

January 2, 2013

The meeting was called to order by the Clerk of the Legislature, John R. Searles.

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed one Legislator absent – Mr. Weller.

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Mr. Searles stated the Legislature should now elect a Chair for the year 2013, and asked for nominations.

MR. AIELLO moved, seconded by Mr. Teachman to nominate Norman Marsh. Carried.

MS. EDSTROM moved, seconded by Mrs. Stockman to close the nominations. Carried.

By voice vote, MR. MARSH was elected Chairman for the year 2013.

CHAIRMAN MARSH'S speech to the Legislature included the following:

Good afternoon Ladies and Gentlemen,

This last year has certainly flown by. I would like to thank all the Legislators for voting me in as Chairman for another year. It is indeed a great honor to think of the confidence you have shown in me to lead you. While last year was a learning experience for the new Legislators and for me, as Chairman, I feel we handled the various issues with a Veteran's experience. I would also like to thank all of the department heads along with Karen Burr, with all of her knowledge, who made our job as Legislators much easier. I would also like to thank Jack Searles, Jeff VanDeCar and Tom Brady and their staffs for their invaluable assistance and advice. So, to all of you again...a big "thanks".

Again, there is still much to be done. We do have a new budget in place and it was much easier on everybody last year than the previous year. Even though the budget is under the "cap", I think there is still some work to be done. I would like to see the Finance Committee look into forming a budget review board to work with Jack Searles to see what possible savings or recommendations could be incorporated into the 2014 budget. These findings would then be reported to the Finance Committee. This is up for discussion, but hopefully, something can be worked out.

We still have New York State to deal with on its unfunded and underfunded mandates. We must impress upon our State representatives how important and necessary it is to receive relief from these programs. With New York State's planned takeover of Medicaid, we will be under the gun to meet unrealistic time frames or face penalties. Talking with one State Medicaid official at NYSAC in Albany last year, she basically said the State knows it probably won't meet its own set timelines, but that doesn't relieve the County of the responsibility to meet them. Isn't it wonderful dealing with the State? Cattaraugus County must be ready to react to any and all changes brought upon by State and Federal entities.

Some of our State and Federal officials don't, or refuse to, understand that if they allow the County to prosper and grow, then their economy does also. This, in turn, influences the State's finances and gravitates upward to the Federal level as well. This seems logical to me anyway.

In conclusion, while I know there are still other issues that will face us in the coming year, I look for continued improvement in our County as long as we continue to make smart decisions. Again, thanks to everyone for making my job easier and I look forward to a great year.

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CHAIRMAN MARSH asked for nominations for Vice-Chairman for the year 2013.

MR. SNYDER, JR. moved, seconded by Mr. Boser to nominate Mr. James Snyder, Sr. Carried.

CHAIRMAN MARSH declared the nominations be closed.

By voice vote, MR. SNYDER, SR. was elected Vice-Chairman for the year 2013.

VICE-CHAIRMAN SNYDER SR.'S comments are as follows:

Mr. Snyder stated that he enjoyed working with Chairman Marsh and all Legislators last year. This year should be as good or better. He also said he is happy to be a part of all of this. He issued a thank you to all Department Heads for their cooperation and thanked everyone for their support.

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CHAIRMAN MARSH announced Mr. William Aiello has been chosen Majority Leader for the year 2013.

MAJORITY LEADER AIELLO'S speech is as follows:

Chairman Marsh, Vice-Chairman Snyder, my fellow Legislators, Department Heads, County Employees, and Citizens of Cattaraugus County.

It has been my pleasure to serve as the Majority Leader over the past year and I look forward to serving again as your Majority Leader for 2013.

I'd like to thank Jack Searles, his staff and the Department Heads and their staffs for working with the Legislature during the past year and especially the outstanding job they did in preparing the 2013 budget. We are now in the second year dealing with the 2% property tax cap New York State enacted.

Although the task at hand was to keep within the 2% tax cap, Albany keeps stacking the deck with more and more unfunded mandates and less mandate relief. Our Governor has basically told counties to quit complaining about mandate relief and deal with it.

This year's budget was kinder and gentler as Jim Snyder, our Finance Chairman, asked for it to be. The big plus was we did not have to lay off any County employees.

In 2012, we started the year with eight new legislators. Committees were set and it did not take long for everyone to get on board dealing with all the issues of running County government. We have worked extremely well together with dealing with the issues.

In 2012, we continued to look at every department to see where we could be more efficient. Our Department Heads and their employees have again stepped up and given us suggestions which have turned into saving for the taxpayers of Cattaraugus County.

So, 2013 will bring more challenges to this Legislature. We, as a Legislature, have to continue looking at ways of becoming more efficient and still providing services to our citizens. We must continue to look at all the facts and working together.

Over the next three years, we (the Legislature) will continue to have a full plate. This plate will be loaded with many challenges:

- Our nursing homes;
- Union Negotiations;
- Roads and bridges;
- Economic Development;
- Maintaining a safe fund balance,

just to name a few.

The challenge will be to live within the 2% tax cap which will be with us for the next three years. To do this we will need the cooperation from the Administration, Department Heads, employees and the entire Legislature.

I am calling on all Legislators on both sides of the aisle to continue to work together over the next three years to meet these challenges.

In closing, I'd like to thank everyone who has helped me over the last year and I am looking forward to working with all of you. As long as we continue to look at all the facts, I'm confident that the decisions we make will be in the best interests of all Cattaraugus County residents.

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MR. AIELLO announced that Patrick Murphy has been chosen Assistant Majority Leader and that Donna Vickman has been chosen Majority Whip for the year 2013.

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CHAIRMAN MARSH announced James Boser has been chosen Minority Leader for the year 2013.

MINORITY LEADER BOSER addressed the legislature as follows:

Chairman Marsh, Vice-Chairman Snyder, returning Legislators, Department Heads, County employees and citizens of Cattaraugus County, I would like to thank my fellow legislators for electing me as your Minority Leader. To the many new Legislators beginning their first year, I would like to say job well done; they truly were a great group to get to know and work with. With the casino compact between New York State and the Seneca Nation now in arbitration, hopefully a settlement will be forthcoming in the near future.

The year ahead for our legislature will most certainly be a year of difficult decisions. The 2% property tax cap we must live with, along with no New York State mandate relief, will cause many problems which we must solve to the best of our ability. Both sides of the aisle must continue to work together for the best interests of the people of Cattaraugus County. I feel very confident that this will continue.

Information I would like to share with you about the agricultural community of Cattaraugus County is that our County is a right-to-farm county. Outreach discussions will be held this year with our towns on right-to-farm issues. Our County once again will contract with Cornell for farmer assistance. We surely will get a large return for the financial support given them. Cattaraugus County held their first farmer-and-neighbor dinner this past year and it was hugely successful. In April, the second one will be held and it is expected to be twice as big as the first one. The Amish Trail promotes both the Agriculture and Tourism business. Acceptance far exceeded expectations.

Agriculture is rapidly changing in our County. We now have organic farming and dairy farms with robotic milking parlors. Soybeans and corn have become major crops in many areas of our County. Farmland that has been idle for many years is now producing crops as well as income for the landowners. With the new production of Greek yogurt in Western New York, the increased demand for milk should enable our dairy farmers to prosper.

The Department of Economic Development, Planning and Tourism is now in the process of designing a County website for agriculture. This should be completed very shortly. With strong support from this Legislature, the future for agriculture in Cattaraugus County has never looked brighter.

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MINORITY LEADER BOSER announced that William Sprague will be the Assistant Minority Leader and Susan Labuhn will be the Minority Whip for the year 2013.

COUNTY COURT JUDGE RONALD PLOETZ administered the oaths of office to the members of the leadership.

CHAIRMAN MARSH announced that Ann Giglio will serve as Journal Clerk for the year 2013.

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MR. TEACHMAN moved, seconded by Mrs. Labuhn that the minutes of the December 12, 2012 session be approved. Carried.

#### COMMUNICATIONS:

##### Letters of Disclosure From:

Mr. William Aiello  
Mrs. Paula Stockman  
Mr. Steven H. Teachman  
Mr. James J. Snyder

Ms. Linda M. Edstrom  
Mr. William E. Sprague  
Mr. David Koch  
Thomas C. Brady, County Attorney

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my son-in-law, Casey Austin, is employed by Cattaraugus County as a Deputy Sheriff in the Sheriff's Office.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
William J. Aiello, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my husband, Gerald Zimmerman, is employed by Cattaraugus County as Director of the Probation Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Linda M. Edstrom, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #9 of the Cattaraugus County Legislature.

It is to further advise you that my wife, Cynthia Koch, is employed by Cattaraugus County as a Senior Personnel Clerk in the Human Resources Department and my daughter, Lora Prey, is employed by Cattaraugus County as a Keyboard Specialist in the Health Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
David M. Koch, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Sydney Evans, is employed by Cattaraugus County as an Intensive Case Manager in the Community Services Department, and my son-in-law, Anthony Evans, is employed by Cattaraugus County as the Director of the Youth Bureau.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
James J. Snyder, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #4 of the Cattaraugus County Legislature.

It is to further advise you that I own and operate a number of rental units in the Towns of Yorkshire, Hinsdale and Franklinville and, in connection therewith, I do, at times, rent to people who receive assistance from the Department of Social Services of the County of Cattaraugus. I am, therefore, occasionally reimbursed indirectly by the Department of Social Services for the rent of said people receiving benefits.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
William E. Sprague, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #1 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Kendra Stockman, is employed by Cattaraugus County as a Caseworker in the Department of Social Services, and my son-in-law, Dennis Brooks, is employed by Cattaraugus County as Safety Engineer in the Human Resources Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Paula J. Stockman, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my wife, Rosemary Teachman, is employed by Cattaraugus County as a Senior Account Clerk Typist in the Social Services Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Steven H. Teachman, County Legislator

Dear Legislators:

I am the duly appointed and qualified Cattaraugus County Attorney.

This is to advise that I am of counsel to the law firm of Brady & Swenson, which represents Cattaraugus County in the defense of civil litigation and to further advise that I, personally, will receive no benefit or derive any income from Brady & Swenson for any such representation.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Thomas C. Brady, Esq., County Attorney

## APPOINTMENTS:

### **AGING ADVISORY COUNCIL**

*One-year terms to expire December 31, 2013*

Nancy Allen  
3522 Buffalo Road  
Allegany, New York 14706

Marge Little  
11964 Weaver Road  
Delevan, New York 14042

Diane Boser  
97 North First Street  
Allegany, New York 14706

William Little  
11964 Weaver Road  
Delevan, New York 14042

James Boser  
97 North First Street  
Allegany, New York 14706

Betty McDonald  
3045 Cherry Street  
Olean, New York 14706

William Button  
60 Portville-Ceres Road  
Portville, New York 14770

Marion Sticek  
9772 Cottage-Nashville Road  
South Dayton, New York 14138

MaryAnn Chamberlain  
167 Columbia Avenue  
Salamanca, New York 14779

Maureen Stone  
PO Box 35  
Sheridan, New York 14135

Helen Crowley  
5440 Robbins Road  
Ellicottville, New York 14731

Kathy Hamed  
Olean Senior Center  
112 North Barry Street  
Olean, New York 14760

Doris Heath  
8564 Mill Street  
South Dayton, New York 14138

Peggy Ann Taylor  
65 Perry Street, Apt. B, PO Box 5  
Gowanda, New York 14070

Dr. Kevin Watkins, MD  
Public Health Director  
1 Leo Moss Drive, Suite 4010  
Olean, New York 14760

**LONG-TERM CARE ADVISORY COUNCIL**

*Three-year terms to expire December 31, 2015*

James Bellanca  
The ReHabilitation Center  
1439 Buffalo Street  
Olean, New York 14760

Nancy Crawford  
4460 Union Hill Road  
Hinsdale, New York 14743

Anthony Evans, Director  
Youth Bureau  
200 Erie Street  
Little Valley, New York 14755

Timothy Finan, CEO  
Olean General Hospital  
515 Main Street  
Olean, New York 14760

Jodi Fuller  
Cattaraugus Community Action, Inc.  
25 Jefferson Street  
Salamanca, New York 14779

Gary Heim  
169 East Carroll Road  
Portville, New York 14770

Amanda Hilliker  
Seneca Nation of Indians  
Jimersontown Road  
Salamanca, New York 14779

Carol Mahoney  
Home Care and Hospice  
1225 West State Street  
Olean, New York 14760

Sharon Mathe  
Healthy Community Alliance  
1 School Street  
Gowanda, New York 14070

Steve McCord, Director  
Veterans Service  
1 Leo Moss Drive, Suite 6510  
Olean, New York 14760

Maureen Mooney-Myers, Director  
Department of Nursing Homes  
2245 West State Street  
Olean, New York 14760

Daniel Piccioli, Acting Commissioner  
Department of Social Services  
1 Leo Moss Drive, Suite 6010  
Olean, New York 14760

Candace Plants, United Way-Cattaraugus Co.  
807 West State Street  
Olean, New York 14760

Cynthia Rauh  
326 North Sixth Street  
Olean, New York 14760

Leonard Liquori  
Directions in Independent Living  
512 West State Street  
Olean, New York 14760

Dawn Rosine  
Willcare  
700 Westgate Plaza  
Olean, New York 14760

John Lounsbury  
387 Route 305 S  
Portville, New York 14770

Kim Shay  
Olean Medical Group  
535 Main Street  
Olean, New York 14760

Catherine Mackay, Director  
Department of Aging  
1 Leo Moss Drive, Suite 7610  
Olean, New York 14760

Dr. Kevin Watkins, MD  
Public Health Director  
1 Leo Moss Drive, Suite 4010  
Olean, New York 14760

**CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE**

*Unexpired term to expire December 31, 2013*

Todd Reisner  
Trans Am Ambulance Services, Inc.  
308 North Eighth Street  
Olean, New York 14760  
(replacing Walter Reisner)

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD**

*Three-year terms to expire December 31, 2015*

Carrie Childs  
Child's Blueberries  
3207 Cooper Hill Road  
Humphrey, New York 14741

Keith Kranick, Director  
JCC Continuing Education  
PO Box 5901  
Olean, New York 14760

Karen Comstock  
Dresser-Rand  
37 Coats Street  
Wellsville, New York 14895

Arnold McHone  
McHone Industries  
PO Box 69  
Salamanca, New York 14779

Gretchen Hanchett  
Allegany County Chamber of Commerce  
6087 State Road 19N, Suite 120  
Belmont, New York 14813

Rocky Mehta  
West Penn Hardwoods  
230 South Clinton Street  
Olean, New York 14760

Charles Halthoff  
ACCORD Corporation  
PO Box 372  
Belmont, New York 14813

Brad Monroe  
Dresser-Rand  
Paul Clark Drive, PO Box 560  
Olean, New York 14760

Matt Keller  
 Subway/JLCM Foodservices, Inc.  
 223 West State Street, PO Box 785  
 Olean, New York 14760

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD**

*Unexpired terms to expire December 31, 2013*

Meme Yanetsko, Chief Operating Officer  
 Greater Olean Area Chamber of Commerce  
 120 North Union Street  
 Olean, New York 14760  
*(replacing Karen Knight)*

Christine Luly, District Office Manager  
 NYS Education Department Adult Career and  
 Continuing Education Services  
 508 Main Street  
 Buffalo, New York 14202  
*(replacing Robert Haladay)*

Patricia Magara, Employment Specialist  
 Cattaraugus Community Action  
 25 Jefferson Street  
 Salamanca, New York 14779  
*(replacing Mark Levine)*

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL**

*Two-year terms to expire December 31, 2014*

Gordon Diffenderfer  
 Cattaraugus County Probation Department  
 1 Leo Moss Drive, Suite 4130  
 Olean, New York 14760

Michael Pietrikiewicz  
 Cassadaga Job Corps  
 8115 Glasgow Road  
 Cassadaga, New York 14718

Becky Scott  
 Literacy West NY  
 5455 Route 19 North  
 Belmont, New York 14813

**OPEN SPACE REGIONAL ADVISORY COMMITTEE**

*Indefinite term*

Crystal J. Abers, Director  
 Department of Economic Development, Planning & Tourism  
 303 Court Street  
 Little Valley, New York 14755

**FISH & WILDLIFE MANAGEMENT BOARD**

*Two-year term to expire December 31, 2014*

William Lindbergh  
 Landowner Representative  
 2100 Lyndon Road  
 Franklinville, New York 14737

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**ACT NO. 1-2013** by Mr. Marsh

**ADOPTION OF 2013 RULES OF ORDER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the Rules of Order of the Cattaraugus County Legislature for the year 2013 shall be as follows:

**RULES OF ORDER  
OF THE  
CATTARAUGUS COUNTY LEGISLATURE**

**RULE 1. ORGANIZATION MEETING**

**1.1** The organization meeting of the Legislature shall be held on or before January 8 in each year for election or appointment of all officers and employees. The Clerk shall call the meeting to order and the first order of business shall be the election of a Chair for the ensuing year. The Legislature, under the Chair, shall proceed with the election of a Vice-Chair whose term of office shall be for the current year.

**1.2** At the organization meeting commencing a new legislature, the Legislature shall appoint a County Attorney to act during the term of office for which the then members of such Legislature were elected.

