

REGULAR MEETING
Morning Session
Monday, August 22, 2016
Legislative Chambers, Bath, New York

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers, Bath, NY on Monday, the 22nd day of August, 2016, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Joseph J. Hauryski.

Roll Call and all members were present except Legislator Swackhamer.

Mr. Mullen provided the Invocation and the Pledge of Allegiance was led by Ms. Lattimer.

Chairman Hauryski opened the floor for comments by members of the public. There being none, he declared the opportunity for public comment closed.

John Clifford stated he is the representative of the Western Regional Off-Track Betting Corporation. Gambling has been the largest growing industry in the State over the last ten years. Batavia Downs is unique; it is the only one that is owned by the public. Steuben, along with fourteen other counties and the City of Rochester and City of Buffalo are shareholders in the racetrack, Racino and the easy bet locations. An initial investment of \$22,800 in 1974 by Steuben County has seen a return on investment of \$6.3 million. Mr. Clifford invited all of the Legislators to Legislator Night on Wednesday, August 24th with cocktails beginning at 5:30 p.m. with dinner to follow. He presented a dividend check, representing revenue payable for the second quarter of 2016 to Chairman Hauryski in the amount of \$38,376.

Motion adopting the minutes of the previous meeting(s) made by Mr. Van Etten, seconded by Mr. Schu and duly carried.

Mr. Reed stated he is pleased to announce that Jennifer Prossick will be the new Deputy County Attorney for Municipal Affairs. She is very highly qualified and comes highly recommended.

RESOLUTION NO. 129-16

Introduced by S. Van Etten.

Seconded by C. Ferratella.

MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND DISPOSITIONS.

Pursuant to Section 2.07 of the Steuben County Charter.

RESOLVED, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of the application for correction of real property taxes levied on the parcel contained in Schedule "A"; and be it further

RESOLVED, the Steuben County Commissioner of Finance is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcel contained in Schedule "A", as set forth in the approved applications, a copy of which shall be forwarded to the taxpayer and collecting authority; and be it further

RESOLVED, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved application executed in duplicate by the Chairman of the County Legislature, and the Chairman of the Board of Assessors of the appropriate municipality.

SCHEDULE "A"

Resolution No.	<u>A-1</u>
Name	<u>S. Hornell Fire Protection Co., Inc.</u>
Parcel No.	<u>166.18-01-032.210</u>
Municipality	<u>Town of Hornellsville</u>
Disposition	<u>Refund</u>

Vote: Roll Call – Adopted.

RESOLUTION NO. 130-16

Introduced by J. Hauryski.

Seconded by G. Roush.

RECEIVING AND ACCEPTING THE AUGUST 22, 2016 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER'S OFFICE.

BE IT RESOLVED, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

July 15, 2016

NYS Office for the Aging – Re: Revised Notifications of Grant Award (NGAs) and Annual Implementations Plan budget pages for the EISEP and CRC programs for the period of April 1, 2015 through March 31, 2016. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

July 18, 2016

New York State Association of Counties – Re: 2016 New York State Legislative session summary report. ***Referred to: Steuben County Legislature.***

July 25, 2016

Southern Tier Central – Re: 2017 request in the amount of \$5,000 for the next two years for the planning of the Water's Way ESD Strategic Planning Proposal. ***Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.***

July 27, 2016

NYS Office for the Aging – Re: Notifications of the 2016-2020 Four Year Plan for Steuben County has been approved. The applications for the Older Americans Act (OAA), Title III-B, Title III-C-1, Title III-C-2, Title III-D, Title III-E, HIICAP and if applicable, Title V funds have been approved. In addition, the applications for the Expanded In-home Services for the Elderly Program (EISEP), the Community Services for the Elderly (CSE) program, the Wellness in Nutrition (WIN) Program, the Congregate Services Initiative (CSI), the State Transportation program and the State Caregiver Resources Center program for the period of April 1, 2016 – March 31, 2017 has also been approved. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody; OFA Director.***

The ARTS Council of the Southern Finger Lakes – Re: 2017 Budget request in the amount of \$36,700. ***Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.***

July 28, 2016

NYS Office for the Aging – Re: Revised Notification of Grant Award (NGA) and Annual Implementation Plan budget pages for the WIN program for the period of April 1, 2015 through March 31, 2016. ***Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.***

