Rules and Regulations, Solid Waste Management Facilities, as amended.
- B. As used in this article, the following additional terms shall have the meanings indicated:

MATERIALS RECOVERY FACILITY (MRF) – A facility approved by the New York State Department of Environmental Conservation for receiving and processing recyclable materials into marketable commodities.

PUBLIC FACILITY - Any facility allowing public access, including but not limited to parks, recreational facilities, shopping centers, shopping malls, office buildings, restaurants, hospitals, schools and churches.

SOURCE SEPARATION - That recyclables shall be maintained and placed for collection separately from refuse intended for disposal.

SOLID WASTE - All materials discarded as being spent, useless, worthless or in excess to the owners at the time of discard or rejection, including but not limited to garbage or refuse, but shall not include Recyclables, Yard and Garden Waste, human wastes, rendering wastes, major appliances, regulated medical waste, construction and demolition wastes, residue from incinerators or other destructive systems for processing waste, junked automobiles, pathological, toxic, explosive, liquid, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

SUSTAINABILITY MANAGER - The manager of the Solid Waste Department appointed by the Commissioner of Public Works and/or the Tioga County Legislature.

WASTE COLLECTION SERVICES – Any person, company partnership or other entity providing collection or transfer of refuse and/or solid waste to a solid waste management facility.

WASTE HAULER – Any person, company, partnership or other entity engaged in the business of providing Collection Service pursuant to any contract, agreement, or other arrangement with any Waste Generator, where Solid Waste is collected for disposal at a permitted solid waste disposal or transfer facility, or a municipal department or other governmental division responsible for collection of Solid Waste from some or all Waste Generators in Tioga County.

SECTION 5: SOURCE SEPARATION REQUIREMENT

- A. Every Waste Generator shall Source Separate, which means the segregation of County Recyclable Materials from non-recyclable Solid Waste at the point of generation by Waste Generators, and the placement of County Recyclable Materials into Recycling Receptacles for collection and delivery to a Materials Recovery Facility or Recycling Facility.
- B. Materials that must be source separated include paper, corrugated cardboard, glass, metals, plastics, leaves, yard wastes, tires, batteries (wet and dry cell) and household hazardous waste. A detailed published list of materials to be curbside recycled will be on file with the Tioga County Legislature and may be updated from time to time.
- C. For the purpose of this article, the term "recyclable material" shall mean those materials that must be source-separated, as defined in B, with the exception of household hazardous waste.
- D. Each and every waste hauler, public and private, providing waste collection services in the County of Tioga shall be required to provide curbside collection of source-separated recyclables for all units serviced by the hauler.
- E. All public and private haulers are prohibited from commingling source-separated recyclables with solid waste.
- F. Every Waste Generator shall deliver or arrange for the delivery of County Recyclable Materials to a Recycling Facility or make source-separated County Recyclable Materials available for collection by a Waste Hauler/Recyclables Collector and ultimate delivery to a Materials Recovery Facility or Recycling Facility.

SECTION 6: PREPARATION OF RECYCLABLES AND OTHER SOURCE SEPARATED MATERIALS FOR CURBSIDE COLLECTION

- A. Nothing in this article is intended to prevent any waste generator from making arrangements for the reuse, private collection, sale or donation of recyclables; provided, however, that records shall be kept of all such collection of recyclables.

- B. From the time any person places any recyclable materials at or near any curb, sidewalk or street for purposes of collection by a waste hauler, those recyclable materials shall be considered the property of the waste hauler. No other person shall collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials so placed for collection. Each such unauthorized collection, pickup or removal shall constitute a separate violation of this article.
- C. In the event that a hauler has refused to collect certain recyclable materials because they have not been placed or treated in accordance with the provisions of this article, the person responsible for initially placing those materials for collection may and shall remove those materials from any curb, sidewalk or street in accord with the provisions of this article.
- D. Placement of Recyclables
 - 1. Recyclable materials shall be placed separately from any non-recyclable solid waste placed for collection. Recyclable materials should be prepared in conformance with County practices and standards established pursuant to this section.
 - 2. No person shall place any recyclable materials at or near any curb, sidewalk or street for purposes of collection unless the materials are prepared in conformance with County practices and standards established pursuant to this section.
 - 3. The Tioga County Sustainability Manager is hereby authorized and directed to designate, by written statement, from time to time, the practices and standards for preparation of recyclables for collection. Such written designation shall be filed with the Clerk of the County Legislature and shall become effective 90 days after filing. The Tioga County Sustainability Manager may solicit information and input from solid waste collectors, solid waste management facility operator, and other concerned parties prior to designating revised rules for preparation of materials.
- E. Waste haulers shall not be responsible for collection of waste materials, which have not been placed or prepared in accord with this article. In the event of non-collection of waste or recyclable materials, the hauler shall provide written notification of reason for non-collection.
- F. The responsible generator shall immediately remove and properly prepare and dispose of all materials refused for collection, taking all measures necessary to properly and legally restore all disturbed land and surface to the condition existing prior to deposition or reimburse the County or other municipal entity for the same.