**1.3** The Chair shall appoint the Journal Clerk whose term of office shall be for the current year.

**1.4.1** The Chair shall announce one majority leader selected by the members affiliated with one political party having a majority of the legislative membership.

**1.4.2** The majority leader shall be a member of the Finance Committee.

**1.5.1** The Chair shall announce one minority leader selected by the members affiliated with a political party or combination of political parties, other than the political party of the majority leader.

**1.5.2** The minority leader shall be a member of the Finance Committee.

**RULE 2. REGULAR MEETINGS**

**2.1** Regular meetings shall commence at 3:00 p.m. on the second and fourth Wednesdays of each month, except, that in the months of July and August, the only regular meeting will be the fourth Wednesday.

**RULE 3. SPECIAL MEETINGS**

**3.1** Special meetings shall be at the call of the Clerk upon the direction of the Chair, or at the call of the Clerk of the Legislature upon direction of the Vice-Chair provided that upon convening, a majority of the members of the Legislature pass a resolution ratifying such call, or upon written request signed by Legislators representing a majority of the Legislature.

3.2 A notice in writing stating the time, place and purpose of the special meeting shall be served personally or by email upon each member of the Legislature by the Clerk at least 48 hours before the date fixed for holding the meeting, or a member may waive the service of a notice for such meeting by a writing signed by the member.

3.3 Only business specified in the notice may be transacted at a special meeting.

#### RULE 4. PLACE AND TIME OF MEETINGS

4.1 All meetings shall be held at the Legislature Chambers in Little Valley, New York, and shall begin at the hour specified in these rules, unless a different time or place is provided by a motion for adjournment or by the call for the meeting.

4.2 The Clerk shall notify members, County Officers and Department Heads of all meetings, except adjourned regular meetings.

#### RULE 5. PRESENCE OF COUNTY ATTORNEY and COUNTY ADMINISTRATOR

5.1 The County Attorney shall be present during all legislative meetings for the purpose of advising the Legislature on legal questions, unless excused by the Chair.

5.2 The County Administrator shall be present during all legislative meetings for the purpose of counsel and advice, unless excused by the Chair.

#### RULE 6. QUORUM

6.1 A majority of the full Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

6.2 When a quorum is not present, the Clerk of the Legislature, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

#### RULE 7. TEMPORARY CHAIR

7.1 Upon the appearance of a quorum, the Chair shall call the Legislature to order.

7.2 In the case of the non-appearance of the Chair, the Vice-Chair shall conduct the meeting.

7.3 In the case of the non-appearance of the Chair or the Vice-Chair, the Majority Leader shall conduct the meeting.

7.4 In case of the nonappearance of the Chair, Vice-Chair or Majority Leader within fifteen minutes of the appointed hour, the Clerk shall call the Legislature to order and a Chair pro tem shall be elected to preside for such day only, or during the absence of the Chair. The Chair pro tem shall have and exercise all of the powers and duties of the Chair at the meeting over which the Chair pro tem is called to preside.

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## RULE 8. ORDER OF BUSINESS

8.1 The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

1. Call to order by Chair.
2. Roll Call by Journal Clerk.
3. Invocation at each regular meeting.
4. Correcting and approving the minutes of any previous meetings.
5. Presentation of notices, petitions, claims, communications and departmental reports.
6. Privilege of the floor, subject to Rule 11.1.
7. Resolutions, motions and notices ready for action.
8. Unfinished business.
  - .1 tabled matters.
  - .2 matters postponed to date certain.
9. Resolutions presented for immediate consideration.
10. Notices and any other matters for discussion.
11. Adjournment.

## RULE 9. ROLL CALL

9.1 On roll call, the Journal Clerk shall record by name all members present or absent. It shall be the duty of any Legislator arriving late or departing before adjournment to advise the Journal Clerk of his/her arrival and his/her departure and it shall be the duty of the Journal Clerk to note the name of the Legislator and the time by hour and minutes of his/her late arrival or early departure.

## RULE 10. MINUTES OF PREVIOUS MEETING

10.1 Minutes of the previous meeting shall not be read, unless requested by any Legislator, by motion duly made, seconded and adopted by majority vote.

## RULE 11. PRIVILEGE OF THE FLOOR

11.1 A person, other than a member of the County Legislature, may be granted the privilege of the floor by the Chair only on agenda items upon the request of a Legislator, unless a motion is made by a Legislator for a vote on extending the privilege. If such motion is made, a majority vote shall be made to extend the privilege. Such privilege may be granted upon non-agenda items by advance notice to the Chair prior to the meeting. The Chair, in its discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chair may extend such privilege under other appropriate times and circumstances. For purposes of this rule only, the Clerk of the Legislature and the County Attorney shall have the same speaking privilege as a Legislator.

11.2 If a person, other than a member of the County Legislature, in speaking transgresses the rules of the Legislature, the Chair or any member may call him/her to order and the Chair may suspend the privilege.

RULE 12. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS

12.1 All resolutions shall be reduced to writing and filed with the Clerk.

12.2 Every resolution shall contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action, and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.

12.3 All resolutions and local laws shall be filed with the County Attorney not later than noon of the 13<sup>th</sup> day before the Legislature meeting.

12.4 All resolutions shall provide the name of the prime sponsor, or sponsors, on the first line.

12.5 Upon the request of the prime sponsor, or sponsors, prior to action taken by the legislature, the name or names of additional sponsors shall be added to the resolution in alphabetical order on the second line with the majority members listed first and the minority members listed second. Such permission may be given by the sponsor or sponsors either in writing to the Chair of the Legislature prior to the legislative meeting at which the resolution is to be debated or orally when the resolution is on the floor for discussion.

12.6 If a Committee is sponsoring a resolution, then the names of the committee members shall appear on the first line as prime sponsors with additional sponsors listed on the second line.

12.7 Each resolution shall indicate the year of its introduction.

12.8 The Clerk of the Legislature shall assign all resolutions and correspondence to the proper committee or committees for proper action.

12.9 A copy of all resolutions shall be emailed to each Legislator. The Deputy Clerk of the Legislature shall place a copy of all resolutions in each Legislator's mail box located in the Office of the Assistant to the Legislature.

12.10 All committees with business to transact shall meet on the seventh day preceding the meeting of the Legislature. Five days preceding the meeting of the Legislature, the Clerk shall cause to be reproduced and emailed to all Legislators copies of all resolutions and the disposition, if any, of them.

12.11 The term "resolution" as herein used shall mean a formal proposed action, in writing, to be read by the Journal Clerk. Any proposed action given orally from the floor shall be deemed a motion.

12.12 No motion shall be debated until seconded. After a motion or resolution is stated by the Chair or read by the Journal Clerk, it shall be deemed to be in the possession of the Legislature and open for debate, but may be withdrawn at any time before decision is made or an amendment is adopted. A resolution may be withdrawn by the author. A motion or amendment may be withdrawn by the two members who offered and seconded it. The names of the members who offered and seconded the motion shall be entered in the proceedings by the Clerk.

12.13 All resolutions memorializing action on pending legislation by the State Legislature shall be identified by setting forth the Assembly or Senate Introductory Number of the legislation.

12.14 All resolutions in committee or reported on by committee and not acted on by committee and not acted on by the Legislature before the end of the year shall die each December 31.

12.15 No resolution shall be filed with the Clerk of the Legislature until it has been approved as to legality and form by the County Attorney. The County Attorney shall indicate his/ her approval of legality and form of the resolution by initialing the original copy of the resolution.

12.16 Each paragraph of each resolution or local law shall be numbered consecutively.

12.17 Paragraphs 12.3, 12.8 and 12.9 of this rule shall not apply to the meetings in January, nor to tax and budget resolutions introduced in November and December.

12.18 Where applicable, a resolution request form shall be filed with the County Attorney prior to resolution preparation.

12.19.1 All proposed local laws and the public hearing resolutions accompanying them, after being passed out of the committees to which they are assigned, will appear on the legislative agenda for the next meeting of the Legislature, but the local law shall be listed under an agenda category entitled "Local Laws Not Ready for Final Action". No legislative action on a local law so listed except amendment may occur at that meeting. At the meeting at which the public hearing on a local law is scheduled to be held, the local law shall be listed on the legislative agenda under the category entitled "Resolutions, Motions and Notices Ready for Action", although the local law may not be acted upon until after the public hearing is held and closed.

12.19.2 Local laws and their accompanying hearing resolutions filed for immediate consideration will both be provided to the Legislature. In the event that the Legislature votes, pursuant to Rule 16.3, to consider the hearing resolution, it may be acted upon at the meeting at which it is introduced. In the event that the Legislature votes, pursuant to such rule, to consider the local law at that meeting, no legislative action on such local law may then occur except amendment. After such meeting of the Legislature, the procedure set forth in the last sentence of Rule 12.19.1 shall apply.

12.20 Beneath the caption of each proposed local law, there shall appear a brief description of the local law in plain language including its purpose and intent.

12.21 Academic and athletic achievement resolutions should be sponsored by all legislators.

#### RULE 13. RESOLUTIONS AND LOCAL LAWS CREATING COUNTY POSITIONS

13.1 Any local law or resolution seeking to create a new county position shall not be filed with the Clerk of the Legislature or be prefiled with the Clerk of the Legislature unless such local law or resolution is accompanied by a certification by the Cattaraugus County Civil Service Commission approving the title of such position.

13.2. The request to fill the position vacancy must be approved by the following:

- .1 Employee Position Vacancy Committee
- .2 Oversight Committee
- .3 Finance Committee.

RULE 14. SPONSORSHIP OF COUNTY PROPERTY SALES

14.1 Every resolution which authorizes the sale of any county property, other than tax title property, must be sponsored by a majority of the Legislators representing the district in which the property is located.

RULE 15. TRANSFER OF FUNDS

15.1 Any resolution authorizing or directing the transfer of funds from any account to another account shall not be adopted unless such resolution or transfer of funds be accompanied by an explanation to be submitted by the applicable department head, fully explaining the reason and necessity of such transfer.

15.2 All other transfers of funds shall be made in accordance with Local Law Number 5-1985 (Intro Number 10-1985), as amended.

RULE 16. AGENDA

16.1 The Clerk shall prepare a statement of the order of business for each meeting of the Legislature which shall also contain the title and sponsor of each resolution to be presented together with the number to be assigned thereto.

16.2 The order of business shall be emailed prior to the regular meeting or be placed on the desk of each Legislator.

16.3 Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless, upon motion regularly made and adopted by a two-thirds vote of the Legislators, the consideration of such resolution is authorized. The motion shall be as follows: "Move that Resolution No. \_\_\_\_ be considered at this time."

16.4 Any resolution appearing on the agenda will not be read at the meeting of the Legislature, but shall be called up by referring only to the Act number and the title, as hereinabove set forth, the same shall be deemed to be before the Legislature with the full force and effect as though the same had been fully read; if, however, any Legislator requests the reading of the resolution in full, such resolution must be read to the Legislature.

16.5 Information, correspondence, and non-county resolutions not germane to the regular legislative meeting shall be filed with the Journal Clerk.

RULE 17. UNFINISHED BUSINESS

17.1 All reports, resolutions, and other matters laid on the table, may be called therefrom under "Unfinished Business" in the regular order of business.

17.2 All questions laid over by rule, or by request of any member, for one day shall be considered in order on the succeeding day or at the next session, under the head of "Unfinished Business."

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RULE 18. ORDER AND DECORUM

18.1 The Chair shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Legislature. If an appeal be taken from the decision of the Chair, the Chair shall have the right in his/her place to make known the reason for his/her decision. The Legislature shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chair be sustained?"

18.2 In order to debate, to give a notice, to make a motion, or to present a petition or other papers, a Legislator must rise and be recognized by the Chair before he/she shall proceed. When two or more Legislators rise to speak at the same time, the Chair shall determine who is entitled to the floor.

18.3 While a member is speaking, no member shall entertain any private discourse or pass between the speaker and the Chair.

18.4 While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his/her place.

18.5 If any member, in speaking, transgresses the rules of the Legislature, then the Chair or any member may call him/her to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain. He/She shall remain seated until the Chair determines the point raised and if the point shall be sustained, then such member shall not further proceed, except on order and by permission of the Chair.

18.6 When a motion to adjourn is carried, the members shall keep their seats and places until the Chair declares the Legislature adjourned.

18.7 While the Legislature is in session no person other than members of the Legislature shall be allowed on the floor without the consent of the Chair, except the County Attorney, Journal Clerk, County Administrator or his/her designee. "On the floor" shall be designated as that area surrounding the Legislators' desks; all other county officers, department heads and interested persons and spectators shall remain in seats provided outside the railing, unless otherwise instructed by the Chair. The space designated for individuals wishing to videotape public meetings shall be at the end of the public area behind the railing next to the Chamber windows. The space designated for the print and audio media shall continue to be to the left of the podium.

18.8 In order to have an orderly presentation of speakers at public hearings, the Legislative Assistant shall maintain a sign-up sheet for persons interested in speaking at such hearings.

18.9 During public hearings, the Chair may set a reasonable limitation upon the duration of time for which members of the public will be granted the privilege of the floor.

18.10 Errors in actual fact made during public hearings may be corrected or addressed by the Chair, or his/her designee.

18.11 A member wishing to make comments germane to a resolution under consideration by the Legislature may submit such comments, not to exceed 75 words, in writing to the Journal Clerk on the date that the resolution is under consideration by the Legislature.

18.12 Matters raised by any person which are not germane to a resolution under consideration may be referred by the Chair to the appropriate committee.

#### RULE 19. RULES OF DEBATE

19.1 No debate shall be in order until the pending question shall be stated by the Chair.

19.2 If the question being debated contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition.

19.3 All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided by the Chair without debate.

19.4 When the reading of any paper is called for and objected to by any member, the question shall be determined without debate by a vote of the Legislature.

19.5 The Vice-Chair shall assume the chair to preside when the Chair desires to speak from the floor on any pending matter. In the absence of the Vice-Chair, the Chair, with the permission of the majority of the Legislature, may designate an acting Chair to preside when the Chair desires to speak from the floor on any pending matter. Such designation shall be effective until the question on the floor is disposed of, or the Chair elects to return to the Chair.

19.6 The Chair may limit the speaking of a member on any motion or resolution, or any amendment to a motion or resolution, to three times.

#### RULE 20. MOTIONS AND THEIR PRECEDENCE

20.1 When a question shall be under consideration, no motions shall be made except as herein specified, which motions shall have precedence in the order stated:

##### UNDEBATABLE

1. For adjournment of the Legislature
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous question
6. Limit or extend limits of debate

##### DEBATABLE

1. Postpone to a certain time
2. Commit or refer
3. Amend
4. Postpone indefinitely
5. Main motion

20.2 The motion to adjourn or to take a recess shall always be in order, but cannot be made while the Chair is putting a question or while a member has the floor or after the previous question has been ordered or while the Journal Clerk is calling the roll, or while in Committee of the Whole.

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#### RULE 21. DEBATE CLOSURE

21.1 When a debate has run its course, a member may rise to request debate closure. The member must be recognized by the Chair prior to requesting debate closure. The Chair may recognize those members who were standing prior to the request for debate closure. When the Chair determines that the debate is concluded, the Chair shall put the resolution or motion on the floor to a vote.

21.2 Alternatively, a member may move the previous question. The motion requires a second, is non-debatable and requires a two-thirds vote.

#### RULE 22. QUESTIONS LAID OVER BY REQUEST

22.1 Any motion, resolution, or any other proposition giving rise to debate, except matters before the Legislature as unfinished business or special orders, or any regular parliamentary working motion and any motion referring to a working motion, shall lie over to the next day if so requested by a majority vote of the Legislature, but shall not be again postponed unless made a special order.

#### RULE 23. RULES OF VOTING

23.1 The ayes and nays shall be taken on all questions requiring a vote of the Legislature when required by statute. A roll call vote may be taken under all other circumstances, provided that two legislators request that such a roll call vote be taken. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. Every member who shall be present on the floor (as defined in Rule 18.7) when a question is stated by the Chair shall vote thereon, except that a legislator who has a prohibited conflict of interest under the General Municipal Law or the County's Code of Ethics shall not vote after stating his/her connection with the matter under consideration and obtaining a ruling from the County Attorney that such constitutes prohibition from voting. If a legislator who is present on the floor and not prohibited from voting refuses or otherwise fails to vote, then the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted on.

23.2 In the event that a legislator wishes to leave the floor before a question is stated by the Chair, he/she must do so before the question is called, and announce his/her absence to the Journal Clerk, who shall record it, and thereafter announce his/her return to the Journal Clerk.

23.3 The order of voting at meetings of the Legislature shall be rotated alphabetically, beginning with the letter 'A'. For example, legislator 'A' would be required to vote first on resolutions requiring a roll call vote considered at the first meeting held during the year, Legislator 'B' would vote first on resolutions considered at the second meeting, etc., continuing through the members of the Legislature alphabetically for the meetings held during the remainder of the year.

#### RULE 24. STANDING COMMITTEES

24.1 The Chair shall appoint the members of all standing committees and special committees. All standing committees shall be appointed for the current year, but shall hold over until new committees have been appointed by the Chair, except at the end of a legislative term, at which time all committee assignments terminate. No person shall continue to serve after he/she has ceased to be a member of

the Legislature. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required.