NYS Office for the Aging – Re: Notifications of Grant Award (NGAs) for the CSE, EISEP, CSI, WIN, State Transportation, CRC (if applicable), HIICAP and Direct Care Worker programs for the period of April 1, 2016 to March 31, 2017. *Referred to: Human Services/Health & Education Committee; and Patricia Baroody, OFA Director.*

July 29, 2016

Finger Lakes Association d/b/a Finger Lakes Tourism Alliance (FLTA) – 2017 Budget request in the amount of \$18,500.00. *Referred to: A.I.P. Committee; Finance Committee; Jack Wheeler, County Manager; and Amy Dlugos, Planning Director.*

Fox & Kowalewski, LLP, Attorneys & Counselors at Law – Re: Notice of Lien on Account of Public Improvements, along with affidavit of service. *Referred to: Alan Reed, County Attorney; Patrick Donnelly, Commissioner of Finance; and Vincent Spagnoletti, Commissioner of Public Works.*

August 3, 2016

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$38,376, which represents the net revenue payable for the second quarter of 2016 combined with the surcharge payment for the month of June 2016. *Referred to: Finance Committee; and Patrick Donnelly, Commissioner of Finance.*

August 8, 2016

Everpower – Re: Notice of submission of preliminary scoping statement for the Baron Winds Wind Project. *Referred to: A.I.P. Committee, and Amy Dlugos, Planning Director.*

NYSAC – Re: Notice of availability of the Electronic Waste Assistance Grants. Applications will only be accepted between October 3, 2016 through October 31, 2016. *Referred to: Public Works Committee; Vince Spagnoletti, Commissioner of Public Works; and Mitch Alger, Deputy County Manager.*

August 10, 2016

NYS Department of Transportation – Notification of funding for the Accelerated Transit Capital (ATC) Program in the amount of \$20,256 is allocated based on the share of the Statewide Mass Transportation Operating Assistance (STOA) program funding apportioned during the State Fiscal year (SFY) 2015-2016. *Referred to: Amy Dlugos, Planning Director.*

Environmental Design & Research on behalf of Baron Winds LLC – Re: Baron Winds Project (Case No. 15-F-0122) Preliminary Scoping Statement. *Referred to: A.I.P. Committee; Amy Dlugos, Planning Director; and Jack Wheeler, County Manager.*

Mr. Van Etten asked for an explanation of the letter received July 29th from Fox & Kowalewski, LLP, regarding the notice of lien on account of public improvements. Mr. Reed replied that references a legal matter which if we would like to discuss, would be proper for executive session.

Vote: Acclamation – Adopted.

RESOLUTION NO. 131-16

Introduced by R. Lattimer.

Seconded by R. Nichols.

AUTHORIZING A PUBLIC HEARING ON THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 7.

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No.7, located in the Towns of Canisteo, Dansville, Fremont, Hartsville, Hornellsville and Howard, Steuben County, is now being reviewed pursuant to said Law; and

WHEREAS, the Clerk of the Legislature did file a copy of the Notice of Review in the Steuben County Clerk's Office and did properly publish and have posted the thirty day (30) Notice as required by Law, and the Affidavits of Publication and Posting of the Notice of Review of the Agricultural District having been received and filed on behalf of this Legislature; and

WHEREAS, upon completion of the thirty day review period, any and all proposals filed were referred to the Steuben County Agricultural and Farmland Protection Board and said Board did file written reports with this County Legislature containing their recommendations and any proposed modifications concerning the same. Said reports being hereby approved, ratified, and confirmed by this County Legislature.

NOW THEREFORE, BE IT

RESOLVED, that in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York, a Public Hearing on the review of said Agricultural District together with any modification thereof set forth in the reports of the Agricultural and Farmland Protection Board shall be held by this County Legislature on the 26th day of September, 2016, at 10:00 a.m.; and be it further

RESOLVED, that the Clerk of this Legislature shall cause a Notice of said Public Hearing to be published and mailed in accordance with Section 303-a of the Agriculture and Markets Law; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 132-16

Introduced by R. Lattimer.

Seconded by J. Malter.

COMMENCING THE REVIEW PERIOD FOR AGRICULTURAL DISTRICT NO. 2

Pursuant to Article 25-AA, Section 303-a, of the Agriculture and Markets Law of the State of New York.