Multifamily buildings and complexes.

- A. Apartment complexes, condominium complexes, cooperative apartments, hotels, motels and bungalow or resort colonies shall be required to establish a private drop off program for the source separation of recyclable materials for collection and transportation to a recycling facility where curbside collection is not practiced or desired.
- B. The owner and/or manager of every multifamily apartment building or condominium within the County shall provide and maintain, in a neat and sanitary condition, recycling drop off(s) to receive all recyclable materials generated by residents of the building or complex. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling drop off(s). It shall be the tenant's responsibility to separate designated recyclable materials from the solid waste and deposit the recyclables in the drop off(s) in the manner prescribed by facility management.
- C. The owner or manager of every multifamily building or complex shall arrange for the collection and/or transportation of all recyclable materials to a material recovery facility or secondary materials market.

Residential/commercial (institutional) and industrial waste and recyclables.

- A. All residential solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- B. All commercial/industrial/institutional solid waste collected by either municipal or private haulers shall be source-separated and delivered to an appropriate facility for disposition, as may be designated by the County.
- C. All recyclable commercial/industrial/institutional by-products shall be source-separated and delivered to an appropriate facility for the express purpose of processing for sale to a secondary materials market. Nothing in this section shall prevent waste generators from marketing these materials directly to an end-use market, secondary materials market or secondary materials broker.

SECTION 7: PENALTIES**Penalties for Waste Generators.**

- A. Failure to comply with this article by any person shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. The waste hauler shall maintain the right to refuse collection of solid waste and/or recyclables due to a lack of source separation or proper preparation on the part of the waste generator. In such a case, the hauler shall affix a notice to the waste material, which clearly states the reason for non-collection.

- D. Individuals convicted of a first offense under this article shall be subject to a fine of not less than \$25 and not more than \$50. Conviction of a second offense within one year of the first offense shall be punishable by a fine of not less than \$50 and not more than \$100. Conviction of subsequent offense(s) within one year of the first offense shall be punishable by a fine of at least \$100 and not more than \$200. In addition to the penalties listed above, anyone convicted of an offense under the provisions of this article shall be subject to a civil penalty to recover cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup cost, if applicable.
- E. Any company, partnership, corporation, municipality or entity other than an individual person convicted of a first offense as provided for by this article shall be subject to a fine of not less than \$200 and not more than \$1,000. Conviction of subsequent offenses shall be punishable by a fine of not less than \$1,000 and not more than \$2,000. Any such entity convicted of an offense under the provisions of this article shall also be subject to a civil penalty to recover the cost of enforcement and prosecution, including but not limited to attorneys' fees, court costs and site cleanup costs, if applicable. In addition, the County Attorney may also maintain an action or proceeding in the name of Tioga County in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation.

Penalties for Waste Haulers.

- A. Failure of any hauler to comply with this article shall be an offense punishable as provided.
- B. Each day of violation of this article shall constitute a separate offense.
- C. Violation of any section of this article shall be punishable by a fine not in excess of \$1,000. In addition, the violation of any section of this article shall be subject to a civil penalty imposed by the County to recover cost associated with enforcement and prosecution, including but not limited to reasonable attorneys' fees, court costs and site cleanup costs, if applicable. And, in addition, Tioga County may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article.