Standing committees and number of members are as follows:

Number	Name of Committee	Number of Members
1.	County Operations	7
2.	Development & Agriculture	7
3.	Finance	9
4.	Human Services	7
5.	Labor Relations	5
6.	Public Safety	7
7.	Public Works	9
8.	Senior Services	7
9.	Strategic Planning	7

Duties and scope of each committee are listed in the Appendix.

#### RULE 25. SPECIAL COMMITTEES

25.1 Special committees may be authorized at any legal meeting of the Legislature. They shall be appointed by the Chair. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

#### RULE 26. ADVISORY COMMITTEES AND LEGISLATIVE REPRESENTATIVES

26.1 Advisory committees and legislative representatives shall be appointed in the same manner as special committees.

#### RULE 27. COMMITTEE OF THE WHOLE

27.1 In order to consider matters informally the Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it. The Chair, or, in the Chair's absence, the Vice-Chair, shall preside.

27.2 The rules of the Legislature shall be observed by this committee insofar as they are applicable, except that the previous question shall not apply; nor shall the number of times a member may speak be limited, and except that the ayes and nays shall be taken. The only motions in order are, "to amend," "to adopt," and "to rise and report." A motion to rise and report progress shall always be in order at any stage, and shall be decided without debate.

27.3 The committee cannot refer the subject to another committee.

27.4 Local Laws and other matters shall be considered in Committee of the Whole, in the following manner: They shall first be read through, if the committee so directs; otherwise, they shall be read and considered by sections, leaving the title to be last considered. All amendments in their proper connection shall be reported to the Legislature.

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RULE 28. REFERRAL TO COMMITTEES

28.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chair, without motion, to the appropriate committee, unless otherwise ordered by the Legislature.

RULE 29. COMMITTEES IN GENERAL

29.1 The first member designated on each committee shall be the Chair thereof, and the second member the Vice-Chair. In the absence of the Chair and Vice-Chair of the committee, the senior-ranking committee member of the Majority party shall become the temporary Chair of the committee. Under all circumstances, a committee quorum will be required for any official action.

29.2 The Chair of each committee shall give, or cause to be given by the Clerk of the Legislature, notice in person, by telephone, or by email at least two days in advance of the meeting, the hour and place of each meeting, except no advance notice need be required when the committee meeting is held on a day when the Legislature shall be in session.

29.3 All committee meetings shall be upon the lawful call of either the Chair of the County Legislature, the Committee Chair, or by the filing of a petition by a majority of the committee members with the Clerk of the Legislature.

29.4 No committee meeting shall be adjourned until announced by the Chair of the committee or upon a vote of the majority of the members present.

29.5 Action on any matter lawfully before any committee shall be taken only while a quorum of the committee is present and in session.

29.6 Only those committee members and the sponsor or sponsors of a resolution shall address the resolution during the committee session. Other persons may speak with the permission of the Committee Chair. The Committee Chair may limit the time to address the Committee.

29.7 Any committee is authorized to accept advice and counsel of citizens not members of the Legislature.

29.8 Each committee chair shall be responsible for keeping the minutes of the meetings of his/her committee. The minutes shall be kept on a form prescribed and furnished by the Clerk. The minutes shall contain a brief summary of the business conducted by the committee, together with a record of the decisions made by the committee, as well as the time, place, and persons present, and any other pertinent information. A list of members of the committee present and pertinent facts such as meals, time and place of meeting shall be filed with the Clerk of the Legislature within one week after each meeting.

29.9 Any vacancy on a committee, standing or special, shall be filled by the Chair of the Legislature without delay.

29.10 Each committee shall have the power to investigate, in such manner as seems best, the particular branch or department of County Government under its supervision. Such investigation shall

authorized by a majority vote of the members of the committee. The Chair, County Administrator, County Attorney and Department Head shall be notified in writing.

29.11 Committees shall use their best efforts to deal only with agenda items at the Committee sessions on the first and third Wednesday of each month.

29.12 Committees, on making reports, shall return all papers relating thereto to the Clerk of the Legislature.

29.13 Committees shall have general charge of all matters pertaining to the work of this Legislature as indicated by the titles thereof, and as more specifically described as special duties, and each committee shall have supervision and charge of expenditures subject to the direction of the Legislature from appropriations indicated. Each committee shall contain members of the majority and minority parties, insofar as possible, in proportion to respective party representation on the Legislature.

29.14 The Committee Chair must report to the Chair of the County Legislature all situations where a Legislator's attendance falls below 50%.

29.15 Committees shall meet with Department Heads, from time to time, for mutual discussion of departmental objectives and/or problems.

29.16 All committee meetings shall be subject to the provisions of Article 7 of the Public Officers Law, together with any common-law privileges applicable under the circumstances.

#### RULE 30. REPORTS BY COMMITTEES

30.1 All committees, standing or special, shall, as promptly as possible, consider and submit to the Legislature, written reports upon such resolutions, communications, or other matters as may be referred to them. Once a majority of the members of a committee approve a resolution and sign a committee report so indicating, the resolution shall be deemed passed out of the committee. Resolutions not passed out of a committee shall be deemed "held" by the committee for further consideration. A resolution must be passed out of all committees to which it is assigned before it can be considered by the Legislature. The Finance Committee may only act on resolutions that have been passed out of all other committees to which they have been assigned.

#### RULE 31. PARLIAMENTARY QUESTIONS

31.1 On all points of order not governed by these rules, the general rules of parliamentary practice as outlined in Roberts Rules of Order, Revised, shall be referred to for the guidance of the Legislature and committees - special, standing, or advisory. The County Attorney shall be the parliamentarian for the Legislature and committees.

#### RULE 32. AMENDMENT OF RULES

32.1 These rules may be amended, and other rules added and adopted, by a two-thirds vote of the Legislature by a motion made after a previous notice of one day. All rules and resolutions in conflict with these rules are hereby repealed and rescinded to the extent that they conflict with the rules herein.

RULE 33. WAIVER OF RULES

33.1 These rules may be waived by a motion adopted by a two-thirds vote of the members of the Legislature but only so far as the rules affect or relate to a single resolution or motion then before the Legislature, which resolution must be identified in the motion to waive rules. The rule to be waived must be specified in the motion to waive.

RULE 34. DUTIES OF THE CHAIR

34.1 In addition to those prescribed heretofore, the Chair of the Legislature shall have the following powers and duties:

.1 To become familiar with the property, functions, and fiscal affairs of the County and make recommendations to the County Legislature on legislation, rules and regulations, and such other matters as he/she may deem material and advisable.

.2 To see that the statutory and local laws and resolutions of the Legislature and directions of County Officers empowered to make the same, are faithfully executed, and to report to the Legislature any neglect of duty.

.3 To advise department heads and officers and recommend matters deemed helpful to them in the performance of their duties.

.4 To transfer employees temporarily from one department or office to another with the approval of the appointing officer or Legislature.

.5 To determine what officer shall perform a particular power or duty not clearly defined by law.

.6 To determine what officers and employees may attend conferences and schools conducted for the betterment of County government.

.7 To execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.8 To call a meeting of any standing or special committee of the Legislature at any time.

.9 To represent the County at all public hearings and conferences that he/she deems it necessary to attend.

.10 The Chair of the Legislature shall be an ex-officio member of all standing and special committees and shall be notified of such meetings. The Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.

.11 To execute all documents necessary for rights-of-way acquisitions, within budgetary appropriations.

- .12 To execute all change orders, within budgetary appropriations.

#### RULE 35. DUTIES OF THE VICE-CHAIR

##### 35.1 The Vice-Chair shall have the following duties:

- .1 Shall preside over each duly constituted meeting of the Legislature, in the absence of the Chair.
- .2 Shall have and exercise all the powers and duties of the Chair at any meeting over which he/she is called to preside.
- .3 Shall have the right to name any member to perform the duties of Vice-Chair, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.
- .4 Shall, in the absence of the Chair, execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.
- .5 Shall act as liaison between the Committee Chairmen and the Chair of the Legislature.
- .6 Shall exercise such other duties as may be determined by subsequent action of the County Legislature.
- .7 Shall be an ex-officio member of all standing and special committees, except for those committees to which the Vice-Chair is appointed as a member, and shall be notified of such meetings. The Vice-Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.
- .8 Shall be the Chair of the Finance Committee.

#### RULE 36. DUTIES OF THE CLERK OF THE LEGISLATURE

- 36.1 The Clerk shall keep a record of all acts and proceedings of the Legislature and be the custodian of the record vouchers and other papers required or authorized by law to be deposited in his/her office.
- 36.2 The Clerk shall prepare the tax rolls, except when otherwise directed by the County Legislature, and perform such additional and related duties as may be prescribed by law.

#### RULE 37. DUTIES OF THE JOURNAL CLERK

- 37.1 The Journal Clerk shall, at the pleasure of the Chair, read all resolutions, reports, and communications received by the Legislature and keep minutes of proceedings. The Journal Clerk shall, at the close of each session of the Legislature, make and furnish a transcript of the proceedings to each member of the County Legislature.

RULE 38. SERGEANT-AT-ARMS

38.1 At any public hearing held by the County Legislature, and at any other meeting of the Legislature, when requested by the Chair of the Legislature, the Sheriff of Cattaraugus County shall delegate one of his/her uniformed deputies to the Legislature Rooms to act as a sergeant-at-arms.

RULE 39. DUTIES OF THE COUNTY ADMINISTRATOR

39.1 The County Administrator shall have those powers and duties set forth in Local Law Number 5-1985 (Intro Number 10-1985), as amended, together with such other powers and duties as may be granted by Local Law or resolution of the County Legislature.

RULE 40. SALE OF COUNTY-OWNED TAX TITLE PROPERTY

40.1 The Real Property Tax Director shall annually, after the last day for property owners to redeem their property, secure a written property evaluation description sheet from the town assessor for each parcel. Copies of these shall be submitted to the County Treasurer's Office no later than February 15 of each year.

40.2 The County Treasurer and the Real Property Tax Director shall review all properties, and recommend to the County Operations Committee, by April 15 of each year, where the auction will be held. After approval of the County Operations Committee, the auctions of those parcels shall be advertised in the official newspapers of the County, and such other newspapers as the Committee deems advantageous, for at least two successive weeks. The County Treasurer shall advertise such properties in a timely manner, so that the date of the auction shall be not less than three (3) days after the date of the second publication in the official newspapers.

40.3 The public auctions shall be conducted by such individual or individuals as the County Operations Committee deems appropriate.

40.4 The County requires a deposit of ten percent (10%) of the bid price, in the form of cash, money order or certified check, to be applied to the purchase price. If the highest bidder fails to tender the 10% deposit before the deadline on the auction date, then the second highest bidder shall be notified that the second highest bidder is given the opportunity to tender the high bid price to the County. If the second highest bidder fails to tender the high bid price to the County by the deadline established on the auction date, then the parcel shall be reaucted on the same date. Once the auctioneer declares the final and highest bid, no deposit will be refunded.

40.5 If at public auction, the highest bidder tenders a certified check or money order in excess of ten percent (10%) of the high bid, and then fails to complete the purchase, the County shall retain ten percent (10%) of the bid price. The excess shall be returned to the highest bidder within a reasonable time after the public auction.

40.6 All property shall be sold to the highest bidder, upon the recommendation of the County Operations Committee and upon the adoption of a resolution by the County Legislature. However, the County Operations Committee and the County Legislature reserve the right to reject any and all bids.

40.7 No property shall be sold to the former owner without competitive bidding if tender of payment of taxes, interest, penalties and other charges due on the property, including those County charges, County liens or County mortgages which may have been extinguished by the judgment of foreclosure, is made less than fifteen (15) business days prior to the date of public auction. The former owner shall not be given another opportunity to repurchase the County-owned tax title property if the property is not sold at the initial public auction but is subsequently reaucted.

40.8 The former owner shall not have an opportunity to tender payment of the back taxes, penalties, interest and other charges due on the property if the County conveys the property to another municipality, or the County declares the property necessary for County purposes.

40.9 Failure to tender the balance due to the County within 30 days from the date of bid acceptance by the Legislature will result in the forfeiture of the bid deposit by the highest bidder.

40.10 If the highest bidder fails to tender the balance due to the County within 30 days from the date of bid acceptance by the County Legislature, then the second highest bidder shall be notified that the Legislature will consider sale of the property to the second highest bidder at the high bid price. The second highest bidder shall notify the County within 30 days after notification by the County as to whether the second highest bidder will tender the high bid price to the County. Failure of the second highest bidder to tender the entire bid price within 30 days after notification by the County shall result in the property being placed on the next auction list.

40.11 The County Treasurer's office shall assist the highest bidder, or former owner, in recording the County Treasurer's deed.

40.12 A successful bidder shall be responsible for payment of the applicable current city and village taxes related to the spring auction, and school taxes related to the fall auction, at the time that the bidder tenders the bid balance to the County.

40.13 No sale of tax title property shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

#### RULE 41. SALE OF SURPLUS EQUIPMENT

41.1 The Public Works Committee shall be responsible for the disposition of surplus equipment and other personal property of the County. Such Committee shall fix the times and places at which public auctions, the minimum number thereof being one per annum, shall be held and shall promulgate such additional rules and establish such procedures as may be necessary to effect the orderly and proper conduct thereof.

41.2 All sales shall become final upon payment by the purchaser of the full amount of the purchase price.

41.3 The Public Works Committee is authorized to employ such professional auctioneers from time to time for this purpose as may be necessary and to delegate its responsibility for the conduct of such auctions to one or more of its members or to any office of county government.

41.4 All officers, departments, and other agencies of county government shall dispose of equipment no longer necessary for public use in the manner set forth herein. The disposition of a specific item of equipment by another method may be permitted, however, by the Committee.

41.5 No sale of surplus equipment shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

RULE 42. PROCEDURE FOR BIDDING AND ACCEPTING BIDS

42.1 Specifications and bids will be set and determined by the Department Head and the standing committee of the Legislature that governs the respective department for which the item or services are being procured and, wherever possible, the specifications shall be written to conform with State bid specifications.

42.2 No department, board, or other agency of County government shall advertise for sealed bids for any purpose which has not been included in the current year budget, without prior approval of the legislative committee which exercises jurisdiction over such agency.

42.3 No committee shall authorize advertisement for sealed bids, unless the bid item is partially or entirely included in the current year's budget.

**APPENDIX****STANDING COMMITTEES****1. COUNTY OPERATIONS (7 members)****1.1** This committee shall have charge of all matters relating to the following departments:

- .1 Board of Elections
- .2 County Attorney
- .3 County Clerk
- .4 County Museum
- .5 Information Services
- .6 Real Property Tax Service.

**1.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over general governmental functions.
- .2 Liaison with Chautauqua-Cattaraugus Library System.

**2. DEVELOPMENT & AGRICULTURE (7 members)****2.1** This committee shall have charge of all matters relating to the Department of Economic Development, Planning and Tourism.**2.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over matters relating to tourism and economic development in the County.
- .2 Liaison with the County Planning Board.
- .3 General jurisdiction over agricultural matters.
- .4 General jurisdiction over forestry matters.
- .5 Liaison with the following:
  - .1 Agricultural Society
  - .2 Business Development Corporations
  - .3 Chambers of Commerce
  - .4 Cornell Cooperative Extension
  - .5 Empire Zone Corporation
  - .6 Federated Sportsmen
  - .7 Industrial Development Agency
  - .8 Local Development Corporations
  - .9 Salamanca Rail Museum
  - .10 Southern Tier West Regional Planning & Development Board.

**3. FINANCE (9 members)****3.1** This committee shall have charge of all matters relating to the following departments:

- .1 County Administrator
- .2 County Treasurer.

**3.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over the financial affairs of the County.
- .2 Review tentative budget.
- .3 General jurisdiction over the following administrative divisions of the County Administrator:
  - .1 Auditing
  - .2 General Administration
  - .3 Purchasing.
- .4 General jurisdiction over community college issues.
- .5 Liaison with Off-Track Betting Corporation.

4. HUMAN SERVICES (7 members)

4.1 This committee shall have charge of all matters relating to the following departments:

- .1 Community Services
- .2 Coroners
- .3 Health
- .4 Social Services
- .5 Veterans Service Agency
- .6 Youth Bureau.

4.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all matters relating to the general welfare of persons in the County.
- .2 Liaison with the following contract agencies:
  - .1 Association for Retarded Children
  - .2 Council on Alcoholism & Substance Abuse
  - .3 Day Care Centers
  - .4 Mental Health Society.
- .3 Liaison with Cattaraugus-Allegany Workforce Investment Board.

5. LABOR RELATIONS (5 members)

5.1 This committee shall have charge of all matters relating to the following department:

- .1 Human Resources.

5.2 In addition, the committee shall have the following responsibilities:

- .1 All employee classifications, salary changes, and employment practices.
- .2 Vacancies shall be filled in accordance with Act 68-2003, as amended.
- .3 Shall review personnel issues after those issues have been reviewed by the respective program committees.
- .4 Shall have charge of matters that influence the general labor relations and employment policies of the County.

5.3 Upon delegation by the Chair, this committee shall consider fiscal and other matters dealing with collective bargaining and employee relations.

5.4 This committee's members, plus the Chair of the County Legislature, are the Employer representatives to the Labor-Management Committees referred to in the collective bargaining agreements.