WHEREAS, Agricultural District No. 2, located in the Towns of Bath, Bradford, Campbell, Howard, Rathbone, Thurston, Urbana, and Wayne, Steuben County, is now being reviewed pursuant to said Law; and

WHEREAS, the next review date for said district is April 22, 2017 and a Notice of Review from the State of New York, Department of Agriculture and Markets has been received and pursuant to said Law, the procedure for the necessary review of the Steuben County Agricultural District No. 2 is required to commence.

NOW, THEREFORE, BE IT

RESOLVED, that the Review period of the said Agricultural District located in the Towns of Bath, Bradford, Campbell, Howard, Rathbone, Thurston, Urbana, and Wayne, County of Steuben and State of New York commences effective upon filing of a Notice of Review with the office of the Steuben County Clerk, said Review period to be for a period of thirty (30) days; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to file said Notice of Review in the Office of the Steuben County Clerk and provide notice of such review by publishing the "Notice" in the Corning Leader and Evening Tribune, which are two (2) newspapers having general circulation within the said District, and by posting such "Notice" in five (5) conspicuous places within the said district. Said "Notice" shall contain information as required in accordance with Section 303-a of the Agriculture and Markets Law of the State of New York; and be it further

RESOLVED, that the Clerk of this Legislature shall file the necessary Affidavits of Publication and posting of such "Notice" with this County Legislature, and this Legislature shall receive any proposals for modification of said district which may be submitted by landowners or municipalities, within thirty (30) days of the filing of the Notice of Review in the Steuben County Clerk's Office; and be it further

RESOLVED, that upon termination of said thirty (30) day period such review and any proposed modifications shall be referred by this Legislature to the Steuben County Agricultural and Farmland Protection Board, which Board shall report to the Steuben County Legislature their recommendations concerning the review and proposed modifications, and thereafter the County Legislature shall hold a Public Hearing as required by Law; and be it further

RESOLVED, that the Clerk of this Legislature shall forward certified copies of this resolution to the Steuben County Clerk; and the Director of the Steuben County Planning Department.

Vote: Acclamation – Adopted.

RESOLUTION NO. 133-16

Introduced by R. Lattimer.

Seconded by H. Lando.

AUTHORIZING THE STEUBEN COUNTY PLANNING DEPARTMENT TO SUBMIT AN APPLICATION TO THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, Steuben County is an eligible applicant for New York State Community Development Block Grant (CDBG) funding for Housing Activities; and

WHEREAS, Steuben County and Arbor Development, Inc. want to continue their program of housing rehabilitation for low and moderate income persons; and

WHEREAS, said housing activities, including rehabilitation, well and septic replacement, and lateral connection assistance, are eligible expenditures of CDBG funds; and

WHEREAS, under the CDBG Program, Steuben County is permitted to contract with Arbor Development, Inc. to provide said assistance.

NOW THEREFORE BE IT

RESOLVED, that the Steuben County Planning Department is hereby authorized to submit an application to the NYS Homes and Community Renewal for a Community Development Block Grant to provide funding for housing rehabilitation; and be it further

RESOLVED, the Planning Director is hereby authorized to sign the application on behalf of Steuben County; and be it further

RESOLVED, that should said grant be awarded to Steuben County, the Steuben County Commissioner of Finance is hereby authorized to deposit said grant in the appropriate line item in the Steuben County Budget; and be it further

RESOLVED, that the Steuben County Planning Director is hereby authorized to sign all appropriate and necessary documents to implement said grant; and be it further

RESOLVED, a certified copy of this resolution shall be forwarded to the Steuben County Planning Director, and to the Executive Director, Arbor Development, Inc., 26 Bridge St., Corning NY 14830.

Vote: Roll Call – Adopted.

RESOLUTION NO. 134-16

Introduced by D. Farrand.

Seconded by G. Roush.

AUTHORIZING THE STEUBEN COUNTY SHERIFF’S OFFICE TO ENTER INTO AN AGREEMENT TO PROCURE FOOD PRODUCTS FROM THE NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES’ OFFICE OF NUTRITIONAL SERVICES (NYS DOCS-NS).