SECTION 8: SOLID WASTE DISPOSAL ON PUBLIC FACILITIES AND PROPERTY

- A. All public facilities within Tioga County shall provide public refuse receptacles for solid waste disposal by facility users and employees. These receptacles shall only be utilized for solid waste generated onsite.
- B. There shall be provided separate public receptacles for recyclables. Such containers shall be clearly marked RECYCLE, and a list of recyclable items shall accompany said public refuse receptacle. There shall be an adequate number of clearly marked and accessible public receptacles for recyclable

materials in order to facilitate recycling. These receptacles shall only be utilized for recyclables generated onsite.

- C. All recyclable materials shall be placed in separate public recycling receptacles. The responsibility to separate recyclables from non-recyclables shall be placed on the facility user.
 - 1. Parks may, in lieu of providing separate public receptacles for recyclables, require that park patrons take their recyclable materials with them upon leaving the park. The municipalities shall post signs at all park entrances advising the public of the rule. Park patrons shall be responsible for removing recyclables from the park and disposing of them in accordance with this article
 - 2. Notwithstanding the provisions of the subsection, concession stands within the park providing food or other items packaged in recyclable containers shall provide both refuse and recyclable containers to conform to this section.
- D. It shall be a violation of this article for any person to place or to cause to be placed any material other than a recyclable in or near a public receptacle designated for recyclable materials.
- E. It shall also be a violation of this article for any person to place or to cause to be placed any recyclable material in or near a public refuse receptacle designated for non-recyclable materials.
- F. Any person, including employees of public facilities, convicted of a violation of this section shall be subject to a fine of up to \$50 or community service.
- G. The proprietor of any public facility convicted of a violation of this section shall be subject to a fine of up to \$200 or community service. Each day of violation shall constitute a separate offense.

SECTION 9: ENFORCEMENT

All provisions of this article shall be enforced by a municipal code enforcement official or other appropriate enforcement agencies.

SECTION 10: REPORTING TO TIOGA COUNTY SUSTAINABILITY MANAGER

- A. All waste haulers, and any other person or entity that collects, transports and/or markets recyclables, must maintain monthly records of all recyclable material. These records must include the following:
 - 1. The total tonnage, by material, of recyclable material collected.
 - a) The total tonnage, by material, of recyclable material delivered to each and every materials recovery facility, secondary materials market, secondary materials broker or end-use market.
 - b) Weight slips from the broker or end-use market will fulfill this requirement.
- B. Reports containing the information required in this section shall be compiled and delivered to the Sustainability Manager on an annual basis. Reports shall

be filed with the Sustainability Manager no later than January 31 of the subsequent year of filing.

- C. Each waste hauler shall retain for no less than five years the records and documents required pursuant to this article and shall make such documents available upon the request of the Sustainability Manager or law enforcement officers.

SECTION 11: PRIORITY

Pursuant to Section 1 of Chapter 675 of the Laws of 1982 of the State, this article takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the County.

SECTION 12: EFFECTIVE DATE

This Local law shall take effect January 1, 2021.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

TO BE INTRODUCED

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

County of Tioga

Local Law No. X of the Year 2020.

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

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

SECTION 1: TITLE

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

SECTION 2: PURPOSE

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

SECTION 3: DEFINITIONS

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

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

OCCUPANT - A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.

OPERATOR - Any person operating a hotel or motel in Tioga County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.

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

PERSON - An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

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

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

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

TREASURER – Tioga County Treasurer

SECTION 4: TAX

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

SECTION 5: EXEMPTION

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

(A) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the dominion of Canada), improvement district or other political subdivision of the State.

(B) The United States of America, insofar as it is immune from taxation;

(C) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

SECTION 6: REGISTRATION

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

SECTION 7: ADMINISTRATION AND COLLECTION

(A) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Tioga County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.

(B) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.

(C) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law, shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

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

(E) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.

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

SECTION 8: RECORDS TO BE KEPT

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

SECTION 9: RETURNS

(A) The filing of returns and the payment of the tax shall be paid to the Treasurer on a quarterly basis. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.

(B) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.

(C) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

SECTION 10: PAYMENT OF TAX

(A) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.

(B) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.

(C) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.

(D) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.