6. PUBLIC SAFETY (7 members)

6.1 This committee shall have charge of all matters relating to the following departments:

- .1 Assigned Counsel
- .2 District Attorney
- .3 Emergency Services
- .4 Judiciary
- .5 Probation
- .6 Public Defender
- .7 Sheriff.

6.2 In addition, the committee shall have the following responsibilities:

- .1 Emergency Communications Systems.
- .2 Liaison with Fire Advisory Board.
- .3 Liaison with Society for Prevention of Cruelty to Animals (SPCA).
- .4 Liaison with Nuclear Waste industry.

7. PUBLIC WORKS (9 members)

7.1 This committee shall have charge of all matters relating to the Public Works Department.

7.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all County buildings and grounds.
- .2 Watershed Program.
- .3 Liaison with Cattaraugus County Soil & Water Conservation District.
- .4 Approve or disapprove requests from non-County government groups for County facility usage.
- .5 General jurisdiction over all matters relating to solid waste.

8. SENIOR SERVICES (7 members)

8.1 This committee shall have charge of all matters relating to the following departments:

- .1 Aging
- .2 Nursing Homes.

9. STRATEGIC PLANNING (7 members)

9.1 This committee will have the following responsibilities:

- .1 General jurisdiction relating to the process of governmental review of planning mechanisms.
- .2 Liaison with the following entities:
  - .1 Southern Tier West regarding governmental planning.
  - .2 All local governments within Cattaraugus County regarding sharing/coordination of services.

9.2 In addition, this committee shall have charge of all matters relating to cooperation and coordination/sharing of County services within Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 2-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will be involved in civil actions during the year 2013, and

WHEREAS, the civil actions may require the services of outside counsel, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ outside counsel from time-to-time in the year 2013 to perform services in relation to civil actions that may be pending or may hereafter occur, with preference given to attorneys in Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 3-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY FISCAL ADVISORS**

Pursuant to Section 153 of the County Law.

WHEREAS, it is necessary to prepare in-depth financial statements and other financial paraphernalia to market the financial instruments issued by the County, and

WHEREAS, Fiscal Advisors and Marketing, Inc., 120 Walton Street, Suite 600, Syracuse, New York 13202 is a reputable municipal bond marketing service, and

WHEREAS, the cost of these professional services will come from the proceeds of the financial issues, and

WHEREAS, it is desirable to retain the services of Fiscal Advisors and Marketing, Inc., to prepare the necessary financial information, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby retains the firm of Fiscal Advisors and Marketing, Inc., to undertake the above-described financial services for Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 4-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY BONDING ATTORNEY**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will undertake certain programs during the year 2013 which will be financed through the sale of bonds, and

WHEREAS, these projects will require the services of a recognized bonding attorney, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ a recognized bonding attorney from time-to-time in the year 2013 to perform services in relation to financing such programs as may hereafter be authorized by the Cattaraugus County Legislature.

Adopted January 2, 2013 by voice vote.

**ACT NO. 5-2013** by Mr. Marsh

**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX  
REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Pursuant to Sections 554(a) and 556(8)(a) of the  
Real Property Tax Law.

WHEREAS, Act 6-2012 delegated the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator, and

WHEREAS, that delegation should be continued for the year 2013, now, therefore, be it

RESOLVED, that for the year 2013, the County Administrator is hereby authorized to perform the duties of the County Legislature in providing real property tax refunds, where the recommended refund is \$2,500.00 or less, in accordance with Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that for the year 2013, the County Administrator is hereby authorized to correct tax bills and tax rolls, where the recommended tax refund is \$2,500.00 or less, in accordance with Section 554 of the Real Property Tax Law.

Adopted January 2, 2013 by voice vote.

**ACT NO. 6-2013** by Mr. Marsh

**DESIGNATION OF OFFICIAL DEPOSITORIES AND TRADING PARTNERS**

Pursuant to Section 212 of the County Law.

RESOLVED, that the following banking institutions in Cattaraugus County be designated as official depositories for County funds, commencing January 1, 2013, and that the County Treasurer is hereby authorized to deposit in each or any of such banking institutions in an amount not to exceed twenty-five million dollars (\$25,000,000):

Cattaraugus County Bank, Little Valley, New York  
Cattaraugus County Bank, South Dayton, New York  
Community Bank, Gowanda, New York  
Community Bank, Olean, New York  
JP Morgan Chase, Buffalo, New York

Bank of America, Buffalo, New York  
Five Star Bank, Allegany, New York  
Five Star Bank, Ellicottville, New York  
Five Star Bank, Olean, New York  
Five Star Bank, Salamanca, New York  
First Niagara Commercial Bank, Albion, New York  
MBIA Municipal Investors Service Corp., Armonk, New York  
Bank of Cattaraugus, Cattaraugus, New York  
M & T Bank, Ellicottville, New York  
M & T Bank, Delevan, New York  
M & T Bank, Olean, New York  
Morgan Stanley/Dean Witter, Buffalo, New York  
Pershing (BNY Securities Group), New Jersey  
Smith Barney, Olean, New York.

Adopted January 2, 2013 by voice vote.

**ACT NO. 7-2013** by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton,  
Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman and Mr. Weller

**DESIGNATING OFFICIAL REPUBLICAN NEWSPAPER FOR THE YEAR 2013**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Olean Times Herald, a newspaper published in Olean, New York, and advocating the principles of the Republican Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2013.

Adopted January 2, 2013 by voice vote.

**ACT NO. 8-**by Mr. Boser, Mr. Koch, Mrs. Labuhn,  
Mr. Lamberson, Mr. Padlo and Mr. Sprague

**DESIGNATING OFFICIAL DEMOCRATIC NEWSPAPER FOR THE YEAR 2013**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Salamanca Press, a newspaper published in Salamanca, New York, and advocating the principles of the Democratic Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2013.

Adopted January 2, 2013 by voice vote.

**ACT NO. 9-2013** by Mr. Marsh

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS FOR  
TAX FORECLOSURE SEARCHES**

Pursuant to Article 11 of the Real Property Tax Law and  
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 43-2012 authorized contracts with Cattaraugus Abstract Corporation, 406 Erie Street, Little Valley, New York 14755, and Empire Search Company, 208 Court Street, Little Valley, New York 14755, for the provision of tax foreclosure searches at a rate of \$80.00 per parcel, the terms of which expired December 31, 2012, and

WHEREAS, searches of the various records in the County Clerk's Office are necessary in order to comply with statutory notification provisions as Cattaraugus County prepares to commence its in rem foreclosure proceedings for unpaid taxes, and

WHEREAS, the County is desirous of renewing the aforementioned contracts, and

WHEREAS, Cattaraugus Abstract Corporation and Empire Search Company have agreed to perform the aforementioned searches for the amount of \$90.00 per parcel, for an estimated annual cost to the County of \$42,500.00, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Cattaraugus Abstract Corporation and Empire Search Company for the provision of the above-described tax foreclosure searches, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 10-2013** by Mr. Marsh

**APPOINTMENT TO BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that the following individual is appointed to the Board of Health:

Joseph Bohan  
2110 Dugan Road  
Olean, New York 14760

term expires December 31, 2018.

Adopted January 2, 2013 by voice vote.

**ACT NO. 11-2013** by Mr. Marsh

**APPOINTMENT OF INTER-COUNTY ASSOCIATION OF  
WESTERN NEW YORK MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals shall be the Cattaraugus County voting members to the Inter-County Association of Western New York for the year 2013:

Richard Lamberson  
124 North Second Street  
Allegany, New York 14706

William Aiello  
725 Bishop Street  
Olean, New York 14760

Donna Vickman  
971 Back Street, PO Box 5  
Farmersville Station, NY 14060

Linda Edstrom (*alternate*)  
408 Laurens Street  
Olean, New York 14760

Norman L. Marsh (*alternate*)  
121 First Street  
Little Valley, New York 14755

James L. Boser (*alternate*)  
97 North First Street  
Allegany, New York 14706,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Inter-County Association of Western New York.

Adopted January 2, 2013 by voice vote.

**ACT NO. 12-2013** by Mr. Marsh**APPOINTMENT OF CORONER'S PHYSICIANS**

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2014, at the salary which has heretofore, or may hereafter be established:

Dean Mast  
10208 Pigeon Valley Road  
Cattaraugus, New York 14719

Scott F. LaPoint  
Erie County Medical Examiner's Office  
462 Grider Street  
Buffalo, New York 14215

Fazlollah Loghmanee  
111 Lehn Springs Drive  
Williamsville, New York 14221

Dianne Vertes  
Erie Co. Medical Examiner's Office  
462 Grider Street  
Buffalo, New York 14215

Adopted January 2, 2013 by voice vote.

**ACT NO. 13-2013** by Ms. Edstrom and Mr. Marsh**APPOINTMENTS TO COMMUNITY SERVICES BOARD  
MENTAL HEALTH SUBCOMMITTEE AND  
COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are re-appointed to the Community Services Board Mental Health Subcommittee effective February 13, 2012 with terms to expire December 31, 2015:

Jon Baker  
120 North 21<sup>st</sup> Street  
Olean, New York 14760

Russell Hahn  
4353 South Nine Mile Road  
Allegany, New York 14706,

and be it further

RESOLVED, that the following individuals are re-appointed to the Community Services Board Alcohol & Substances Abuse Subcommittee effective February 13, 2012 with terms to expire December 31, 2015:

Derah Black-Day  
Seneca Nation Health  
987 RC Hoag Drive  
Salamanca, New York 14779

Kenneth McClune  
51 South Main Street  
Salamanca, New York 14779  
*(resigned from Community Services Board  
and ASA Subcommittee effective May 21, 2012).*

Adopted January 2, 2013 by voice vote.

**ACT NO. 14-2013** by Mr. Marsh**RE-CREATING CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 218-2007 created the Long Term Care Advisory Council, the term of which expired December 31, 2012, and

WHEREAS, a Long Term Care Advisory Council must be re-created and exist in each county to conduct long term care system planning and development in order to ensure achievement of the goals and objectives of the point of entry, and

WHEREAS, a Long Term Care Advisory Council should be re-created consisting of 21 members and 4 ex-officio members to be appointed by the Chairman of the Legislature, and

WHEREAS, the Long Term Care Advisory Council must report its activities and recommendations to the lead agency, who is required to report directly to the Chairman of the Cattaraugus County Legislature, and

WHEREAS, the Long Term Care Advisory Council must have the following duties and responsibilities:

- Identify and analyze emerging community needs in the long term care service delivery system, based on identified gaps, service accessibility and availability and develop strategies to respond to those needs in a timely and appropriate fashion;
- Solicit input from long term care stakeholders regarding changes in the community environment (e.g. new resources or closing of providers), legislation or regulations;
- Review the long term care service delivery system by identifying entry points to the system and the manner by which populations in need of long term care services navigate or access services throughout the system; and
- Serve in its advisory capacity as a catalyst to advance changes in the long term care system when modifications are required to ensure the availability of appropriate and quality community services,

and

WHEREAS, it is not necessary to limit this council to a specific term, now, therefore, be it

RESOLVED, that there is hereby created an advisory council to be known as the Long Term Care Advisory Council, and be it further

RESOLVED, that the purpose of the committee shall be as described above.

Adopted January 2, 2013 by voice vote.

**ACT NO. 15-2013** by Mr. Marsh**ESTABLISHING STANDARD WORK DAY FOR CERTAIN  
APPOINTED OFFICIALS FOR REPORTING PURPOSES TO  
NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, 2 NYCRR Section 315.4, effective August 12, 2009, requires that all newly elected or appointed officials participating in the New York State Retirement System maintain a record of activities for a period of three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each elected or appointed position, and

WHEREAS, certain newly appointed officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hrs/Day</u>	<u>Days/ Month</u>
Director, Department of Aging,	Catherine M. Mackay	38595955	Appointed	4/01/2012- 3/31/2016	7	21.67

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to post conspicuously, on the bulletin board in the front lobby of the Little Valley County Center, for a period on thirty days, a copy of this adopted resolution and thereafter forward a certified copy of this resolution, along with a certification of such public posting, to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Adopted January 2, 2013 by voice vote.

**ACT NO. 16-2013 by Mr. Marsh**

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHAUTAUQUA-CATTARAUGUS LIBRARY SYSTEM, INC.**

Pursuant to Sections 224, 233-a and 450 of the County Law and  
Section 256 of the Education Law.

WHEREAS, Act 20-2012 authorized a contract with the Chautauqua-Cattaraugus Library System, Inc. for the provision of educational materials for the citizens of the County, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$81,248.00 to the library system from Account No. A.298.7415.0000.42009 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Chautauqua-Cattaraugus Library System, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013 according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Chautauqua-Cattaraugus Library System, Inc., in quarterly installments, upon submission of vouchers for payments certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer.

Adopted January 2, 2013 by voice vote.

**ACT NO. 17-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Pursuant to Section 239-c of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 21-2012 authorized a contract with the Southern Tier West Regional Planning and Development Board for the provision of planning assistance to municipalities and businesses in Cattaraugus, Chautauqua, and Allegany Counties, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$24,970.00 to the Southern Tier West Regional Planning and Development Board (STW) from Account No. A.643.8025.0000.42032 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Southern Tier West Regional Planning and Development Board for the provision of the above-described services for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 18-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BOCES FOR STUDENT GOVERNMENT PROGRAM**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 22-2012 authorized a contract with BOCES for the provision of a student government program conducted by BOCES to teach students about local government, with an emphasis on County government, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$6,450.00 to BOCES from Account No. A.101.2980.0000.42001 for this program, of which 50% is reimbursable by the New York State Office of Children and Family Services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with BOCES for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 19-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Act 23-2012 authorized a contract with the Cattaraugus County Soil & Water Conservation District for the provision of conservation of the soil and water resources of the County through prevention of soil erosion and prevention of flood water and sediment damages, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$118,932.00 to the Cattaraugus County Soil & Water Conservation District from Account No. A.871.8710.0000.42033 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Cattaraugus County Soil & Water Conservation District for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 20-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
ISCHUA CREEK WATERSHED MAINTENANCE PROGRAM**

Pursuant to Sections 299-m and 450 of the County Law.

WHEREAS, Act 24-2012 authorized a contract with the Cattaraugus County Soil & Water Conservation District, Cooperative Extension Center, Parkside Drive, Ellicottville, New York 14731, for the provision of a maintenance program for the County's watershed sites, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance program for the Ischua Creek Watershed, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District has agreed to provide the aforementioned maintenance program for the year 2013 at an amount not to exceed \$18,000.00, and

WHEREAS, sufficient funds are included in Account No. A.871.8740.0000.40809 of the 2013 budget of the Department of Public Works for the cost of the aforementioned watershed maintenance program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described watershed maintenance program, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 21-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION ASSOCIATION-CATTARAUGUS COUNTY**

Pursuant to Sections 224 (8) and 450 of the County Law.

WHEREAS, Act 15-2011 authorized a contract with Cornell Cooperative Extension Association-Cattaraugus County for the provision of a variety of services to the youth, farmers, and general public of Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment from Account No. A.298.2980.0000.42003.02, in the amount of \$50,000.00 to the Cornell Cooperative Extension Association-Cattaraugus County, for the 4-H program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Cornell Cooperative Extension Association-Cattaraugus County for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cornell Cooperative Extension Association-Cattaraugus County in quarterly installments, upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator and paid by the County Treasurer.

Adopted January 2, 2013 by voice vote.

**ACT NO. 22-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MERCY FLIGHT, INC.**

Pursuant to Sections 224 (14) and 450 of the County Law and  
Section 122-b of the General Municipal Law.

WHEREAS, Act 133-2012 authorized a contract with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$7,650.00 to Mercy Flight, Inc., from Account No. A.454.4540.0000.42015 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with Mercy Flight, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 23-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN  
TIER HEALTH CARE SYSTEM, INC., FOR FLYCAR FUNDING**

Pursuant to Section 122-b of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 134-2012 authorized a contract with Southern Tier Health Care System, Inc., 1 Blue Bird Square, Olean, New York 14760, for the Cattaraugus County Advanced Life Support (flycar) Program, the term of which expired December 31, 2012, and

WHEREAS, Southern Tier Health Care System, Inc., is a principal sponsor of the aforementioned program, and

WHEREAS, this program provides pre-hospital emergency medical treatment for ill or injured individuals, and

WHEREAS, the 2013 County budget provides for the payment of \$15,300.00 to Southern Tier Health Care System, Inc., for the provision of these services from Account A.454.4540.0000.42017, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Southern Tier Health Care System, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013, for the provision of the above-described services, according the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 24-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ABILITY NETWORK, INC. FOR ELECTRONIC BILLING FOR MEDICARE**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of software licenses, product support services and professional services necessary to participate in electronic billing for Medicare, and

WHEREAS, ABILITY Network, Inc., 100 North 6<sup>th</sup> Street, Suite 900A, Minneapolis, Minnesota 55403, can provide for the installation and set-up of the ABILITY software necessary for participation in electronic billing for Medicare, for an amount of \$350.00 for the installation plus \$80.00 per month for the Ability Base Connectivity, and

WHEREAS, any increase in the monthly cost shall be agreed upon between the parties hereto on an annual basis prior to renewal, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with ABILITY Network, Inc., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, with automatic annual renewals, until terminated by either party hereto, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 25-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NASH PHARMACY SERVICES, P.C. FOR DEPARTMENT OF  
NURSING HOMES CONSULTING PHARMACIST SERVICES**

Pursuant to 10 NYCRR Part 450 and  
Section 450 of the County Law.