WHEREAS, Food products produced by the DOCS-NS will be delivered to the Steuben County Jail for the purpose of feeding the inmate population; and

WHEREAS, Steuben County considers food products prepared by DOCS-NS to be a preferred means of supplying wholesome food to its inmate population; and

WHEREAS, the production of food products by DOCS-NS for use by the Steuben County Jail is consistent with Correction Law Sections 170 and 184; and

WHEREAS, the term of this agreement shall be for the anticipated period of August 1, 2016 through July 31, 2021.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby authorizes the Steuben County Sheriff to execute the agreement as set forth above; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Steuben County Sheriff.

Vote: Roll Call – Adopted.

RESOLUTION NO. 135-16

Introduced by C. Ferratella and S. Van Etten.

Seconded by H. Lando.

AUTHORIZING THE ACCEPTANCE OF AN ALZHEIMER’S CAREGIVER GRANT FROM LIFESPAN OF GREATER ROCHESTER.

WHEREAS, Steuben County Office for the Aging recently received notification of the availability of up to \$6,000 from Lifespan of Greater Rochester through December 31, 2016 with option to renew for a total of five years, contingent on funding; and

WHEREAS, this funding will be used to expand the existing dementia support services, which promotes quality of life for the caregiver and the care-receiver and decreases premature institutionalization, it is in the best interest of the County of Steuben to receive these funds.

NOW THEREFORE, BE IT

RESOLVED, the Steuben County Commissioner of Finance is hereby authorized and directed to accept up to \$6,000 as revenue in account #677300 and appropriate the same to expenditure lines:

\$175- rent	Expense line: 5412970
\$500 Training	Expense line: 5479300

\$400 Books and materials Expense line: 5407100
\$2356 salary Expense line: 51100 000
\$1494 Fringe Expense line: 5810 000
\$4925 Total for remainder of 2016

Gifts and Donations Revenue Line 4 2705 000

AND BE IT FURTHER RESOLVED, certified copies of this resolution shall be forwarded to the Director of Office for the Aging and the Commissioner of Finance.

Vote: Roll Call – Adopted.

RESOLUTION NO. 136-16

Introduced by S. Van Etten.

Seconded by R. Nichols.

AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO ACCEPT SUICIDE PREVENTION FUNDING FROM ARDENT SOLUTIONS, INC.

Pursuant to Section 2.07(12) and Section 9.02(i) of the Steuben County Charter.

WHEREAS, Ardent Solutions, Inc. located at 85 N. Main Street, Wellsville NY 14895 has made \$8,202.50 of funding available for suicide prevention efforts; and

WHEREAS, Steuben County Community Services will utilize this funding to support its Suicide Prevention Coalition; and

WHEREAS, the Human Services, Health and Education and Finance Committees have approved acceptance of said funds.

NOW THEREFORE, BE IT

RESOLVED, that the Steuben County Legislature hereby approves the acceptance of \$8,202.50 from Ardent Solutions, Inc.; and be it further

RESOLVED, that certified copies of the resolution shall be forwarded to the Commissioner of Finance, Carrie Whitwood, Executive Director, Ardent Solutions, Inc., 85 North Main Street, Wellsville, NY 14895 and the Director of Community Services.

Vote: Roll Call – Adopted.

RESOLUTION NO. 137-16

Introduced by B. Schu.

Seconded by J. Malter.

AUTHORIZING THE ANNUAL RPS V4 CHARGEBACK TO THE TOWNS AND CITIES FOR LICENSE AND SUPPORT FEES.

Pursuant to County Law, Section 233a.

WHEREAS, the Administration Committee has approved the report of RPS V4 charges by Assessing unit which includes an annual charge for the New York State Office of Real Property Services License Fee and a fee for County support of this system; and

WHEREAS, the Administration Committee has approved the invoicing of the fees to the Cities and Towns; and

WHEREAS, the Real Property Tax Service Agency has paid the assessing units' annual license fee charge to the State for this fiscal year.

NOW THEREFORE, BE IT

RESOLVED, the Real Property Tax Office will invoice each City and Town for their share of the Real Property System Version 4 (RPS V4) License and Support Charge; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Commissioner of Finance, the Director of the Real Property Tax Service Agency, and to each Town and City.

