

Seneca County Board of Supervisors

Regular Meeting

July 26, 2011

Call to Order

The meeting was called to order at 8:00 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Mr. Hayssen was not present

Pledge of Allegiance and Moment of Silence

Presentation

The Brightest Star Award was presented to two students in Seneca County:

BRIGHTEST STAR AWARD

RESOLUTION NO. 154-11 moved by Mr. Mooney, seconded by Mrs. Amidon and adopted.

WHEREAS, the Seneca County Youth Bureau and Youth Board initiated the Brightest Star Award aimed at honoring two sixth grade students who reside in Seneca County; and

WHEREAS, these students were nominated and chosen for consistently reflecting the 5 Points of Light: Academics, Involvement in School or Community Activities, Responsibility, Respect, and Compassion; now, therefore be it

RESOLVED, the Seneca County Youth Bureau and Youth Board and the Seneca County Board of Supervisors recognize and congratulate the following students for being selected for the 2011 Brightest Star Award.

Troy Gribnau

Seneca Falls Central School District

Town of Seneca Falls

Cameron Vanselow

South Seneca Central School

Town of Ovid

Reports of Standing Committees

Planning, Development, Agriculture & Tourism Committee - Mrs. Amidon, Chair. The committee approved the following issues: (1) Inclusion of Town of Seneca Falls Tax Parcel 37-1-02.1 in Agricultural District #8; (2) Inclusion of Town of Waterloo Tax Parcel 17-1-44.1 in Agricultural District #6; (3) the appointment of Rodman Lott as a member of the Seneca County IDA Board.

Public Works Committee - Mr. Davidson, Chairman. The Committee approved the following issues: (1) The Board of Supervisors Chairman to sign Supplemental Agreement No. 2 for CR 143 Bridge Project; (2) The purchase of one (1) 2011 Diamond DBR-05 rear cradle 22 foot boom with 50-inch mower arm from Lakeland Equipment in the amount of \$36,263.22.

The Public Works Committee also discussed advertising for an engineering firm to complete a water and sewer infrastructure master plan. The Committee voted to lay the issue on the table until the next meeting for further discussion before moving forward.

Mitch Rowe also informed the Committee that he is coordinating a meeting for the early part of August to discuss moving Seneca County to Region 4

Indian Affairs Committee - Mr. Shipley, Chairman. The Committee approved a resolution urging Senator Michael Nozzolio and Assemblyman Brian Kolb to introduce legislation significantly increasing the penalties assessed for violating state law governing the possession of unstamped or unlawfully stamped cigarettes.

Mr. Shipley stated that currently there are delinquent property taxes on property owned by the Cayuga Indian Nation in the towns of Seneca Falls and Varick in the amount of \$303,304.34.

Human Services Committee - Mr. Mooney, Chairman. The Committee approved budget adjustments in the Department of Human Services budget to accommodate changes in various programs and funding to meet the State's final deadline for vouchering under the American Reinvestment and Recovery Act and NYS Flexible Fund for Family Services allocations.

Public Health Services Committee - Mr. Kubasik, Chairman. The Committee approved a recommendation by the Vacancy Committee to refill a position for Code Enforcement Officer.

Mr. Kubasik asked the other supervisors to review the packet with information about a proposed local law to prohibit the use of tobacco products on county owned and leased property. The issue would be discussed at the next Public Health Services Committee meeting,

Government Operations Committee - Mr. Kaiser, Chairman. The Committee approved the appointment of Frank Sinicropi as acting County Manager and Purchasing Director for purposes of executing certain duties as defined in the Purchasing Policy and Computer Acquisition Equipment Policy for Seneca County.

Finance, Assessment & Insurance Committee – Mr. Same, Vice-Chairman. The Committee approved (1) budget adjustments in the Department of Human Services budget to accommodate changes in various programs and funding to meet the State's final deadline for vouchering under the American Reinvestment and Recovery Act and NYS Flexible Fund for Family Services allocations; and (2) a recommendation by the Vacancy Committee to refill a position for Code Enforcement Officer.

Approval of Meeting Minutes

The minutes were approved for June 14 and June 28 board meetings.

Chairman's Remarks

Chairman Lafler selected the members for a Search Committee for a new County Manager. The five members are Chairman Lafler, Supervisors Churchill and Kaiser, County Attorney Frank Fisher and Personnel Director Frank Sinicropi.

Chairman Lafler recognized Mr. Sinicropi, who stated that as of this date, sixteen résumés were received for the position of County Manager. The deadline for applications is July 31, 2011.