WHEREAS, Act 724-2008 authorized a contract with Nash Pharmacy Services, P.C., 36 Central Avenue, Fredonia, New York 14063, for the provision of consulting pharmacist services for the Department of Nursing Homes, for an amount of \$8.50 per bed, for an annual cost of \$23,970.00, the term of which expired December 31, 2012, and

WHEREAS, the Department of Nursing Homes is desirous of continuing the aforementioned services, and

WHEREAS, Nash Pharmacy Services, P.C., has agreed to provide the aforementioned consulting pharmacist services for an amount of \$9.25 per resident per bed per month, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Nash Pharmacy Services, P.C., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2015, with the option to renew for an additional two-year term at the same rates, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 26-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MOTOROLA SOLUTIONS, INC. FOR  
E911 TECHNICAL SUPPORT AND MONITORING SERVICES**

Pursuant to Sections 308 and 450 of the County Law.

WHEREAS, Act 652-2011 authorized a contract with Motorola Solutions, Inc., 1307 East Algonquin Road, Schaumburg, Illinois 60196, for the provision of on-site and remote technical support, service and monitoring services for the E911 telephone system, the term of which expired December 31, 2012, and

WHEREAS, the Sheriff's Office is desirous of continuing the aforementioned support, and

WHEREAS, Motorola Solutions, Inc., can provide the aforementioned on-site and remote technical support, service and monitoring services for an amount of \$4,709.07 per month, to be paid on a monthly basis, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Motorola Solutions, Inc., for the provision of the above-described services, for a term commencing January 1, 2013, to continue on a monthly basis for a period of not more than one year, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 27-2013** by Mr. Marsh

**SUPPORTING CATTARAUGUS-ALLEGANY BOCES APPLICATION TO  
APPLY FOR LITERACY ZONE GRANT**

Pursuant to Section 153 of the County Law.

WHEREAS, Cattaraugus-Allegany BOCES is desirous of applying for the Literacy Zone grant through the New York State Education Department, and

WHEREAS, the Literacy Zone is a reform initiative designed to close the achievement gap in urban and rural communities of concentrated poverty and high concentrations of families and individuals with limited literacy or English language proficiency, and

WHEREAS, the Literacy Zone will provide a systemic approach to meeting the literacy needs of Cattaraugus County, and

WHEREAS, various organizations and entities must partner with Cattaraugus-Allegany BOCES in order for BOCES to apply for the aforementioned Literacy Zone grant, and

WHEREAS, Cattaraugus County is desirous of partnering with BOCES to designate Cattaraugus County as a Literacy Zone in order to:

- bridge the gap between high school, including high school equivalency, and college or training;
- provide transition services for individuals who are entering or re-entering the workforce;
- provide computer literacy instruction and internet access for necessary services;
- provide health and financial literacy;
- make available resource library of culturally sensitive materials; and
- provide referral services, as needed,

and

WHEREAS, it is in the best interests of the County to support the aforementioned Literacy Zone project, now, therefore, be it

RESOLVED, that Cattaraugus County shall partner with Cattaraugus-Allegany BOCES for the purpose of applying for the Literacy Zone grant, and partnering with BOCES for the provision of services.

Adopted January 2, 2013 by voice vote.

**ACT NO. 28-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR  
SUBSTANCE ABUSE PROGRAM FUNDS AND ADJUSTING VARIOUS  
APPROPRIATION ACCOUNTS  
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental  
Hygiene Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 46-2012 authorized approval of a contract with Council on Addiction Recovery Services, Inc., for the provision of a substance abuse program in the County, the term of which expired December 31, 2012, and

WHEREAS, New York State has approved funding for the program in an amount not to exceed \$921,974.00 for the period January 1, 2013 through December 31, 2013, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$26,900.00 in County funds, and

WHEREAS, this program is 69.4% federally, 27.7% state and 2.9% county funded, and

WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Estimated Revenue Accounts:

A.433.4322.3520.3492.013M	State Aid, OASAS, OASAS MH Local Assistance	\$ 69,677.00
A.433.4322.3520.3492.013S	State Aid, OASAS, Continual 100% State Aid	\$ 69,678.00

Decrease Appropriation Accounts:

A.433.4322.3520.42019.013M	CARES, Inc., OASAS MH Local Assistance	\$ 69,677.00
A.433.4322.3520.42019.013S	CARES, Inc., OASAS, State Local Assistance	\$ 69,678.00.

Adopted January 2, 2013 by voice vote.

ACT NO. 29-2013 by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR  
VARIOUS MENTAL HEALTH PROGRAMS AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 41-2012, as amended by Act 526-2012, authorized approval of a contract with Southern Tier Environments for Living, Inc., (S.T.E.L.), 715 Central Avenue, Dunkirk, New York 14048, for the provision of intensive case management, supportive case management and supported housing services for mentally ill individuals, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

WHEREAS, S.T.E.L., Inc., has agreed to provide the following programs for a total amount not to exceed \$114,706.00:

Intensive Case Management,  
Supportive Case Management,  
Supported Housing and Rental Assistance,

and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and S.T.E.L., Inc., to signify the County's approval, for the provision of the above-described services for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.440.4322.6050.3490.078	State Aid, OMH Supported Housing	\$12,640.00
A.440.4322.6060.3490.078	State Aid, OMH Supported Housing	\$12,640.00

A.440.4322.1810.3490.570	State Aid, OMH Health Homes	\$ 5,952.00
A.440.4322.1910.3490.570	State Aid, OMH Health Homes	\$13,468.00
A.440.4322.6810.3490.570	State Aid, OMH Health Homes	\$39,688.00
A.440.4322.6811.3490.570	State Aid, OMH Health Homes	\$13,464.00

## Decrease Appropriation Accounts:

A.440.4322.1810.42026.034J	STEL, Adult Case Management	\$ 5,952.00
A.440.4322.1910.42026.034J	STEL, Adult Case Management	\$13,468.00
A.440.4322.6810.42026.034J	STEL, Adult Case Management	\$39,688.00
A.440.4322.6811.42026.034J	STEL, Adult Case Management	\$13,464.00

## Increase Appropriation Accounts:

A.440.4322.6050.42026.078	STEL, Supported Housing	\$12,640.00
A.440.4322.6060.42026.078	STEL, Supported Housing	\$12,640.00
A.440.4322.1810.42026.570	STEL, Health Homes	\$ 5,952.00
A.440.4322.1910.42026.570	STEL, Health Homes	\$13,468.00
A.440.4322.6810.42026.570	STEL, Health Homes	\$39,688.00
A.440.4322.6811.42026.570	STEL, Health Homes	\$13,464.00

## Decrease Estimated Revenue Accounts:

A.440.4322.1810.3490.034J	State Aid, OMH, Adult Case Management	\$ 5,952.00
A.440.4322.1910.3490.034J	State Aid, OMH, Adult Case Management	\$13,468.00
A.440.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$39,688.00
A.440.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$13,464.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 30-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATTARAUGUS COUNTY CHAPTER NYSARC, INC. AND THE CATTARAUGUS REHABILITATION  
CENTER, INC. FOR PROVISION OF SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 44-2012 authorized approval of a contract with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, New York State has approved funding for the program in the total amount of \$526,545.00 for the period January 1, 2013 through December 31, 2013, for a net County cost of \$0, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, with the for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., in monthly or quarterly installments, as received from the State Agencies, upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.434.4322.1810.3490.570	State Aid, OMH, Health Home	\$ 5,952.00
A.434.4322.1910.3490.570	State Aid, OMH, Health Home	\$13,468.00
A.434.4322.6810.3490.570	State Aid, OMH, Health Home	\$19,844.00
A.434.4322.6811.3490.570	State Aid, OMH, Health Home	\$ 6,732.00

Decrease Appropriation Accounts:

A.434.4322.1810.42020.034J	Rehabilitation Center, Adult Case Management	\$ 5,952.00
A.434.4322.1910.42020.034J	Rehabilitation Center, Adult Case Management	\$13,468.00
A.434.4322.6810.42020.034J	Rehabilitation Center, Adult Case Management	\$19,844.00
A.434.4322.6811.42020.034J	Rehabilitation Center, Adult Case Management	\$ 6,732.00

Decrease Estimated Revenue Accounts:

A.434.4322.1810.3490.034J	State Aid, OMH, Adult Case Management	\$ 5,952.00
A.434.4322.1910.3490.034J	State Aid, OMH, Adult Case Management	\$13,468.00
A.434.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$19,844.00
A.434.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$ 6,732.00

Increase Appropriation Accounts:

A.434.4322.1810.42020.570	Rehabilitation Center, Health Home	\$ 5,952.00
A.434.4322.1910.42020.570	Rehabilitation Center, Health Home	\$13,468.00
A.434.4322.6810.42020.570	Rehabilitation Center, Health Home	\$19,844.00
A.434.4322.6811.42020.570	Rehabilitation Center, Health Home	\$ 6,732.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 31-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATHOLIC CHARITIES OF BUFFALO NEW YORK FOR  
CASE MANAGEMENT SERVICES FOR CHILDREN**

Pursuant to Section 41.07 of the Mental Hygiene Law, and  
Section 450 of the County Law.

WHEREAS, Act 39-2012 authorized approval of a contract with Catholic Charities of Buffalo New York for the provision of case management services for Cattaraugus County children, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

WHEREAS, Catholic Charities of Buffalo New York, 525 Washington Street, Buffalo, New York 14203, can provide case management services to children for an amount not to exceed \$38,840.00, to be paid in quarterly installments as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and Catholic Charities of Buffalo New York, to signify the County's approval, for the provision of case management services for children, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 32-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
TLC HEALTH NETWORK FOR RESIDENTIAL DRUG-FREE PROGRAM**

Pursuant to Section 41.55 of the Mental Hygiene Law, and  
Section 450 of the County Law.

WHEREAS, Act 33-2012 authorized approval for a contract with TLC Health Network for the operation of a residential drug-free program in Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the operation of the aforementioned residential drug-free program, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded an amount not to exceed \$579,374.00 to Cattaraugus County for the operation of a Residential Drug-Free Program for the 2013 fiscal year, and

WHEREAS, TLC Health Network, Lake Shore Health Care Center, 845 Routes 5 & 20, Irving, New York 14081, shall operate a Residential Drug-Free Program in Cattaraugus County for an amount not to exceed \$579,374.00, to be paid on a quarterly basis as invoiced, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and TLC Health Network, to signify the County's approval, for the operation of the above-described Residential Drug-Free Program, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 33-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
HEALTHY COMMUNITY ALLIANCE FOR AWARE NEWSLETTER**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 38-2012 authorized approval of a contract with Healthy Community Alliance, 1 School Street, Suite 100, Gowanda, New York 14070, for the development, publication and distribution of the *Aware* newsletter, the term of which expired December 31, 2012, and

WHEREAS, the Department of Community Services is desirous of continuing the distribution of the *Aware* newsletter, and

WHEREAS, Healthy Community Alliance has agreed to continue the distribution of the Mental Health informational *Aware* newsletter, for an amount not to exceed \$2,017.00, to be paid in quarterly installments, as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Healthy Community Alliance, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 34-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
DIRECTIONS IN INDEPENDENT LIVING, INC. FOR  
MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM,  
CASE MANAGEMENT SERVICES AND DROP-IN CENTER AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 36-2012 authorized approval of a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of advocacy and training programs for consumers of mental health services and case management, as well as the operation of a drop-in center in Salamanca, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, Directions in Independent Living, Inc., can provide advocacy and training programs for consumers of mental health services and case management services, as well as the operation of a drop-in center in Salamanca, for an amount not to exceed \$63,732.00, to be paid in quarterly installments, as invoiced, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described

services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.438.4322.6810.3490.570	State Aid, OMH, Health Home	\$19,844.00
A.438.4322.6811.3490.570	State Aid, OMH, Health Home	\$ 6,732.00

Decrease Appropriation Accounts:

A.438.4322.6810.42024.034J	Directions Independent Living, Adult Case Mgmt	\$19,844.00
A.438.4322.6811.42024.034J	Directions Independent Living, Adult Case Mgmt	\$ 6,732.00

Increase Appropriation Accounts:

A.438.4322.6810.42024.570	Directions in Independent Living, Health Home	\$19,844.00
A.438.4322.6811.42024.570	Directions in Independent Living, Health Home	\$ 6,732.00

Decrease Estimated Revenue Accounts:

A.438.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$19,844.00
A.438.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$ 6,732.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 35-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
SENECA NATION OF INDIANS FOR  
CASE MANAGEMENT SERVICES FOR HOMELESS/MICA CLIENTS AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Community Services)**

Pursuant to 14 NYCRR 587.8(g) and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 34-2012 authorized approval for a contract with the Seneca Nation of Indians for case management services to the Homeless/Mentally Ill Chemical Abuser (MICA) clients, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, the Seneca Nation of Indians, P.O. Box 231, 90 Ohi:Yo Way, Salamanca, New York 14779, has proposed to continue the aforementioned program of case management services for the Homeless/MICA population within the Seneca Nation of Indians, for an amount not to exceed \$46,036.00, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and the Seneca Nation of Indians, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.436.4322.2720.3490.034J	State Aid, OMH, Adult Case Management & ACT	\$46,036.00
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Decrease Appropriation Account:

A.436.4322.2720.42022.300	SNI Homeless/MICA	\$46,036.00
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Decrease Estimated Revenue:

A.436.4322.2720.3490.300	State Aid, OMH, Homeless/MICA	\$46,036.00
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Increase Appropriation Account:

A.436.4322.2720.42022.034J	SNI, Adult Case Management & ACT	\$46,036.00.
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Adopted January 2, 2013 by voice vote.

**ACT NO. 36-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR  
HEALTH DEPARTMENT WIC PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Health)**

Pursuant to 42 USCS Section 1786 and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 333-2012 authorized a contract with the New York State Department of Health for WIC Program funding, the term of which expires September 30, 2013, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$35,427.00 for the period October 1, 2012 through September 30, 2013, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, and

WHEREAS, this program is 96% federal and 4% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned COLA, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract on behalf of Cattaraugus County, with the New York State Department of Health for WIC Program funding, for a term commencing October 1, 2012 and terminating September 30, 2013, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.401.4082.0000.4482	WIC Federal Aid	\$35,427.00
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Increase Appropriation Account:

A.401.4082.0000.41220	Contracted Nursing	\$35,427.00.
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Adopted January 2, 2013 by voice vote.

**ACT NO. 37-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR  
FAMILY SUPPORT SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 732-2010 authorized approval of a contract with Mental Health Association in Cattaraugus County, Inc., 121 North Union Street, Olean, New York 14760, for the provision of family support services at the Pioneer Central School, the term of which expired December 31, 2012, and

WHEREAS, the Department of Community Services is desirous of continuing the family support services at the Pioneer Central School for children and youth who are referred for Mental Health services and their families, and

WHEREAS, Mental Health Association in Cattaraugus County, Inc., can provide family support services at the Pioneer Central School for an amount of \$4,000.00, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board with Mental Health Association in Cattaraugus County, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 38-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
HOUSING OPTIONS MADE EASY, INC. FOR VARIOUS SERVICES, AND  
SERVING AS THE LEAD AGENCY FOR RECOVERY CENTER SERVICES**

Pursuant to Sections 41.47 and 41.55 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 37-2012, as amended by Acts 99-2012 and 381-2012, authorized approval of a contract with Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, for supported housing for mentally ill people and the homeless, the provision of a consumer operated client systems advocacy service, and the operation of a telephone "warm" line, as well as serving as the lead agency for Recovery Center Services, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing aforementioned services, and

WHEREAS, Housing Options Made Easy, Inc., can provide a consumer-operated client systems advocacy service, operate a telephone "warm" line for mentally ill people in Cattaraugus County, and manage the operation of supported housing beds for the mentally ill and homeless, as well as serve as the lead agency for Recovery Center Services, for an amount not to exceed \$870,579.00 to be paid in quarterly installments, as invoiced, and

WHEREAS, the 2013 County budget provides for the payment of \$870,579.00 to Housing Options Made Easy, Inc., for the aforementioned programs, and

WHEREAS, the above programs are funded through 100% state funds with a net County cost of zero, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Housing Options Made Easy, Inc., to signify the County's approval, for the provision of the above-mentioned programs, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 39-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
OLEAN GENERAL HOSPITAL FOR OPERATION OF A 24-HOUR TELEPHONE HOTLINE**

Pursuant to Chapter 119 of the Laws of 1997, and  
Section 41.13(6) of the Mental Hygiene Law.