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

SECTION 11: DETERMINATION OF TAX

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion

shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

(A) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

(B) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

SECTION 12: JUDICIAL REVIEW

(A) Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within thirty days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless:

1. The amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for, shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

2. At the option of the petitioner such undertaking may be in a sum sufficient to cover the taxes, interests and penalties stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

(B) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, that such proceeding is instituted within thirty days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

SECTION 13: PENALTY AND INTEREST

There shall be a penalty for failure to file said return and pay over the tax to the Treasurer on the date due in the amount of ten (10%) percent of the amount of the tax due plus interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due.

SECTION 14: LIMITATION OF TIME

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

SECTION 15: RESERVES

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

SECTION 16: APPLICATION OF FUNDS

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of Tioga County and shall be credited to and deposited in

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

SECTION 17: REMEDIES EXCLUSIVE

The remedies provided by sections eleven (11) and twelve (12) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section twelve (12) of this local law.

SECTION 18: PROCEEDINGS TO RECOVER TAX

(A) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Tioga County in any court of the State of New York or of any other state or of the United States.

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

(C) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Tioga County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties

and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

(D) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

(E) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the

purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the County from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

SECTION 19: GENERAL POWERS OF THE TREASURER

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

(A) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof;

(B) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.

(C) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding

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

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

(F) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the Treasurer

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

SECTION 20: ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY

(A) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

(B) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.

(C) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.

(D) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.

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

(F) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

SECTION 21: REFERENCE TO TAX

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

SECTION 22: RETURNS TO BE SECRET

(A) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.

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

SECTION 23: EFFECTIVE DATE

This local law shall become effective December 1, 2020 and shall remain in effect until November 30, 2023.

SECTION 24: SEVERABILITY

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

REFERRED TO: ED&P COMMITTEE

RESOLUTION NO. -20 SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY
NO. C OF 2020

RESOLVED: That a public hearing shall be held on Local Law Introductory No. C of 2020 A Local Law providing for the collection of a hotel and motel tax in Tioga County in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827 on Thursday October 22, 2020 at 10:00 A.M. All persons desiring to present written or oral comments may do so at said time.

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 SET PUBLIC HEARING
2021 BUDGET

RESOLVED: That the public hearing on the tentative Tioga County Budget for 2021 be held at 9:30 A.M., Tuesday, November 10, 2020, in the Edward D. Hubbard Auditorium of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, New York 13827.

REFERRED TO: PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE 2021 CONTRACTS WITH
SADD SCHOOL ASSOCIATES

WHEREAS: It is the desire of the STOP DWI Program to arrange five contracts with SADD School Associates which are defined as independent contractors not entitled to County Employee benefits; and

WHEREAS: It is the desire to award the five SADD School Associate contracts for the calendar year 2021 to the following individuals; Aria French to serve the Candor School District; Matthew Cicchetti to serve the Newark Valley School District; Joan Beck to serve the Owego-Apalachin School District; Erika Brown to serve the Spencer-Van Etten School District, and; Janice Barto to serve the Tioga Central School District; and

WHEREAS: Each SADD School Associate will be compensated \$100 each month for the ten months of the school year, but will not exceed \$1,000 for the year; and

WHEREAS: The Tioga County Attorney has approved the agreement that defines the rights and responsibilities of all the parties involved and outlines the compensation to be paid to the STOP DWI School Associates; therefore be it

RESOLVED: That these contracts for SADD School Associates be authorized for the 2021 calendar year.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE CONTRACT WITH EXCELLUS
BLUE CROSS/BLUE SHIELD TO ADMINISTER
HEALTH INSURANCE BENEFITS

WHEREAS: Tioga County uses the service of Excellus Blue Cross/Blue Shield of Central New York to administer health insurance benefits for Tioga County including a Medicare Blue PPO plan; and

WHEREAS: Excellus Blue Cross/Blue Shield of Central New York has submitted a new contract to administer fully insured benefits for Tioga County employees for the period of January 1, 2021 through December 31, 2021; and

WHEREAS: These are contractual benefits for Tioga County union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Excellus Blue Cross/Blue Shield of Central New York, subject to review by the County Attorney, to administer health insurance benefits for Tioga County for the period January 1, 2021 through December 31, 2021.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE PURCHASE OF SPECIFIC EXCESS
AND EMPLOYER'S LIABILITY INSURANCE FOR
WORKERS' COMPENSATION PROGRAM