Communications

95. A Notice of Public Hearing on August 10, 2011 at 7:00 p.m. at the Ovid Municipal Building regarding a proposed local law titled, "Enacting an additional One-Year Moratorium on Waste Management Facilities in the Town of Ovid".

96. A copy of the Seneca County Water & Sewer Districts June 2011 Report.

97. A copy of the DRAFT document *Power, Duties and Obligations of a County Legislature and Board of Supervisors* developed by NYSAC.

RESOLUTIONS AND MOTIONS

SUPERVISORS SELECT DEFERRED COMPENSATION AGENCIES

RESOLUTION NO. 155-11 moved by Mr. Same, seconded by Mr. Davidson and adopted.

WHEREAS, the County of Seneca has appointed a Deferred Compensation Committee (the "Committee") to act on behalf of the County of Seneca; and

WHEREAS, the Committee has solicited and evaluated competitive proposals of administrative service agencies and financial organizations, including financial organizations providing trust and trustee services, in accordance with the regulations; now, therefore be it

RESOLVED, the County of Seneca hereby selects the Reliance Trust Company and the Nationwide Trust Company, FSB, to serve as Trustees; and be it

FURTHER RESOLVED, the Hartford Insurance Company, Inc. and Nationwide Retirement Solutions are appointed as both the Financial Organization as well as the Administrative Service Agency; and, be it

FURTHER RESOLVED, that pending notification of the Deferred Compensation Board in accordance with the Regulations, the Committee is hereby authorized and directed to enter into appropriate contracts with Reliance Trust Company, Nationwide Trust company, FSB, Hartford Insurance Company, Inc., and Nationwide Retirement Solutions. In no event shall these contracts be of greater duration than allowed by the Regulations, and every contract or agreement entered into shall contain a provision that the agreement or contract is subject to the Regulations and the Model Plan.

**BOARD OF SUPERVISORS APPROVES THE DEPARTMENT OF HUMAN SERVICES
3RD QUARTER BUDGET ADJUSTMENTS**

RESOLUTION NO. 156-11 moved by Mr. Mooney, seconded by Mrs. Amidon and adopted.

WHEREAS, changes in various programs and funding in 2011 have been made in 2011 that include increases in contracts and supporting Federal Aid and deadlines for the vouchering to the State under the American Recovery and Reinvestment Act and NYS Flexible Fund for Family Services allocations is in August; and

WHEREAS, changes to the County budget must be made to reflect these changes; and

WHEREAS, these adjustments have been approved by the Human Services and Finance Committees; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors approves the following budget amendments to DHS accounts and authorizes the County Treasurer to make these adjustments to the budget:

Purchase of Service and Fed Rev.	10-125-5-6070-4-700	+\$ 60,000
Flexible Fund for Family Services	10-320-3-4615	+\$ 60,000
Child Care Block Grant	10-125-5-6055-4-700	+\$ 34,060
Daycare & Rev. Fed Aid	10-320-3-4655	+\$ 34,060

**CLERK OF THE BOARD TO ADVERTISE PUBLIC HEARINGS FOR THE
OFFICE FOR THE AGING FOUR YEAR PLAN OF SERVICES**

RESOLUTION NO. 157-11 moved by Mr. Mooney, seconded by Mr. Shipley and adopted.

WHEREAS, 9 NYCRR 6653.2 of New York State Rules and Regulations requires submission of a Four Year plan of Services for the Seneca County Office for the Aging; and

WHEREAS, a hearing is required to be held at least thirty days prior to such submission and notice of such hearing to be published in local newspapers at least twenty-one days prior to such hearing; and

WHEREAS, Seneca County wishes the benefit of public suggestions and comments for such Plan; now therefore be it

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to advertise Public Hearings on the Four Year Plan of Services for the Seneca County Office for the Aging for the period April 1, 2012- March 31, 2016, said hearings to be held on September 27, 2011 at 11:30 am in the community room of Verona Village, 2276 County Road 139, Ovid, NY and September 29, 2011 at 11:30 am at the Office for the Aging, 1 DiPronio Drive, Waterloo, NY. Said notice is to be published at least 30 days prior to the first such Public Hearing in the County's newspapers of record; and be it further

RESOLVED, that the proposed plan or an abstract containing program goals, objectives, action steps, and proposed budgets with categorical breakdowns shall be made available to the public prior to the first such hearing; and be it further

RESOLVED, that single copies of the proposed area plan or an abstract shall be made available without charge upon request as soon as it is prepared, before submission to the New York State Office for the Aging.