WHEREAS, Act 380-2012 authorized approval for a contract between the Cattaraugus County Community Services Board and the Olean General Hospital for the disproportionate share to hospitals initiative (DSH), which affects identified Article 28 voluntary hospitals with mental health services which received funding pursuant to Article 41 of the Mental Hygiene Law, the term of which expired December 31, 2012, and

WHEREAS, DSH payments were converted to Office of Mental Health (OMH) approved net deficit funding for the operation of a 24-hour telephone hotline to service the residents of Cattaraugus County provided pursuant to Article 41 of the Mental Hygiene Law in these hospitals, and

WHEREAS, the County shall pay to the Olean General Hospital, 515 Main Street, Olean, New York 14760, an amount of \$115,640.00 in state aid, at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Olean General

Hospital, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 40-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS  
COUNTY, INC., FOR VARIOUS PROGRAMS**

Pursuant to Article 75 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 35-2012 authorized approval for a contract with the Mental Health Association in Cattaraugus County, Inc., P.O. Box 833, 121 North Union Street, Olean, New York 14760, for the provision of community support services through its Compeer and Family Support Programs, Drop-In Center, and a summer camp program, prevention and education services for the public, and other services, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, the Mental Health Association in Cattaraugus County, Inc., has agreed to provide the following programs for a total amount not to exceed \$196,361.00:

OMH Children and Youth Family Support Program,  
OMH Advocacy/Support Program,  
OMH Drop-In Center, & OMH Non-Medicaid Care Coordination,

and

WHEREAS, the above programs are funded through state aid and the Mental Health Association in Cattaraugus County, Inc., contributions for a net County cost of zero, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and the Mental Health Association in Cattaraugus County, Inc., to signify the County's approval, for the provision of the above-described programs for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 41-2013** by Mr. Marsh

**ACCEPTING WITHDRAWAL OF BID FOR REHABILITATION OF COUNTY ROAD NO. 30  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 408 and 408-a of the County Law.

WHEREAS, Act 546-2012 authorized the acceptance of the bid and authorized a contract with Man O'Trees, 752 Wildwood Avenue, Salamanca, New York 14779, for the rehabilitation of County Road No. 30 in the total amount of \$3,333,000.00, and

WHEREAS, Man O'Trees has informed the County of its desire to withdraw its bid, conditioned upon the execution and delivery of mutual releases from Man O'Trees to the County and from the County to Man O'Trees, and

WHEREAS, it is in the best interests of the County to accept the proposed withdrawal of Man O'Trees from the aforementioned project and award the same to the next lowest bidder, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby accepts the withdrawal of Man O'Trees bid for the rehabilitation of County Road No. 30, and be it further

RESOLVED, that the Chair of the Legislature is hereby authorized to execute a release in such form as may be approved by the County Attorney, releasing Man O'Trees from all claims that the County may have against Man O'Trees, and be it further

RESOLVED, that the bid for the rehabilitation of County Road No. 30 shall be awarded to the next lowest bidder.

Adopted January 2, 2013 by voice vote.

**ACT NO. 42-2013** by Mr. Marsh

**BID ACCEPTANCE FOR REHABILITATION OF COUNTY ROAD NO. 30  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the rehabilitation of County Road No. 30, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Union Concrete and Construction Corp., P.O. Box 410, West Seneca, New York 14224, in the total amount of \$3,424,670.65 to be paid by the County periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Union Concrete and Construction Corp. be, and the same hereby is, accepted, for a term commencing upon Notice to Proceed and terminating October 31, 2013, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Twenty-Two sets of specifications were sent out.

Eleven bids were received.

Adopted January 2, 2013 by voice vote.

MR. LAMBERSON moved, seconded by Mr. Hale to adjourn until January 23, 2013 at 3:00 p.m.  
Carried.

Meeting adjourned at 3:52 p.m.

Ann M. Giglio  
Journal Clerk

January 2, 2013

The meeting was called to order by the Clerk of the Legislature, John R. Searles.

The invocation was given by Rev. Kay.

The Attendance Roll Call disclosed one Legislator absent – Mr. Weller.

\* \* \* \* \*

Mr. Searles stated the Legislature should now elect a Chair for the year 2013, and asked for nominations.

MR. AIELLO moved, seconded by Mr. Teachman to nominate Norman Marsh. Carried.

MS. EDSTROM moved, seconded by Mrs. Stockman to close the nominations. Carried.

By voice vote, MR. MARSH was elected Chairman for the year 2013.

CHAIRMAN MARSH'S speech to the Legislature included the following:

Good afternoon Ladies and Gentlemen,

This last year has certainly flown by. I would like to thank all the Legislators for voting me in as Chairman for another year. It is indeed a great honor to think of the confidence you have shown in me to lead you. While last year was a learning experience for the new Legislators and for me, as Chairman, I feel we handled the various issues with a Veteran's experience. I would also like to thank all of the department heads along with Karen Burr, with all of her knowledge, who made our job as Legislators much easier. I would also like to thank Jack Searles, Jeff VanDeCar and Tom Brady and their staffs for their invaluable assistance and advice. So, to all of you again...a big "thanks".

Again, there is still much to be done. We do have a new budget in place and it was much easier on everybody last year than the previous year. Even though the budget is under the "cap", I think there is still some work to be done. I would like to see the Finance Committee look into forming a budget review board to work with Jack Searles to see what possible savings or recommendations could be incorporated into the 2014 budget. These findings would then be reported to the Finance Committee. This is up for discussion, but hopefully, something can be worked out.

We still have New York State to deal with on its unfunded and underfunded mandates. We must impress upon our State representatives how important and necessary it is to receive relief from these programs. With New York State's planned takeover of Medicaid, we will be under the gun to meet unrealistic time frames or face penalties. Talking with one State Medicaid official at NYSAC in Albany last year, she basically said the State knows it probably won't meet its own set timelines, but that doesn't relieve the County of the responsibility to meet them. Isn't it wonderful dealing with the State? Cattaraugus County must be ready to react to any and all changes brought upon by State and Federal entities.

Some of our State and Federal officials don't, or refuse to, understand that if they allow the County to prosper and grow, then their economy does also. This, in turn, influences the State's finances and gravitates upward to the Federal level as well. This seems logical to me anyway.

In conclusion, while I know there are still other issues that will face us in the coming year, I look for continued improvement in our County as long as we continue to make smart decisions. Again, thanks to everyone for making my job easier and I look forward to a great year.

\* \* \* \* \*

CHAIRMAN MARSH asked for nominations for Vice-Chairman for the year 2013.

MR. SNYDER, JR. moved, seconded by Mr. Boser to nominate Mr. James Snyder, Sr. Carried.

CHAIRMAN MARSH declared the nominations be closed.

By voice vote, MR. SNYDER, SR. was elected Vice-Chairman for the year 2013.

VICE-CHAIRMAN SNYDER SR.'S comments are as follows:

Mr. Snyder stated that he enjoyed working with Chairman Marsh and all Legislators last year. This year should be as good or better. He also said he is happy to be a part of all of this. He issued a thank you to all Department Heads for their cooperation and thanked everyone for their support.

\*\*\*\*\*

CHAIRMAN MARSH announced Mr. William Aiello has been chosen Majority Leader for the year 2013.

MAJORITY LEADER AIELLO'S speech is as follows:

Chairman Marsh, Vice-Chairman Snyder, my fellow Legislators, Department Heads, County Employees, and Citizens of Cattaraugus County.

It has been my pleasure to serve as the Majority Leader over the past year and I look forward to serving again as your Majority Leader for 2013.

I'd like to thank Jack Searles, his staff and the Department Heads and their staffs for working with the Legislature during the past year and especially the outstanding job they did in preparing the 2013 budget. We are now in the second year dealing with the 2% property tax cap New York State enacted.

Although the task at hand was to keep within the 2% tax cap, Albany keeps stacking the deck with more and more unfunded mandates and less mandate relief. Our Governor has basically told counties to quit complaining about mandate relief and deal with it.

This year's budget was kinder and gentler as Jim Snyder, our Finance Chairman, asked for it to be. The big plus was we did not have to lay off any County employees.

In 2012, we started the year with eight new legislators. Committees were set and it did not take long for everyone to get on board dealing with all the issues of running County government. We have worked extremely well together with dealing with the issues.

In 2012, we continued to look at every department to see where we could be more efficient. Our Department Heads and their employees have again stepped up and given us suggestions which have turned into saving for the taxpayers of Cattaraugus County.

So, 2013 will bring more challenges to this Legislature. We, as a Legislature, have to continue looking at ways of becoming more efficient and still providing services to our citizens. We must continue to look at all the facts and working together.

Over the next three years, we (the Legislature) will continue to have a full plate. This plate will be loaded with many challenges:

- Our nursing homes;
- Union Negotiations;
- Roads and bridges;
- Economic Development;
- Maintaining a safe fund balance,

just to name a few.

The challenge will be to live within the 2% tax cap which will be with us for the next three years. To do this we will need the cooperation from the Administration, Department Heads, employees and the entire Legislature.

I am calling on all Legislators on both sides of the aisle to continue to work together over the next three years to meet these challenges.

In closing, I'd like to thank everyone who has helped me over the last year and I am looking forward to working with all of you. As long as we continue to look at all the facts, I'm confident that the decisions we make will be in the best interests of all Cattaraugus County residents.

\*\*\*\*\*

MR. AIELLO announced that Patrick Murphy has been chosen Assistant Majority Leader and that Donna Vickman has been chosen Majority Whip for the year 2013.

\* \* \* \* \*

CHAIRMAN MARSH announced James Boser has been chosen Minority Leader for the year 2013.

MINORITY LEADER BOSER addressed the legislature as follows:

Chairman Marsh, Vice-Chairman Snyder, returning Legislators, Department Heads, County employees and citizens of Cattaraugus County, I would like to thank my fellow legislators for electing me as your Minority Leader. To the many new Legislators beginning their first year, I would like to say job well done; they truly were a great group to get to know and work with. With the casino compact between New York State and the Seneca Nation now in arbitration, hopefully a settlement will be forthcoming in the near future.

The year ahead for our legislature will most certainly be a year of difficult decisions. The 2% property tax cap we must live with, along with no New York State mandate relief, will cause many problems which we must solve to the best of our ability. Both sides of the aisle must continue to work together for the best interests of the people of Cattaraugus County. I feel very confident that this will continue.

Information I would like to share with you about the agricultural community of Cattaraugus County is that our County is a right-to-farm county. Outreach discussions will be held this year with our towns on right-to-farm issues. Our County once again will contract with Cornell for farmer assistance. We surely will get a large return for the financial support given them. Cattaraugus County held their first farmer-and-neighbor dinner this past year and it was hugely successful. In April, the second one will be held and it is expected to be twice as big as the first one. The Amish Trail promotes both the Agriculture and Tourism business. Acceptance far exceeded expectations.

Agriculture is rapidly changing in our County. We now have organic farming and dairy farms with robotic milking parlors. Soybeans and corn have become major crops in many areas of our County. Farmland that has been idle for many years is now producing crops as well as income for the landowners. With the new production of Greek yogurt in Western New York, the increased demand for milk should enable our dairy farmers to prosper.

The Department of Economic Development, Planning and Tourism is now in the process of designing a County website for agriculture. This should be completed very shortly. With strong support from this Legislature, the future for agriculture in Cattaraugus County has never looked brighter.

\* \* \* \* \*

MINORITY LEADER BOSER announced that William Sprague will be the Assistant Minority Leader and Susan Labuhn will be the Minority Whip for the year 2013.

COUNTY COURT JUDGE RONALD PLOETZ administered the oaths of office to the members of the leadership.

CHAIRMAN MARSH announced that Ann Giglio will serve as Journal Clerk for the year 2013.

\* \* \* \* \*

MR. TEACHMAN moved, seconded by Mrs. Labuhn that the minutes of the December 12, 2012 session be approved. Carried.

#### COMMUNICATIONS:

Letters of Disclosure From:

Mr. William Aiello  
Mrs. Paula Stockman  
Mr. Steven H. Teachman  
Mr. James J. Snyder

Ms. Linda M. Edstrom  
Mr. William E. Sprague  
Mr. David Koch  
Thomas C. Brady, County Attorney

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my son-in-law, Casey Austin, is employed by Cattaraugus County as a Deputy Sheriff in the Sheriff's Office.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
William J. Aiello, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my husband, Gerald Zimmerman, is employed by Cattaraugus County as Director of the Probation Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Linda M. Edstrom, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #9 of the Cattaraugus County Legislature.

It is to further advise you that my wife, Cynthia Koch, is employed by Cattaraugus County as a Senior Personnel Clerk in the Human Resources Department and my daughter, Lora Prey, is employed by Cattaraugus County as a Keyboard Specialist in the Health Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
David M. Koch, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Sydney Evans, is employed by Cattaraugus County as an Intensive Case Manager in the Community Services Department, and my son-in-law, Anthony Evans, is employed by Cattaraugus County as the Director of the Youth Bureau.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
James J. Snyder, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #4 of the Cattaraugus County Legislature.

It is to further advise you that I own and operate a number of rental units in the Towns of Yorkshire, Hinsdale and Franklinville and, in connection therewith, I do, at times, rent to people who receive assistance from the Department of Social Services of the County of Cattaraugus. I am, therefore, occasionally reimbursed indirectly by the Department of Social Services for the rent of said people receiving benefits.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
William E. Sprague, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #1 of the Cattaraugus County Legislature.

It is to further advise you that my daughter, Kendra Stockman, is employed by Cattaraugus County as a Caseworker in the Department of Social Services, and my son-in-law, Dennis Brooks, is employed by Cattaraugus County as Safety Engineer in the Human Resources Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Paula J. Stockman, County Legislator

Dear Legislators:

This letter is to advise you that I am the duly elected, qualified and acting County Legislator of District #10 of the Cattaraugus County Legislature.

It is to further advise you that my wife, Rosemary Teachman, is employed by Cattaraugus County as a Senior Account Clerk Typist in the Social Services Department.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Steven H. Teachman, County Legislator

Dear Legislators:

I am the duly appointed and qualified Cattaraugus County Attorney.

This is to advise that I am of counsel to the law firm of Brady & Swenson, which represents Cattaraugus County in the defense of civil litigation and to further advise that I, personally, will receive no benefit or derive any income from Brady & Swenson for any such representation.

This letter is intended as a written disclosure of my official capacities as required by Section 803 of the General Municipal Law.

Sincerely,  
Thomas C. Brady, Esq., County Attorney

## APPOINTMENTS:

### **AGING ADVISORY COUNCIL**

*One-year terms to expire December 31, 2013*

Nancy Allen  
3522 Buffalo Road  
Allegany, New York 14706

Marge Little  
11964 Weaver Road  
Delevan, New York 14042

Diane Boser  
97 North First Street  
Allegany, New York 14706

William Little  
11964 Weaver Road  
Delevan, New York 14042

James Boser  
97 North First Street  
Allegany, New York 14706

Betty McDonald  
3045 Cherry Street  
Olean, New York 14706

William Button  
60 Portville-Ceres Road  
Portville, New York 14770

Marion Sticek  
9772 Cottage-Nashville Road  
South Dayton, New York 14138

MaryAnn Chamberlain  
167 Columbia Avenue  
Salamanca, New York 14779

Maureen Stone  
PO Box 35  
Sheridan, New York 14135

Helen Crowley  
5440 Robbins Road  
Ellicottville, New York 14731

Kathy Hamed  
Olean Senior Center  
112 North Barry Street  
Olean, New York 14760

Doris Heath  
8564 Mill Street  
South Dayton, New York 14138

Peggy Ann Taylor  
65 Perry Street, Apt. B, PO Box 5  
Gowanda, New York 14070

Dr. Kevin Watkins, MD  
Public Health Director  
1 Leo Moss Drive, Suite 4010  
Olean, New York 14760

**LONG-TERM CARE ADVISORY COUNCIL**

*Three-year terms to expire December 31, 2015*

James Bellanca  
The ReHabilitation Center  
1439 Buffalo Street  
Olean, New York 14760

Nancy Crawford  
4460 Union Hill Road  
Hinsdale, New York 14743

Anthony Evans, Director  
Youth Bureau  
200 Erie Street  
Little Valley, New York 14755

Timothy Finan, CEO  
Olean General Hospital  
515 Main Street  
Olean, New York 14760

Jodi Fuller  
Cattaraugus Community Action, Inc.  
25 Jefferson Street  
Salamanca, New York 14779

Gary Heim  
169 East Carroll Road  
Portville, New York 14770

Amanda Hilliker  
Seneca Nation of Indians  
Jimersontown Road  
Salamanca, New York 14779

Carol Mahoney  
Home Care and Hospice  
1225 West State Street  
Olean, New York 14760

Sharon Mathe  
Healthy Community Alliance  
1 School Street  
Gowanda, New York 14070

Steve McCord, Director  
Veterans Service  
1 Leo Moss Drive, Suite 6510  
Olean, New York 14760

Maureen Mooney-Myers, Director  
Department of Nursing Homes  
2245 West State Street  
Olean, New York 14760

Daniel Piccioli, Acting Commissioner  
Department of Social Services  
1 Leo Moss Drive, Suite 6010  
Olean, New York 14760

Candace Plants, United Way-Cattaraugus Co.  
807 West State Street  
Olean, New York 14760

Cynthia Rauh  
326 North Sixth Street  
Olean, New York 14760

Leonard Liquori  
Directions in Independent Living  
512 West State Street  
Olean, New York 14760

Dawn Rosine  
Willcare  
700 Westgate Plaza  
Olean, New York 14760

John Lounsbury  
387 Route 305 S  
Portville, New York 14770

Kim Shay  
Olean Medical Group  
535 Main Street  
Olean, New York 14760

Catherine Mackay, Director  
Department of Aging  
1 Leo Moss Drive, Suite 7610  
Olean, New York 14760