WHEREAS: The Tioga County Self-Insurance Plan's excess insurance policy and employer's liability insurance policy expire December 31, 2020; and

WHEREAS: The Tioga County Self-Insurance Plan by-laws allow the committee to purchase excess or catastrophic insurance; and

WHEREAS: The continuance of both excess and employer's liability insurance policies help to limit exposure to the Tioga County Self-Insurance Plan; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the purchase of specific excess insurance and employer's liability insurance, subject to review by the County Attorney, from an A- Rated or better insurance company for the period of January 1, 2021 through December 31, 2021 to be paid for out of the 2021 Tioga County Self-Insurance budget.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE CONTRACT WITH LIFETIME BENEFIT SOLUTIONS, INC. TO ADMINISTER FLEXIBLE SPENDING AND HEALTH REIMBURSEMENT ACCOUNT PROGRAMS

WHEREAS: Tioga County currently uses the services of Lifetime Benefit Solutions, Inc. to administer Tioga County's flexible-spending and health reimbursement account programs; and

WHEREAS: Lifetime Benefit Solutions, Inc. has submitted a new contract to continue administering said programs and conduct all required compliance testing services; and

WHEREAS: The Flexible-Spending program is a negotiated benefit for all Tioga County unionized employees; and

WHEREAS: The Health Reimbursement Account is a negotiated benefit for CSEA union employees; and

WHEREAS: Both the employees and the County can save tax dollars on money channeled through the flexible spending program; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with Lifetime Benefit Solutions, Inc., subject to review by the County Attorney, for the services stated above for the period of January 1, 2021 through December 31, 2021; and be it further

RESOLVED: That Tioga County will continue with the flexible spending card for the period of January 1, 2021 through December 31, 2021.

REFERRED TO: PERSONNEL COMMITTEE

RESOLUTION NO. -20 AUTHORIZE CONTRACT WITH
EMPLOYEE NETWORK, INC. (eni)
FOR EMPLOYEE ASSISTANCE PROGRAM

WHEREAS: Tioga County employees are covered under an Employee Assistance Program (EAP) that is currently administered by Employee Network, Inc. (eni); and

WHEREAS: eni, a company that has been providing EAP services for over 30 years and who has other NYS public sector clients, has submitted a proposal to continue providing Tioga County's EAP for a two year term, January 1, 2021 through December 31, 2022 at a rate of \$1.22/per covered employee per month; and

WHEREAS: eni can continue to provide up to 8 in-person counseling sessions for eligible employees and members of their household, along with two hours of training per year, and two hours of critical incident stress debriefing; and

WHEREAS: eni has multiple provider offices within the local region including some in Pennsylvania where employees are able to obtain services; and

WHEREAS: The EAP is a negotiated benefit for CSEA union employees; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chair of the Legislature to enter into a contract with eni, subject to review by the County Attorney, to administer our Employee Assistance Program for full-time and part-time employees at a cost of \$1.22/per covered employee per month effective January 1, 2021 through December 31, 2022.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -20 AUTHORIZE AND SIGN VOLUNTARY
COLLECTION AGREEMENT

WHEREAS: Tioga County Treasurer is responsible to collect occupancy tax from local hotels and motels in Tioga County. Tioga County has been approached by Airbnb to enter into a voluntary collection agreement to collect occupancy and sales taxes from guests of their platform; and

WHEREAS: Airbnb is an online marketplace that connects people who want to rent out their homes with people who are looking for accommodations in that location; and

WHEREAS: Tioga County and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes and applicable sales taxes imposed under applicable Tioga County, New York law, on behalf of certain Hosts for Booking Transactions completed by such Hosts and Guests on the Platform for accommodations transactions located in Tioga County, New York; and

WHEREAS: This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30-day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the 30-day written notification to the other Party; therefore be it

RESOLVED: That the Chair of the Legislature is authorized to act on behalf of Tioga County to sign the Voluntary Agreement with the intention of reporting, collection and remittance of applicable occupancy taxes and applicable sales taxes and authorize the Chair of the Legislature to sign such agreement, subject to the approval of the County Attorney.