PROCLAIM SEPTEMBER 24, 2011 GROW A GARDEN OF READERS: READ! DAY

RESOLUTION NO. 158-11 moved by Mr. Mooney, seconded by Mr. Same and adopted.

WHEREAS, the Seneca County Partners for Children, Youth & Families is celebrating the importance of literacy during the 7th annual county literacy event September 24, 2011, the theme is “Grow a Garden of Readers: READ!” and

WHEREAS, the Seneca County Partners for Children, Youth & Families define literacy as, “the essential skill that encompasses the use of reading, writing, speaking, and listening to find meaning, solve problems, and communicate information for a variety of personal and professional uses” ; and

WHEREAS, the Seneca County Partners for Children, Youth & Families emphasizes the importance of promoting literacy in Seneca County based on the following points:

- A high percentage of students during Kindergarten screening fall below average in school readiness skills and have no ‘book of their own’
- Many parents lack the information on ways to provide pre-literacy experiences for their children
- Early literacy prevention support and strategies can prevent children from becoming classified as special needs students requiring costly support services
- Increased graduation rates are more likely when children enter school with a strong early literacy foundation
- Higher literacy in adults can lead to better paying jobs, wage gains and an opportunity for families to break out of the cycle of poverty; and

WHEREAS, the Seneca County Partners for Children, Youth & Families furthermore recognizes that a large percentage of low-income families have no books at home for their children; and

WHEREAS, the Seneca County Partners for Children, Youth & Families/ Seneca County Literacy Partnership will host a Literacy Celebration on September 24, 2011 from 1:00-4:00pm at the Office for the Aging Conference Room, Seneca County Office Building. Seneca County agencies, schools, libraries and the community have committed to promote literacy efforts during this week as well; now therefore be it

RESOLVED, the Seneca County Board of Supervisors does hereby proclaim September 24 as Grow a Garden of Readers: READ! Day, as the seventh annual literacy event in Seneca County. As a child’s literacy development and school success is directly linked to parental involvement and the literacy environment in the home, the Seneca County Board of Supervisors urges all of our citizens to join forces

increasing literacy awareness; thus providing greater opportunities for success of our children and families.

**BOARD OF SUPERVISORS AUTHORIZES AND DIRECTS THAT
BIDS BE SOLICITED FOR THE DEMOLITION OF THREE BUILDINGS**

RESOLUTION NO. 159-11 moved by Mr. Kubasik, seconded by Mr. Davidson and adopted.

WHEREAS, reports prepared by the Seneca County Building Inspector appointed to enforce the provisions of Local Law No. 3 of 2003, Seneca County's Unsafe Buildings Law, have been received and reviewed by the Board; and

WHEREAS, such Reports demonstrate the fact that certain buildings located at 8392 Main Street in the Village of Interlaken and 2121 Orchard Street in the Village of Lodi have become dangerous and unsafe to the public, are accessible to and an object of attraction to minors under the age of eighteen years of age as well as other trespassers, may become a place of rodent infestation and is unfit for the purposes for which it may lawfully be used; and

WHEREAS, the Building Inspector recommended that such buildings be ordered repaired or demolished and removed on the grounds that the same are in an unsafe condition; and

WHEREAS, the Board of Supervisors gave due consideration to such Reports and afforded the property owner with the opportunity to be heard on said matters; and

WHEREAS, the Board of Supervisors determined that said buildings are unsafe and dangerous; and

WHEREAS, the Board of Supervisors ordered the commencement of said repair or demolition in accordance with local law; and

WHEREAS, the owner of said properties has failed to complete demolition or otherwise initiate sufficient corrective action; and

WHEREAS, the County has taken title through tax foreclosure to a dilapidated structure at 5632 NYS Route 96 that warrants consideration for demolition; and

WHEREAS, this resolution has been reviewed and approved by the Public Health Services Committee on July 12, 2011; now, therefore be it

RESOLVED, that the Planning Director is authorized and directed to advertise and solicit bids for the demolition of these three buildings.

**SENECA COUNTY BOARD OF SUPERVISORS ASKS SENATOR NOZZOLIO AND
ASSEMBLYMAN KOLB TO INTRODUCE LEGISLATION INCREASING PENALTIES FOR
POSSESSION OF UNSTAMPED OR UNLAWFULLY STAMPED CIGARETTES**

RESOLUTION NO. 160-11 moved by Mr. Shipley, seconded by Mrs. Amidon and adopted by 659 ayes (Shipley, Amidon, Reynolds, Garlick Lorenzetti, Serven, Davidson, Prouty, Same, Lafler, Churchill, Mooney, Kubasik) 51 nays (Kaiser), and 40 not present (Hayssen).