Dr. Kevin Watkins, MD  
Public Health Director  
1 Leo Moss Drive, Suite 4010  
Olean, New York 14760

**CATTARAUGUS COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE**

*Unexpired term to expire December 31, 2013*

Todd Reisner  
Trans Am Ambulance Services, Inc.  
308 North Eighth Street  
Olean, New York 14760  
(replacing Walter Reisner)

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD**

*Three-year terms to expire December 31, 2015*

Carrie Childs  
Child's Blueberries  
3207 Cooper Hill Road  
Humphrey, New York 14741

Keith Kranick, Director  
JCC Continuing Education  
PO Box 5901  
Olean, New York 14760

Karen Comstock  
Dresser-Rand  
37 Coats Street  
Wellsville, New York 14895

Arnold McHone  
McHone Industries  
PO Box 69  
Salamanca, New York 14779

Gretchen Hanchett  
Allegany County Chamber of Commerce  
6087 State Road 19N, Suite 120  
Belmont, New York 14813

Rocky Mehta  
West Penn Hardwoods  
230 South Clinton Street  
Olean, New York 14760

Charles Halthoff  
ACCORD Corporation  
PO Box 372  
Belmont, New York 14813

Brad Monroe  
Dresser-Rand  
Paul Clark Drive, PO Box 560  
Olean, New York 14760

Matt Keller  
 Subway/JLCM Foodservices, Inc.  
 223 West State Street, PO Box 785  
 Olean, New York 14760

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD**

*Unexpired terms to expire December 31, 2013*

Meme Yanetsko, Chief Operating Officer  
 Greater Olean Area Chamber of Commerce  
 120 North Union Street  
 Olean, New York 14760  
*(replacing Karen Knight)*

Christine Luly, District Office Manager  
 NYS Education Department Adult Career and  
 Continuing Education Services  
 508 Main Street  
 Buffalo, New York 14202  
*(replacing Robert Haladay)*

Patricia Magara, Employment Specialist  
 Cattaraugus Community Action  
 25 Jefferson Street  
 Salamanca, New York 14779  
*(replacing Mark Levine)*

**CATTARAUGUS – ALLEGANY WORKFORCE INVESTMENT BOARD YOUTH COUNCIL**

*Two-year terms to expire December 31, 2014*

Gordon Diffenderfer  
 Cattaraugus County Probation Department  
 1 Leo Moss Drive, Suite 4130  
 Olean, New York 14760

Michael Pietrikiewicz  
 Cassadaga Job Corps  
 8115 Glasgow Road  
 Cassadaga, New York 14718

Becky Scott  
 Literacy West NY  
 5455 Route 19 North  
 Belmont, New York 14813

**OPEN SPACE REGIONAL ADVISORY COMMITTEE**

*Indefinite term*

Crystal J. Abers, Director  
 Department of Economic Development, Planning & Tourism  
 303 Court Street  
 Little Valley, New York 14755

**FISH & WILDLIFE MANAGEMENT BOARD**

*Two-year term to expire December 31, 2014*

William Lindbergh  
 Landowner Representative  
 2100 Lyndon Road  
 Franklinville, New York 14737

\* \* \* \* \*

**ACT NO. 1-2013** by Mr. Marsh

**ADOPTION OF 2013 RULES OF ORDER**

Pursuant to Section 153 of the County Law.

RESOLVED, that the Rules of Order of the Cattaraugus County Legislature for the year 2013 shall be as follows:

**RULES OF ORDER  
OF THE  
CATTARAUGUS COUNTY LEGISLATURE**

**RULE 1. ORGANIZATION MEETING**

**1.1** The organization meeting of the Legislature shall be held on or before January 8 in each year for election or appointment of all officers and employees. The Clerk shall call the meeting to order and the first order of business shall be the election of a Chair for the ensuing year. The Legislature, under the Chair, shall proceed with the election of a Vice-Chair whose term of office shall be for the current year.

**1.2** At the organization meeting commencing a new legislature, the Legislature shall appoint a County Attorney to act during the term of office for which the then members of such Legislature were elected.

**1.3** The Chair shall appoint the Journal Clerk whose term of office shall be for the current year.

**1.4.1** The Chair shall announce one majority leader selected by the members affiliated with one political party having a majority of the legislative membership.

**1.4.2** The majority leader shall be a member of the Finance Committee.

**1.5.1** The Chair shall announce one minority leader selected by the members affiliated with a political party or combination of political parties, other than the political party of the majority leader.

**1.5.2** The minority leader shall be a member of the Finance Committee.

**RULE 2. REGULAR MEETINGS**

**2.1** Regular meetings shall commence at 3:00 p.m. on the second and fourth Wednesdays of each month, except, that in the months of July and August, the only regular meeting will be the fourth Wednesday.

**RULE 3. SPECIAL MEETINGS**

**3.1** Special meetings shall be at the call of the Clerk upon the direction of the Chair, or at the call of the Clerk of the Legislature upon direction of the Vice-Chair provided that upon convening, a majority of the members of the Legislature pass a resolution ratifying such call, or upon written request signed by Legislators representing a majority of the Legislature.

3.2 A notice in writing stating the time, place and purpose of the special meeting shall be served personally or by email upon each member of the Legislature by the Clerk at least 48 hours before the date fixed for holding the meeting, or a member may waive the service of a notice for such meeting by a writing signed by the member.

3.3 Only business specified in the notice may be transacted at a special meeting.

#### RULE 4. PLACE AND TIME OF MEETINGS

4.1 All meetings shall be held at the Legislature Chambers in Little Valley, New York, and shall begin at the hour specified in these rules, unless a different time or place is provided by a motion for adjournment or by the call for the meeting.

4.2 The Clerk shall notify members, County Officers and Department Heads of all meetings, except adjourned regular meetings.

#### RULE 5. PRESENCE OF COUNTY ATTORNEY and COUNTY ADMINISTRATOR

5.1 The County Attorney shall be present during all legislative meetings for the purpose of advising the Legislature on legal questions, unless excused by the Chair.

5.2 The County Administrator shall be present during all legislative meetings for the purpose of counsel and advice, unless excused by the Chair.

#### RULE 6. QUORUM

6.1 A majority of the full Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

6.2 When a quorum is not present, the Clerk of the Legislature, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

#### RULE 7. TEMPORARY CHAIR

7.1 Upon the appearance of a quorum, the Chair shall call the Legislature to order.

7.2 In the case of the non-appearance of the Chair, the Vice-Chair shall conduct the meeting.

7.3 In the case of the non-appearance of the Chair or the Vice-Chair, the Majority Leader shall conduct the meeting.

7.4 In case of the nonappearance of the Chair, Vice-Chair or Majority Leader within fifteen minutes of the appointed hour, the Clerk shall call the Legislature to order and a Chair pro tem shall be elected to preside for such day only, or during the absence of the Chair. The Chair pro tem shall have and exercise all of the powers and duties of the Chair at the meeting over which the Chair pro tem is called to preside.

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## RULE 8. ORDER OF BUSINESS

8.1 The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

1. Call to order by Chair.
2. Roll Call by Journal Clerk.
3. Invocation at each regular meeting.
4. Correcting and approving the minutes of any previous meetings.
5. Presentation of notices, petitions, claims, communications and departmental reports.
6. Privilege of the floor, subject to Rule 11.1.
7. Resolutions, motions and notices ready for action.
8. Unfinished business.
  - .1 tabled matters.
  - .2 matters postponed to date certain.
9. Resolutions presented for immediate consideration.
10. Notices and any other matters for discussion.
11. Adjournment.

## RULE 9. ROLL CALL

9.1 On roll call, the Journal Clerk shall record by name all members present or absent. It shall be the duty of any Legislator arriving late or departing before adjournment to advise the Journal Clerk of his/her arrival and his/her departure and it shall be the duty of the Journal Clerk to note the name of the Legislator and the time by hour and minutes of his/her late arrival or early departure.

## RULE 10. MINUTES OF PREVIOUS MEETING

10.1 Minutes of the previous meeting shall not be read, unless requested by any Legislator, by motion duly made, seconded and adopted by majority vote.

## RULE 11. PRIVILEGE OF THE FLOOR

11.1 A person, other than a member of the County Legislature, may be granted the privilege of the floor by the Chair only on agenda items upon the request of a Legislator, unless a motion is made by a Legislator for a vote on extending the privilege. If such motion is made, a majority vote shall be made to extend the privilege. Such privilege may be granted upon non-agenda items by advance notice to the Chair prior to the meeting. The Chair, in its discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chair may extend such privilege under other appropriate times and circumstances. For purposes of this rule only, the Clerk of the Legislature and the County Attorney shall have the same speaking privilege as a Legislator.

11.2 If a person, other than a member of the County Legislature, in speaking transgresses the rules of the Legislature, the Chair or any member may call him/her to order and the Chair may suspend the privilege.

RULE 12. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS

12.1 All resolutions shall be reduced to writing and filed with the Clerk.

12.2 Every resolution shall contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action, and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.

12.3 All resolutions and local laws shall be filed with the County Attorney not later than noon of the 13<sup>th</sup> day before the Legislature meeting.

12.4 All resolutions shall provide the name of the prime sponsor, or sponsors, on the first line.

12.5 Upon the request of the prime sponsor, or sponsors, prior to action taken by the legislature, the name or names of additional sponsors shall be added to the resolution in alphabetical order on the second line with the majority members listed first and the minority members listed second. Such permission may be given by the sponsor or sponsors either in writing to the Chair of the Legislature prior to the legislative meeting at which the resolution is to be debated or orally when the resolution is on the floor for discussion.

12.6 If a Committee is sponsoring a resolution, then the names of the committee members shall appear on the first line as prime sponsors with additional sponsors listed on the second line.

12.7 Each resolution shall indicate the year of its introduction.

12.8 The Clerk of the Legislature shall assign all resolutions and correspondence to the proper committee or committees for proper action.

12.9 A copy of all resolutions shall be emailed to each Legislator. The Deputy Clerk of the Legislature shall place a copy of all resolutions in each Legislator's mail box located in the Office of the Assistant to the Legislature.

12.10 All committees with business to transact shall meet on the seventh day preceding the meeting of the Legislature. Five days preceding the meeting of the Legislature, the Clerk shall cause to be reproduced and emailed to all Legislators copies of all resolutions and the disposition, if any, of them.

12.11 The term "resolution" as herein used shall mean a formal proposed action, in writing, to be read by the Journal Clerk. Any proposed action given orally from the floor shall be deemed a motion.

12.12 No motion shall be debated until seconded. After a motion or resolution is stated by the Chair or read by the Journal Clerk, it shall be deemed to be in the possession of the Legislature and open for debate, but may be withdrawn at any time before decision is made or an amendment is adopted. A resolution may be withdrawn by the author. A motion or amendment may be withdrawn by the two members who offered and seconded it. The names of the members who offered and seconded the motion shall be entered in the proceedings by the Clerk.

12.13 All resolutions memorializing action on pending legislation by the State Legislature shall be identified by setting forth the Assembly or Senate Introductory Number of the legislation.

12.14 All resolutions in committee or reported on by committee and not acted on by committee and not acted on by the Legislature before the end of the year shall die each December 31.

12.15 No resolution shall be filed with the Clerk of the Legislature until it has been approved as to legality and form by the County Attorney. The County Attorney shall indicate his/ her approval of legality and form of the resolution by initialing the original copy of the resolution.

12.16 Each paragraph of each resolution or local law shall be numbered consecutively.

12.17 Paragraphs 12.3, 12.8 and 12.9 of this rule shall not apply to the meetings in January, nor to tax and budget resolutions introduced in November and December.

12.18 Where applicable, a resolution request form shall be filed with the County Attorney prior to resolution preparation.

12.19.1 All proposed local laws and the public hearing resolutions accompanying them, after being passed out of the committees to which they are assigned, will appear on the legislative agenda for the next meeting of the Legislature, but the local law shall be listed under an agenda category entitled "Local Laws Not Ready for Final Action". No legislative action on a local law so listed except amendment may occur at that meeting. At the meeting at which the public hearing on a local law is scheduled to be held, the local law shall be listed on the legislative agenda under the category entitled "Resolutions, Motions and Notices Ready for Action", although the local law may not be acted upon until after the public hearing is held and closed.

12.19.2 Local laws and their accompanying hearing resolutions filed for immediate consideration will both be provided to the Legislature. In the event that the Legislature votes, pursuant to Rule 16.3, to consider the hearing resolution, it may be acted upon at the meeting at which it is introduced. In the event that the Legislature votes, pursuant to such rule, to consider the local law at that meeting, no legislative action on such local law may then occur except amendment. After such meeting of the Legislature, the procedure set forth in the last sentence of Rule 12.19.1 shall apply.

12.20 Beneath the caption of each proposed local law, there shall appear a brief description of the local law in plain language including its purpose and intent.

12.21 Academic and athletic achievement resolutions should be sponsored by all legislators.

#### RULE 13. RESOLUTIONS AND LOCAL LAWS CREATING COUNTY POSITIONS

13.1 Any local law or resolution seeking to create a new county position shall not be filed with the Clerk of the Legislature or be prefiled with the Clerk of the Legislature unless such local law or resolution is accompanied by a certification by the Cattaraugus County Civil Service Commission approving the title of such position.

13.2. The request to fill the position vacancy must be approved by the following:

- .1 Employee Position Vacancy Committee
- .2 Oversight Committee
- .3 Finance Committee.

RULE 14. SPONSORSHIP OF COUNTY PROPERTY SALES

14.1 Every resolution which authorizes the sale of any county property, other than tax title property, must be sponsored by a majority of the Legislators representing the district in which the property is located.

RULE 15. TRANSFER OF FUNDS

15.1 Any resolution authorizing or directing the transfer of funds from any account to another account shall not be adopted unless such resolution or transfer of funds be accompanied by an explanation to be submitted by the applicable department head, fully explaining the reason and necessity of such transfer.

15.2 All other transfers of funds shall be made in accordance with Local Law Number 5-1985 (Intro Number 10-1985), as amended.

RULE 16. AGENDA

16.1 The Clerk shall prepare a statement of the order of business for each meeting of the Legislature which shall also contain the title and sponsor of each resolution to be presented together with the number to be assigned thereto.

16.2 The order of business shall be emailed prior to the regular meeting or be placed on the desk of each Legislator.

16.3 Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless, upon motion regularly made and adopted by a two-thirds vote of the Legislators, the consideration of such resolution is authorized. The motion shall be as follows: "Move that Resolution No. \_\_\_\_ be considered at this time."

16.4 Any resolution appearing on the agenda will not be read at the meeting of the Legislature, but shall be called up by referring only to the Act number and the title, as hereinabove set forth, the same shall be deemed to be before the Legislature with the full force and effect as though the same had been fully read; if, however, any Legislator requests the reading of the resolution in full, such resolution must be read to the Legislature.

16.5 Information, correspondence, and non-county resolutions not germane to the regular legislative meeting shall be filed with the Journal Clerk.

RULE 17. UNFINISHED BUSINESS

17.1 All reports, resolutions, and other matters laid on the table, may be called therefrom under "Unfinished Business" in the regular order of business.

17.2 All questions laid over by rule, or by request of any member, for one day shall be considered in order on the succeeding day or at the next session, under the head of "Unfinished Business."

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RULE 18. ORDER AND DECORUM

18.1 The Chair shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Legislature. If an appeal be taken from the decision of the Chair, the Chair shall have the right in his/her place to make known the reason for his/her decision. The Legislature shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chair be sustained?"

18.2 In order to debate, to give a notice, to make a motion, or to present a petition or other papers, a Legislator must rise and be recognized by the Chair before he/she shall proceed. When two or more Legislators rise to speak at the same time, the Chair shall determine who is entitled to the floor.

18.3 While a member is speaking, no member shall entertain any private discourse or pass between the speaker and the Chair.

18.4 While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his/her place.

18.5 If any member, in speaking, transgresses the rules of the Legislature, then the Chair or any member may call him/her to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain. He/She shall remain seated until the Chair determines the point raised and if the point shall be sustained, then such member shall not further proceed, except on order and by permission of the Chair.

18.6 When a motion to adjourn is carried, the members shall keep their seats and places until the Chair declares the Legislature adjourned.

18.7 While the Legislature is in session no person other than members of the Legislature shall be allowed on the floor without the consent of the Chair, except the County Attorney, Journal Clerk, County Administrator or his/her designee. "On the floor" shall be designated as that area surrounding the Legislators' desks; all other county officers, department heads and interested persons and spectators shall remain in seats provided outside the railing, unless otherwise instructed by the Chair. The space designated for individuals wishing to videotape public meetings shall be at the end of the public area behind the railing next to the Chamber windows. The space designated for the print and audio media shall continue to be to the left of the podium.

18.8 In order to have an orderly presentation of speakers at public hearings, the Legislative Assistant shall maintain a sign-up sheet for persons interested in speaking at such hearings.

18.9 During public hearings, the Chair may set a reasonable limitation upon the duration of time for which members of the public will be granted the privilege of the floor.