REFERRED TO: PUBLIC SAFETY COMMITTEE

RESOLUTION NO. -20 AUTHORIZE THE SUBMISSION OF
EMPG20 GRANT APPLICATION
OFFICE OF EMERGENCY SERVICES

WHEREAS: The NYS Office of Homeland Security and Emergency Services has announced the 2020 EMPG (Emergency Management Planning Grant) funding; and

WHEREAS: County Policy #47 requires that a resolution be approved before any such grant application is submitted. However, due to the short notification period, the Tioga County Office of Emergency Services had to submit an application for this funding by August 31, 2020; therefore be it

RESOLVED: That the Tioga County Office of Emergency Services be given authorization to apply for the 2020 EMPG grant application, after the fact, to be in compliance with County policy.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -20 ACCEPT CTCL COVID-19 RESPONSE GRANT
AWARD AND AMEND BOE BUDGET

WHEREAS: Upon legislative authorization, the Tioga County Board of Elections applied in September 2020 for the Center for Tech and Civic Life's (CTCL) COVID-19 Response Grant program for U.S. local election jurisdictions; and

WHEREAS: The CTCL has granted the Tioga County Board of Elections up to \$19,262.50, upon acceptance of the terms by the Tioga County Legislature; and

WHEREAS: Funds from this grant will be used to cover pandemic-related election expenses that are not covered by the current Board of Elections budget, and any CTCL grant funds that are not expended in 2020 must be paid back to the CTCL; therefore be it

RESOLVED: That the Tioga County Legislative Chair is authorized to sign the acceptance agreement provided by the CTCL, upon review and approval by the County Attorney; and be it further

RESOLVED: That the funding be appropriated as follows:

From: A1450 422800-CTCL	GRANTS/CTCL	\$19,262.50
To: A1450 540490-CTCL	Election Expense/CTCL	\$19,262.50

REFERRED TO: FINANCE COMMITTEE

RESOLUTION NO. -20 TRANSFER OF FUNDS
2020 BUDGET MODIFICATION
COUNTY LIABILITY INSURANCE FUND

WHEREAS: The funds budgeted for 2020 CI1910 540270 Insurance Premiums will be exceeded by expenses in October 2020; and

WHEREAS: The 2020 CI1930 540270 Liability Claims has budgeted funds available for transfer; and

WHEREAS: Transfer of funds and budget modifications requires Legislative approval; therefore be it

RESOLVED: That budgeted funds be transferred as follows:

From: CI1930 540270 Insurance Claims	\$ 8,000.00
To: CI1910 540270 Insurance Premiums	\$ 8,000.00

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 ABOLISH ONE VACANT FULL-TIME CLINICAL
SOCIAL WORKER AND ONE VACANT FULL- TIME
SENIOR CLINICAL SOCIAL WORKER
(SCHOOL/COMMUNITY BASED) POSITIONS
MENTAL HYGIENE

WHEREAS: Legislative approval is required for the creation or abolishment of positions within a County Department; and

WHEREAS: Currently two full-time vacancies exist in the titles of Clinical Social Worker (CSEA SG XVI, \$58,257; vacant since 10/01/20) and Senior Clinical Social Worker (School/Community Based) (CSEA SG XVII, \$60,908; vacant since 02/28/20); and

WHEREAS: The Director of Community Services has identified an ability to reduce her budget by abolishing both vacancies; therefore be it

RESOLVED: That one full-time vacant Clinical Social Worker and one full- time vacant Senior Clinical Social Worker (School/Community Based) will be abolished effective October 15, 2020; and be it further

RESOLVED: That the Mental Hygiene Department's authorized full-time headcount shall be reduced from 34 to 32.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 AMEND RESOLUTION #165-20 TO
REFLECT ADJUSTED HIRE DATES FOR
TWO (2) SEASONAL OFFICE SPECIALIST I POSITIONS
FOR THE HEAP PROGRAM
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: The Home Energy Assistance Program (HEAP) began outreach in mid-August and will be in full season on November 2, 2020; and

WHEREAS: The Tioga County Legislature previously approved hiring of temporary staff for the 2020-21 HEAP season; and

WHEREAS: The following change to the start and end dates for two of the previously approved positions shall be:

Two, full-time, seasonal Office Specialist I positions previously approved for the period October 26, 2020 through February 26, 2021 at the starting salary of \$12.46 per hour, shall now be October 19, 2020 through February 19, 2020; therefore be it

RESOLVED: That the Department of Social Services be authorized to change the start and end dates for the seasonal HEAP positions listed above; and be it further

RESOLVED: The remainder of Resolution #165-20 remains unchanged.