RPS V4 TO BE BILLED FOR 1/1/17 LEVY						07/14/2016	
.rpsv4chargeback/resolutions							
Swis	Municipality	Parcel Count	ORPS License Fee	County Support Fee	Total Chargeback	ORPS License Fee Schedule	
4603	Corning City	4,249	\$1,500	\$200	\$1,700		
4606	Hornell City	3,744	\$1,300	\$200	\$1,500		
4620	Addison	1,288	\$1,000	\$200	\$1,200		
4622	Avoca	1,331	\$1,000	\$200	\$1,200		
4624	Bath	5,175	\$1,500	\$200	\$1,700		
4626	Bradford	575	\$850	\$200	\$1,050		
4628	Cameron	751	\$850	\$200	\$1,050		
4630	Campbell	1,621	\$1,000	\$200	\$1,200		
4632	Canisteo	2,041	\$1,200	\$200	\$1,400		
4634	Caton	1,298	\$1,000	\$200	\$1,200		
4636	Cohocton	1,841	\$1,000	\$200	\$1,200		
4638	Corning Town	3,245	\$1,300	\$200	\$1,500		
4640	Dansville	1,277	\$1,000	\$200	\$1,200		
4642	Erwin	3,218	\$1,300	\$200	\$1,500		
4644	Fremont	787	\$850	\$200	\$1,050		
4646	Greenwood	729	\$850	\$200	\$1,050		
4648	Hartsville	567	\$850	\$200	\$1,050		
4650	Hornby	996	\$850	\$200	\$1,050		
4652	Hornellsville	2,401	\$1,200	\$200	\$1,400		
4654	Howard	1,233	\$1,000	\$200	\$1,200		
4656	Jasper	890	\$850	\$200	\$1,050		
4658	Lindley	1,030	\$1,000	\$200	\$1,200		
4660	Prattsburgh	1,873	\$1,000	\$200	\$1,200		
4662	Pulteney	1,721	\$1,000	\$200	\$1,200		
4664	Rathbone	762	\$850	\$200	\$1,050		
4666	Thurston	983	\$850	\$200	\$1,050		
4668	Troupsburg	948	\$850	\$200	\$1,050		
4670	Tuscarora	893	\$850	\$200	\$1,050		
4672	Urbana	1,999	\$1,000	\$200	\$1,200		
4674	Wayland	2,310	\$1,200	\$200	\$1,400		
4676	Wayne	1,605	\$1,000	\$200	\$1,200		
4678	West Union	536	\$850	\$200	\$1,050		
4680	Wheeler	999	\$850	\$200	\$1,050		
4682	Woodhull	1,160	\$1,000	\$200	\$1,200		
		56,076	\$34,550	\$6,800	\$41,350		

Number of Parcels		Fee
0-500		\$750
501-1000		\$850
1001-2000		\$1,000
2001-3000		\$1,200
3001-4000		\$1,300
4001-6000		\$1,500

Steuben County
 Real Property Tax Service Agency
 3 E. Pulteney Square
 Bath, New York 14810
 Wendy Flaitz, Director

Vote: Roll Call – Adopted.

RESOLUTION NO. 138-16

Introduced by B. Schu.

Seconded by R. Lattimer.

DESIGNATING THE MEDICAL DIRECTOR OF PUBLIC HEALTH (PT) AS NON-COMPETITIVE FOR CIVIL SERVICE PURPOSES.

Pursuant to Civil Service Law Section 20, the Personnel Officer may amend the local civil service rules.

WHEREAS, the Medical Director of Department of Special Children’s Services (PT) has been classified as non-competitive and policy influencing; and

WHEREAS, the Medical Director of Public Health (PT) is a more comprehensive title and is replacing the title of Medical Director of Department of Special Children’s Services (PT); and

WHEREAS, the Medical Director of Public Health (PT) provides leadership and confidential clinical oversight for the medical services provided by the Steuben County Public Health Department.

NOW THEREFORE, BE IT

RESOLVED, that Civil Service be, and the same is hereby requested to allocate the Medical Director of Public Health (PT) as Non-Competitive and Policy influencing in the Classified Civil Service; and be it further

RESOLVED, that the within Resolution shall be effective when and upon ratification; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Personnel Officer and the Public Health Director.

Vote: Roll Call – Adopted.