WHEREAS, the State of New York is now enforcing laws requiring taxes to be collected on cigarettes delivered to Native American stores for resale to non-Indians; and

WHEREAS, Indian tribes in the State of New York manufacture cigarettes on their reservations for sale to Indian and non-Indian customers without collection of state sales and excise taxes; and

WHEREAS, New York State Tax Law Section 471-e states that “non-Indians making cigarette purchases on an Indian reservation shall not be exempt from paying the cigarette tax;” and

WHEREAS, New York State Tax Law Section 1814e considers possession of five thousand (25 cartons) or more unstamped or unlawfully stamped cigarettes presumptive evidence that they are possessed for the purpose of sale; and

WHEREAS, Section 1814e makes it a Class E felony to possess ten thousand (50 cartons) or more unstamped or unlawfully stamped cigarettes; and

WHEREAS, New York State Tax Law Section 1845e indicates that (for quantities greater than four hundred and less than ten thousand) the penalty for failure to pay the prepaid sales tax on cigarettes is merely “an amount equal to the total amount of tax not paid;” and

WHEREAS, the off-reservation possession of unstamped Indian brand cigarettes by a non-Indian can be presumed to be evidence that that individual is willfully attempting to evade or defeat the tax imposed on that quantity of cigarettes under Article 20 of the New York State Tax Code; and

WHEREAS, the existing penalty for the off-reservation possession of less than ten thousand unstamped or unlawfully stamped cigarettes is insufficient to deter the purchase of such cigarettes without payment of the tax due, thereby depriving the county and state of needed revenue; now therefore be it

RESOLVED, the Seneca County Board of Supervisors urges Senator Michael Nozzolio and Assemblyman Brian Kolb to introduce legislation significantly increasing the penalties assessed for violating state law governing the possession of unstamped or unlawfully stamped cigarettes; and be it further

RESOLVED, that copies of this resolution be forwarded to New York State Governor Cuomo, New York State Senate Majority Leader Skelos, New York State Assembly Speaker Silver; Cayuga County Chairman Tortorici, Madison County Chairman Becker; and Oneida County Executive Picente.

An amendment to add the last Resolved to the main motion was adopted by 659 ayes, 51 nays (Kaiser) and 40 not present (Hayssen).

Prior to the adoption of this resolution, Mr. Kaiser stated that he would be voting against the resolution because he feels it is “unfair to the little guy”; and penalties should be directed at the manufacturers’ level.

Chairman Lafler stated he would be voting in favor of the resolution because non-Indian consumers know it is illegal for them to purchase cigarettes without paying taxes which is why they are going to Indian owned businesses.

A RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW C ESTABLISHING A WIRELESS TELEPHONE USAGE CHARGE PURSUANT TO §308-a OF NEW YORK STATE COUNTY LAW AND TO ADVERTISE FOR A PUBLIC HEARING

RESOLUTION NO. 161-11 moved by Mr. Davidson, seconded by Mr. Reynolds and adopted by 568 ayes (Davidson, Reynolds, Garlick Lorenzetti, Prouty, Same, Lafler, Churchill, Amidon, Mooney, Kubasik), 142 nays (Serven, Kaiser, Shipley), and 40 not present (Hayssen).

WHEREAS, the Board of Supervisors recognizes the important service provided by the County’s E-911 system; and

WHEREAS, the Board is aware of the authorization provided under §308-a of the New York State County Law permitting imposition of a wireless telephone usage surcharge in order to provide support for such a system in Seneca County; and

WHEREAS, the Board further recognizes the need for such additional support for the County’s E-911 system; and

WHEREAS, the Public Safety Committee recommends introduction of a local law under §311-a County Law imposing a surcharge of \$.30/month on wireless communications devices in Seneca County; now, therefore, be it

RESOLVED, that proposed Local Law C of 2011 entitled "A Local Law to Impose a Surcharge on Wireless Communications in Seneca County Pursuant to §308-a of the County Law" be and the same is hereby introduced before the Board of Supervisors of Seneca County, New York to read in substantially the following form:

SECTION 1. Definitions

(a) “Place of primary use” shall mean the street address that is representative of where the customer’s use of the wireless communications service primarily occurs, which address must be: (1) residential street address or the primary business street address of the customer; and (2) within the licensed service area of the wireless communications service supplier.