REFERRED TO: ADMINISTRATIVE SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -20 APPOINTMENT OF REPUBLICAN
ELECTION COMMISSIONER

WHEREAS: The Chairman of the Republican Party has submitted their recommendation to the Clerk of the Legislature; therefore be it

RESOLVED: That Bernadette M. Toombs be and hereby is appointed Election Commissioner for the Republican Party from January 1, 2021 through December 31, 2022.

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. -20 AMEND TIOGA COUNTY NON-UNION BENEFITS
POLICY

WHEREAS: The Tioga County Non-Union Benefits Policy currently does not allow for comp time or overtime pay for Fair Labor Standards Act ("FLSA") or New York State exempt non-union staff (hereinafter "exempt non-union employees") should they work more than the standard work week; and

WHEREAS: In certain situations, such as during a State of Emergency, exempt non-union employees are called upon to work extra hours; and

WHEREAS: The Tioga County Legislature would like to recognize those efforts in said situations; therefore be it

RESOLVED: That the Tioga County Non-Union Benefits Policy shall be amended effective October 13, 2020 by deleting the first sentence in *Section 1: Wages*, which reads "All Non-Union employees are salaried and ineligible for overtime and comp time."; and be it further

RESOLVED: That a new second sentence be added to Section 1: Wages that reads "During a State of Emergency declared by either New York State or the Federal government, in the discretion of the Department Head, Compensatory time or Overtime may be granted to those non-union employees who are required to work in excess of their standard work week for special projects, during weekends, or during normally scheduled paid or unpaid time off outside of regular business hours in response to the emergency."; and be it further

RESOLVED: That a new subsection E titled *Overtime/Compensatory Time* will be added to Section 2 of the Tioga County Non-Union Benefits Policy; and be it further

RESOLVED: That paragraph 1 of Subsection E shall read, "For eligible employees, straight time will be applied for hours 36-40 and eligible employees that work over 40 hours per week will be compensated at the time and one-half rate or receive time and one-half compensatory time."; and be it further

RESOLVED: That paragraph 2 of Subsection E shall read, "Compensatory Time may be accumulated to a maximum of one hundred forty (140) hours of regularly scheduled work week hours."; and be it further

RESOLVED: That paragraph 3 of Subsection E shall read, "For eligible employees, working Compensatory time or Overtime must be pre-approved by the Department Head or designee. The decision to pay overtime to eligible employees or award compensatory time to eligible employees will be at the discretion of the Department Head."

RESOLVED: That paragraph 4 of Subsection E shall read, "An eligible employee must submit the request to Working Additional Hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday to their Department Head or designee for approval purposes prior to working the hours. If the eligible employee is unable to make the request prior to working the hours, the request should be submitted the next working day during business hours. If an eligible Department Head must work additional hours, the eligible Department Head must submit the request for Working Additional Hours between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday to the Chair of the County Legislature for approval purposes prior to working the hours. If the eligible Department Head is unable to make the request prior to working the hours, the request should be submitted the next working day during business hours."; and be it further

RESOLVED: That paragraph 5 of Subsection E shall read, "Compensatory time may be used with approval of the Department Head or designee. Compensatory time may be used in increments of no less than one (1) full hour, subject to approval from the eligible employee's Department Head or designee. Use of Comp time may be in conjunction with use of other leave time such as vacation, personal leave, bereavement leave, or holiday time off."; and be it further

RESOLVED: That paragraph 6 of Subsection E shall read, "There will be no carry-over of compensatory time beyond 365 days. After 365 days, any unused compensatory time shall be paid out at the appropriate rate."; and be it further

RESOLVED: That the above revisions shall be effective retroactive to September 1, 2020; and be it further

RESOLVED: That the remainder of the Policy is unchanged.