RESOLUTION NO. 139-16

Introduced by B. Schu.

Seconded by R. Weaver.

AUTHORIZING THE ADDITION OF AN AMERICANS WITH DISABILITIES ACT AND REASONABLE ACCOMMODATION POLICY INTO THE ADMINISTRATIVE CODE.

Pursuant to Section 2.07(6) of the Steuben County Charter.

WHEREAS, the Steuben County *Administrative Code*, adopted in 1985 and amended various times since, details policies and procedures of Steuben County; and

WHEREAS, the County regularly works with employees when reasonable accommodations are requested on a permanent or temporary basis; and

WHEREAS, the Personnel Officer has drafted an Americans with Disabilities Act [hereinafter ADA] and Reasonable Accommodation Policy after researching, evaluating, and considering examples of effective Accommodation Policies; and

WHEREAS, the Personnel Officer recommends adding the Reasonable Accommodation Policy to the Administrative Code in an effort to facilitate Steuben County’s offering of reasonable accommodations for employees working in any County department; and

WHEREAS, the ADA and Reasonable Accommodation Policy is further intended to outline various responsibilities for County employees, Departments and the Personnel Department; and

WHEREAS, the draft ADA and Reasonable Accommodation Policy has been distributed to the Legislature for review; and

WHEREAS, the Administration Committee has reviewed the proposed changes and recommends approval by the Legislature.

NOW THEREFORE, BE IT

RESOLVED, that the *Administrative Code* is hereby amended to include the ADA and Reasonable Accommodation Policy; and be it further

RESOLVED, the revised *Administrative Code* will be made available via the Steuben County intranet, and employees and staff will be notified of said revisions; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Manager, Personnel Officer, and County Attorney.

Mr. Mullen asked what were the changes that were made? Mr. Wheeler replied there were no changes. This policy was not formally adopted into the *Administrative Code* and this reflects the State and Federal statutes.

Vote: Roll Call – Adopted.

RESOLUTION NO. 140-16

Introduced by D. Farrand.

Seconded by G. Roush.

URGING GOVERNOR CUOMO TO SIGN INTO LAW THE PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706).

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State; and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the State's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832]; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010; and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and

Constitutional system of representation. Currently, the improved system is found in only the five settlement counties, creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly.

NOW, THEREFORE, BE IT

RESOLVED that the Steuben County Legislature hereby strongly urges Governor Cuomo to request the immediate delivery of the Public Defense Mandate Relief Act (S.8114/A.10706) from the New York State Senate and commit to sign the bill as soon as possible, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of Steuben County and the other counties of the State and New York City to fund this State mandate; and

RESOLVED, that the Clerk of the Legislature is hereby authorized and directed to forward certified copies of this resolution to Honorable Andrew M. Cuomo, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable John J. Flanagan, Senate Majority Leader, 330 State Capitol Building, Albany, NY 12247; Honorable Jeffrey Klein, NYS Senate Coalition Co-Leader, 913 Legislative Office Building, Albany, NY 12247; Honorable Andrea Stewart-Cousins, Minority Leader, New York State Senate, 907 Legislative Office Building, Albany, NY 12247; Honorable Carl Heastie, Speaker, New York State Assembly, 522 Legislative Office Building, Albany, NY 12248; Honorable Joseph D. Morelle, Majority Leader, New York State Assembly, 926 Legislative Office Building, Albany, NY 12248; Honorable Brian M. Kolb, Minority Leader, New York State Assembly, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 415 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 723 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 439 Legislative Office Building, Albany, NY 12248; Honorable Bill Nojay, New York State Assemblyman, 527 Legislative Office Building, Albany, NY 12248, the New York State Office of Indigent Legal Services, and the New York State Association of Counties (NYSAC).

Vote: Roll Call – Adopted.

Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers' Law, Article 7§ 105.1.D. Discussions Regarding Proposed, Pending or Current Litigation an Article 7§ 105.1.F. The Medical, Financial, Credit, or Employment History of a Particular Person or Corporation, or Matters Leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal or Removal of a Particular Person or Corporation made by Mr. Mullen, seconded by Mr. Malter and duly carried.

Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Roush, seconded by Mr. Malter and duly carried.

Motion to Adjourn made by Mr. Farrand, seconded by Mrs. Ferratella and duly carried.