(b) “Wireless communications service supplier” means a telecommunications corporation that provides service within Seneca County.

(c) “System costs or other costs” means the costs associated with maintaining the telecommunications equipment and the telephone services necessary to provide an E911 system and costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Seneca County.

SECTION 2. Pursuant to Section 308 (a) of the County Law of the State of New York, there is hereby imposed a surcharge of thirty cents (\$.30) per month per wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County of Seneca. Wireless communication service suppliers shall begin to add the surcharge to all current service bills rendered on or after January 1, 2012 . Any wireless communications service supplier required to collect the surcharge pursuant to the provisions of this section shall be given a minimum of forty-five (45) days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to or change in the surcharge amount.

(a) Each wireless communications service supplier serving the County of Seneca shall act as a collection agent for the county and shall remit the funds collected pursuant to the surcharge imposed under the provisions of this section to the Seneca County Treasurer every month. Such funds shall be remitted no later than thirty (30) days after the last business day of the month.

(b) Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed under the provisions of this section.

(c) The surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

(d) Each wireless communications service customer who is subject to the provisions of this section shall be liable to the County of Seneca for the surcharge until it has been paid to the county except that payment to a wireless communications service supplier shall be sufficient to relieve the customer from further liability for such surcharge.

(e) No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed under the provisions of this section, provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Seneca, it shall also provide the County of Seneca with the name and address of any customer refusing or failing to pay the surcharge imposed under the provisions of this section and shall state the amount of such surcharge remaining unpaid.

(f) Each wireless communications service supplier shall annually provide to the County of Seneca an accounting of the surcharge amounts billed and collected.

(g) All surcharge monies remitted to the County of Seneca by a wireless communications service supplier shall be expended only upon authorization of the Seneca County Board of Supervisors and only for payment of system costs or other costs associated with the design, construction, operation, maintenance, and administration of public safety communications networks serving Seneca County. The County of Seneca shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 3. The County of Seneca shall be exempt from the surcharge imposed under this local law.

SECTION 4. This local law shall take effect on January 1, 2012, provided, however, that a wireless communications service provider may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on the date of the adoption hereof by the Board of Supervisors, as that wireless communications customer's place of primary use for the remaining term of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communication service; and be it further

RESOLVED, that copies of the aforesaid proposed local law be laid upon the desks of each member of the County Board; and be it further

RESOLVED, that the County Board hold a public hearing on said proposed Local Law at the County Office Building, 1 DiPronio Drive, Waterloo New York at or about 8:00 P.M. on August 23, 2011; and, be it further

RESOLVED, that the Clerk to the Board publish or cause to be published a notice of said public hearing in the official newspapers of the County at least ten (10) days prior thereto.

SUPERVISORS AUTHORIZE BUDGET TRANSFERS

SENECA COUNTY WATER & SEWER DISTRICTS

RESOLUTION NO. 162-11 moved by Mr. Davidson, seconded by Mr. Kaiser and adopted.

WHEREAS, the Water Districts Utility budget currently carries a negative balance and a transfer within the budget is necessary in order to have sufficient funds to pay monthly utilities for the remainder of the year; and

WHEREAS, the Sewer District #1's budget lacks sufficient funds to fulfill the immediate need for new parts or materials to keep equipment working properly and functioning to its full potential; and

WHEREAS, the Sewer District #2's budget lacks sufficient funds to fulfill the immediate need for new parts or materials to keep equipment working properly and functioning to its full potential; and

WHEREAS, the Seneca County Board of Supervisors Public Works Committee approved this resolution at its July 12, 2011 meeting; now therefore be it

RESOLVED, that the Seneca County Board of Supervisors' does hereby authorize the Seneca County Treasurer to make the following transfers:

Decrease Water District Other Supplies & Expense budget line 31-101-5-8310-4550 by	\$250,000
Increase Water District Utilities budget line 31-101-5-8310-4140 by	\$250,000
Decrease Sewer District #1 Repairs and Maintenance budget line 32-101-5-8110-4220 by	\$8,200
Increase Sewer District #1 Other Supplies and Expense budget line 32-101-5-8110-4550 by	\$8,000
Increase Sewer District #1 Highway Supplies & Expense budget line 32-101-5-8110-4540 by	\$200
Decrease Sewer District #2 Utilities budget line 33-101-5-8110-4140 by	\$18,000
Increase Sewer District #2 Other Supplies and Expense budget line 33-101-5-8110-4550 by	\$18,000
Decrease Sewer District #2 Repairs and Maintenance budget line 33-101-5-8110-4220 by	\$8,500
Increase Sewer District #2 Other Supplies and Expense budget line 33-101-5-8110-4550 by	\$8,299.54
Increase Sewer District #2 Insurance budget line 33-101-5-8110-4560 by	\$200.46

**BOARD OF SUPERVISORS ACCEPT NEW YORK STATE DEPARTMENT OF LABOR
HIGHWAY DEPARTMENT PERSONNEL TRAINING GRANT**

RESOLUTION NO. 163-11 moved by Mr. Davidson, seconded by Mr. Shipley and adopted.

WHEREAS, the State of New York Department of Labor has awarded the Seneca County Highway Department \$4,377 as part of the New York State Occupational Safety and Health Hazard Abatement Board Grant Program; and

WHEREAS, the stated purpose of the program is to provide safety training courses to County, Town and Village Highway department personnel; and

WHEREAS, this contract will reimburse 100% of the training costs with no local matching funds requirement; and

WHEREAS, this resolution has been reviewed and approved by the Public Works Committee on July 12th, 2011; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors does hereby authorize and direct the Chairman of the Board of Supervisors to sign all necessary grant documents to accept this New York State Department of Labor Grant; and be it

FURTHER RESOLVED, that the Seneca County Treasurer is hereby authorized and directed to amend the 2011 Seneca County Budget as follows:

Seneca County Highway Maintenance:

Amend Highway Administration Training (5010.4450) + \$ 4,377

Amend Revenue Account 40.3193.3506 OSHHAB Training Grant + \$ 4,377

New Business

Mr. Kaiser moved to suspend the rules of order to introduce the following resolution.

BOARD OF SUPERVISORS AMENDS COUNTY POLICY §§202.100 AND 202.101 AND APPOINTS COUNTY OFFICIAL TO EXERCISE AUTHORITY THEREUNDER

RESOLUTION NO. 164-11 moved by Mr. Kaiser, seconded by Mr. Mooney and adopted.

WHEREAS, Seneca County Policy §§202.100 and 202.101 authorize the County Manager and the County Manager as Purchasing Director to approve certain purchases and budget transfers for purposes of effecting such purchases; and

WHEREAS, County Policy does not permit any other officer of the County to approve such purchases and budget transfers; and

WHEREAS, the County Manager's resignation is effective July 22, 2011 and a Committee has been formed for the purpose of finding a new County Manager; and

WHEREAS, in the interim, the Board desires to amend §§202.100 and 202.101 of the County Policy Manual to provide for an alternative in the event of the absence of the County Manager and to appoint a County Officer to fulfill the duties of the County Manager and Purchasing Director encompassed under those sections; and

WHEREAS, this Resolution has been reviewed and approved by the Government Operations Committee; now, therefore, be it

RESOLVED, that §202.100 of the Seneca County Policy Manual is amended as follows:

§202.100 (I)(1) shall read as follows:

“The purchasing Director appointed by the Seneca County Board of Supervisors is the Seneca County Manager, or in the absence or disability of the County Manager, such County Officer as the Board of Supervisors may designate by duly enacted resolution of the Board. The Purchasing Director's role is to develop and administer the purchasing program of the County.”

§202.100 (X) shall read as follows:

“All authority vested in the County Manager or the Purchasing Director under this section shall, in the absence or disability of the County Manager or the Purchasing Director, be vested in such County Officer as the Board of Supervisors may designate by duly enacted resolution of the Board.”; and be it further,

RESOLVED, that §202.101 of the Seneca County Policy Manual is amended as follows:

At the conclusion of §202.101 there shall be added a paragraph which shall read as follows:

“Wherever in this Section, the term ‘County Manager’ shall be used, it shall be interpreted as meaning the County Manager or, in the absence or disability thereof, such County Officer as the Board of Supervisors shall designate by duly enacted resolution of the Board”; and be it further

RESOLVED, that the Board of Supervisors hereby appoints the County Personnel Director as the County Officer to act as Purchasing Director or for purposes of executing the duties of the Purchasing Director and the County Manager defined under §§202.100 and 202.101 of the County Policy Manual related to purchasing and budget transfers; and be it further

RESOLVED, that upon the appointment by the Board of Supervisors of a new County Manager such duties shall, without action by the Board, revert to the County Manager so appointed.

Special Order of the Day

The meeting was adjourned at 8:35 p.m.