18.10 Errors in actual fact made during public hearings may be corrected or addressed by the Chair, or his/her designee.

18.11 A member wishing to make comments germane to a resolution under consideration by the Legislature may submit such comments, not to exceed 75 words, in writing to the Journal Clerk on the date that the resolution is under consideration by the Legislature.

18.12 Matters raised by any person which are not germane to a resolution under consideration may be referred by the Chair to the appropriate committee.

#### RULE 19. RULES OF DEBATE

19.1 No debate shall be in order until the pending question shall be stated by the Chair.

19.2 If the question being debated contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition.

19.3 All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided by the Chair without debate.

19.4 When the reading of any paper is called for and objected to by any member, the question shall be determined without debate by a vote of the Legislature.

19.5 The Vice-Chair shall assume the chair to preside when the Chair desires to speak from the floor on any pending matter. In the absence of the Vice-Chair, the Chair, with the permission of the majority of the Legislature, may designate an acting Chair to preside when the Chair desires to speak from the floor on any pending matter. Such designation shall be effective until the question on the floor is disposed of, or the Chair elects to return to the Chair.

19.6 The Chair may limit the speaking of a member on any motion or resolution, or any amendment to a motion or resolution, to three times.

#### RULE 20. MOTIONS AND THEIR PRECEDENCE

20.1 When a question shall be under consideration, no motions shall be made except as herein specified, which motions shall have precedence in the order stated:

##### UNDEBATABLE

1. For adjournment of the Legislature
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous question
6. Limit or extend limits of debate

##### DEBATABLE

1. Postpone to a certain time
2. Commit or refer
3. Amend
4. Postpone indefinitely
5. Main motion

20.2 The motion to adjourn or to take a recess shall always be in order, but cannot be made while the Chair is putting a question or while a member has the floor or after the previous question has been ordered or while the Journal Clerk is calling the roll, or while in Committee of the Whole.

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#### RULE 21. DEBATE CLOSURE

21.1 When a debate has run its course, a member may rise to request debate closure. The member must be recognized by the Chair prior to requesting debate closure. The Chair may recognize those members who were standing prior to the request for debate closure. When the Chair determines that the debate is concluded, the Chair shall put the resolution or motion on the floor to a vote.

21.2 Alternatively, a member may move the previous question. The motion requires a second, is non-debatable and requires a two-thirds vote.

#### RULE 22. QUESTIONS LAID OVER BY REQUEST

22.1 Any motion, resolution, or any other proposition giving rise to debate, except matters before the Legislature as unfinished business or special orders, or any regular parliamentary working motion and any motion referring to a working motion, shall lie over to the next day if so requested by a majority vote of the Legislature, but shall not be again postponed unless made a special order.

#### RULE 23. RULES OF VOTING

23.1 The ayes and nays shall be taken on all questions requiring a vote of the Legislature when required by statute. A roll call vote may be taken under all other circumstances, provided that two legislators request that such a roll call vote be taken. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. Every member who shall be present on the floor (as defined in Rule 18.7) when a question is stated by the Chair shall vote thereon, except that a legislator who has a prohibited conflict of interest under the General Municipal Law or the County's Code of Ethics shall not vote after stating his/her connection with the matter under consideration and obtaining a ruling from the County Attorney that such constitutes prohibition from voting. If a legislator who is present on the floor and not prohibited from voting refuses or otherwise fails to vote, then the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted on.

23.2 In the event that a legislator wishes to leave the floor before a question is stated by the Chair, he/she must do so before the question is called, and announce his/her absence to the Journal Clerk, who shall record it, and thereafter announce his/her return to the Journal Clerk.

23.3 The order of voting at meetings of the Legislature shall be rotated alphabetically, beginning with the letter 'A'. For example, legislator 'A' would be required to vote first on resolutions requiring a roll call vote considered at the first meeting held during the year, Legislator 'B' would vote first on resolutions considered at the second meeting, etc., continuing through the members of the Legislature alphabetically for the meetings held during the remainder of the year.

#### RULE 24. STANDING COMMITTEES

24.1 The Chair shall appoint the members of all standing committees and special committees. All standing committees shall be appointed for the current year, but shall hold over until new committees have been appointed by the Chair, except at the end of a legislative term, at which time all committee assignments terminate. No person shall continue to serve after he/she has ceased to be a member of

the Legislature. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required.

Standing committees and number of members are as follows:

Number	Name of Committee	Number of Members
1.	County Operations	7
2.	Development & Agriculture	7
3.	Finance	9
4.	Human Services	7
5.	Labor Relations	5
6.	Public Safety	7
7.	Public Works	9
8.	Senior Services	7
9.	Strategic Planning	7

Duties and scope of each committee are listed in the Appendix.

#### RULE 25. SPECIAL COMMITTEES

25.1 Special committees may be authorized at any legal meeting of the Legislature. They shall be appointed by the Chair. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

#### RULE 26. ADVISORY COMMITTEES AND LEGISLATIVE REPRESENTATIVES

26.1 Advisory committees and legislative representatives shall be appointed in the same manner as special committees.

#### RULE 27. COMMITTEE OF THE WHOLE

27.1 In order to consider matters informally the Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it. The Chair, or, in the Chair's absence, the Vice-Chair, shall preside.

27.2 The rules of the Legislature shall be observed by this committee insofar as they are applicable, except that the previous question shall not apply; nor shall the number of times a member may speak be limited, and except that the ayes and nays shall be taken. The only motions in order are, "to amend," "to adopt," and "to rise and report." A motion to rise and report progress shall always be in order at any stage, and shall be decided without debate.

27.3 The committee cannot refer the subject to another committee.

27.4 Local Laws and other matters shall be considered in Committee of the Whole, in the following manner: They shall first be read through, if the committee so directs; otherwise, they shall be read and considered by sections, leaving the title to be last considered. All amendments in their proper connection shall be reported to the Legislature.

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RULE 28. REFERRAL TO COMMITTEES

28.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chair, without motion, to the appropriate committee, unless otherwise ordered by the Legislature.

RULE 29. COMMITTEES IN GENERAL

29.1 The first member designated on each committee shall be the Chair thereof, and the second member the Vice-Chair. In the absence of the Chair and Vice-Chair of the committee, the senior-ranking committee member of the Majority party shall become the temporary Chair of the committee. Under all circumstances, a committee quorum will be required for any official action.

29.2 The Chair of each committee shall give, or cause to be given by the Clerk of the Legislature, notice in person, by telephone, or by email at least two days in advance of the meeting, the hour and place of each meeting, except no advance notice need be required when the committee meeting is held on a day when the Legislature shall be in session.

29.3 All committee meetings shall be upon the lawful call of either the Chair of the County Legislature, the Committee Chair, or by the filing of a petition by a majority of the committee members with the Clerk of the Legislature.

29.4 No committee meeting shall be adjourned until announced by the Chair of the committee or upon a vote of the majority of the members present.

29.5 Action on any matter lawfully before any committee shall be taken only while a quorum of the committee is present and in session.

29.6 Only those committee members and the sponsor or sponsors of a resolution shall address the resolution during the committee session. Other persons may speak with the permission of the Committee Chair. The Committee Chair may limit the time to address the Committee.

29.7 Any committee is authorized to accept advice and counsel of citizens not members of the Legislature.

29.8 Each committee chair shall be responsible for keeping the minutes of the meetings of his/her committee. The minutes shall be kept on a form prescribed and furnished by the Clerk. The minutes shall contain a brief summary of the business conducted by the committee, together with a record of the decisions made by the committee, as well as the time, place, and persons present, and any other pertinent information. A list of members of the committee present and pertinent facts such as meals, time and place of meeting shall be filed with the Clerk of the Legislature within one week after each meeting.

29.9 Any vacancy on a committee, standing or special, shall be filled by the Chair of the Legislature without delay.

29.10 Each committee shall have the power to investigate, in such manner as seems best, the particular branch or department of County Government under its supervision. Such investigation shall

authorized by a majority vote of the members of the committee. The Chair, County Administrator, County Attorney and Department Head shall be notified in writing.

29.11 Committees shall use their best efforts to deal only with agenda items at the Committee sessions on the first and third Wednesday of each month.

29.12 Committees, on making reports, shall return all papers relating thereto to the Clerk of the Legislature.

29.13 Committees shall have general charge of all matters pertaining to the work of this Legislature as indicated by the titles thereof, and as more specifically described as special duties, and each committee shall have supervision and charge of expenditures subject to the direction of the Legislature from appropriations indicated. Each committee shall contain members of the majority and minority parties, insofar as possible, in proportion to respective party representation on the Legislature.

29.14 The Committee Chair must report to the Chair of the County Legislature all situations where a Legislator's attendance falls below 50%.

29.15 Committees shall meet with Department Heads, from time to time, for mutual discussion of departmental objectives and/or problems.

29.16 All committee meetings shall be subject to the provisions of Article 7 of the Public Officers Law, together with any common-law privileges applicable under the circumstances.

#### RULE 30. REPORTS BY COMMITTEES

30.1 All committees, standing or special, shall, as promptly as possible, consider and submit to the Legislature, written reports upon such resolutions, communications, or other matters as may be referred to them. Once a majority of the members of a committee approve a resolution and sign a committee report so indicating, the resolution shall be deemed passed out of the committee. Resolutions not passed out of a committee shall be deemed "held" by the committee for further consideration. A resolution must be passed out of all committees to which it is assigned before it can be considered by the Legislature. The Finance Committee may only act on resolutions that have been passed out of all other committees to which they have been assigned.

#### RULE 31. PARLIAMENTARY QUESTIONS

31.1 On all points of order not governed by these rules, the general rules of parliamentary practice as outlined in Roberts Rules of Order, Revised, shall be referred to for the guidance of the Legislature and committees - special, standing, or advisory. The County Attorney shall be the parliamentarian for the Legislature and committees.

#### RULE 32. AMENDMENT OF RULES

32.1 These rules may be amended, and other rules added and adopted, by a two-thirds vote of the Legislature by a motion made after a previous notice of one day. All rules and resolutions in conflict with these rules are hereby repealed and rescinded to the extent that they conflict with the rules herein.

RULE 33. WAIVER OF RULES

33.1 These rules may be waived by a motion adopted by a two-thirds vote of the members of the Legislature but only so far as the rules affect or relate to a single resolution or motion then before the Legislature, which resolution must be identified in the motion to waive rules. The rule to be waived must be specified in the motion to waive.

RULE 34. DUTIES OF THE CHAIR

34.1 In addition to those prescribed heretofore, the Chair of the Legislature shall have the following powers and duties:

.1 To become familiar with the property, functions, and fiscal affairs of the County and make recommendations to the County Legislature on legislation, rules and regulations, and such other matters as he/she may deem material and advisable.

.2 To see that the statutory and local laws and resolutions of the Legislature and directions of County Officers empowered to make the same, are faithfully executed, and to report to the Legislature any neglect of duty.

.3 To advise department heads and officers and recommend matters deemed helpful to them in the performance of their duties.

.4 To transfer employees temporarily from one department or office to another with the approval of the appointing officer or Legislature.

.5 To determine what officer shall perform a particular power or duty not clearly defined by law.

.6 To determine what officers and employees may attend conferences and schools conducted for the betterment of County government.

.7 To execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.

.8 To call a meeting of any standing or special committee of the Legislature at any time.

.9 To represent the County at all public hearings and conferences that he/she deems it necessary to attend.

.10 The Chair of the Legislature shall be an ex-officio member of all standing and special committees and shall be notified of such meetings. The Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.

.11 To execute all documents necessary for rights-of-way acquisitions, within budgetary appropriations.

- .12 To execute all change orders, within budgetary appropriations.

#### RULE 35. DUTIES OF THE VICE-CHAIR

##### 35.1 The Vice-Chair shall have the following duties:

- .1 Shall preside over each duly constituted meeting of the Legislature, in the absence of the Chair.
- .2 Shall have and exercise all the powers and duties of the Chair at any meeting over which he/she is called to preside.
- .3 Shall have the right to name any member to perform the duties of Vice-Chair, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.
- .4 Shall, in the absence of the Chair, execute and deliver in the name of the County all documents and contracts authorized by the County Legislature.
- .5 Shall act as liaison between the Committee Chairmen and the Chair of the Legislature.
- .6 Shall exercise such other duties as may be determined by subsequent action of the County Legislature.
- .7 Shall be an ex-officio member of all standing and special committees, except for those committees to which the Vice-Chair is appointed as a member, and shall be notified of such meetings. The Vice-Chair, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.
- .8 Shall be the Chair of the Finance Committee.

#### RULE 36. DUTIES OF THE CLERK OF THE LEGISLATURE

- 36.1 The Clerk shall keep a record of all acts and proceedings of the Legislature and be the custodian of the record vouchers and other papers required or authorized by law to be deposited in his/her office.
- 36.2 The Clerk shall prepare the tax rolls, except when otherwise directed by the County Legislature, and perform such additional and related duties as may be prescribed by law.

#### RULE 37. DUTIES OF THE JOURNAL CLERK

- 37.1 The Journal Clerk shall, at the pleasure of the Chair, read all resolutions, reports, and communications received by the Legislature and keep minutes of proceedings. The Journal Clerk shall, at the close of each session of the Legislature, make and furnish a transcript of the proceedings to each member of the County Legislature.

RULE 38. SERGEANT-AT-ARMS

38.1 At any public hearing held by the County Legislature, and at any other meeting of the Legislature, when requested by the Chair of the Legislature, the Sheriff of Cattaraugus County shall delegate one of his/her uniformed deputies to the Legislature Rooms to act as a sergeant-at-arms.

RULE 39. DUTIES OF THE COUNTY ADMINISTRATOR

39.1 The County Administrator shall have those powers and duties set forth in Local Law Number 5-1985 (Intro Number 10-1985), as amended, together with such other powers and duties as may be granted by Local Law or resolution of the County Legislature.

RULE 40. SALE OF COUNTY-OWNED TAX TITLE PROPERTY

40.1 The Real Property Tax Director shall annually, after the last day for property owners to redeem their property, secure a written property evaluation description sheet from the town assessor for each parcel. Copies of these shall be submitted to the County Treasurer's Office no later than February 15 of each year.

40.2 The County Treasurer and the Real Property Tax Director shall review all properties, and recommend to the County Operations Committee, by April 15 of each year, where the auction will be held. After approval of the County Operations Committee, the auctions of those parcels shall be advertised in the official newspapers of the County, and such other newspapers as the Committee deems advantageous, for at least two successive weeks. The County Treasurer shall advertise such properties in a timely manner, so that the date of the auction shall be not less than three (3) days after the date of the second publication in the official newspapers.

40.3 The public auctions shall be conducted by such individual or individuals as the County Operations Committee deems appropriate.

40.4 The County requires a deposit of ten percent (10%) of the bid price, in the form of cash, money order or certified check, to be applied to the purchase price. If the highest bidder fails to tender the 10% deposit before the deadline on the auction date, then the second highest bidder shall be notified that the second highest bidder is given the opportunity to tender the high bid price to the County. If the second highest bidder fails to tender the high bid price to the County by the deadline established on the auction date, then the parcel shall be reaucted on the same date. Once the auctioneer declares the final and highest bid, no deposit will be refunded.

40.5 If at public auction, the highest bidder tenders a certified check or money order in excess of ten percent (10%) of the high bid, and then fails to complete the purchase, the County shall retain ten percent (10%) of the bid price. The excess shall be returned to the highest bidder within a reasonable time after the public auction.

40.6 All property shall be sold to the highest bidder, upon the recommendation of the County Operations Committee and upon the adoption of a resolution by the County Legislature. However, the County Operations Committee and the County Legislature reserve the right to reject any and all bids.

40.7 No property shall be sold to the former owner without competitive bidding if tender of payment of taxes, interest, penalties and other charges due on the property, including those County charges, County liens or County mortgages which may have been extinguished by the judgment of foreclosure, is made less than fifteen (15) business days prior to the date of public auction. The former owner shall not be given another opportunity to repurchase the County-owned tax title property if the property is not sold at the initial public auction but is subsequently reaucted.

40.8 The former owner shall not have an opportunity to tender payment of the back taxes, penalties, interest and other charges due on the property if the County conveys the property to another municipality, or the County declares the property necessary for County purposes.

40.9 Failure to tender the balance due to the County within 30 days from the date of bid acceptance by the Legislature will result in the forfeiture of the bid deposit by the highest bidder.

40.10 If the highest bidder fails to tender the balance due to the County within 30 days from the date of bid acceptance by the County Legislature, then the second highest bidder shall be notified that the Legislature will consider sale of the property to the second highest bidder at the high bid price. The second highest bidder shall notify the County within 30 days after notification by the County as to whether the second highest bidder will tender the high bid price to the County. Failure of the second highest bidder to tender the entire bid price within 30 days after notification by the County shall result in the property being placed on the next auction list.

40.11 The County Treasurer's office shall assist the highest bidder, or former owner, in recording the County Treasurer's deed.

40.12 A successful bidder shall be responsible for payment of the applicable current city and village taxes related to the spring auction, and school taxes related to the fall auction, at the time that the bidder tenders the bid balance to the County.

40.13 No sale of tax title property shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

#### RULE 41. SALE OF SURPLUS EQUIPMENT

41.1 The Public Works Committee shall be responsible for the disposition of surplus equipment and other personal property of the County. Such Committee shall fix the times and places at which public auctions, the minimum number thereof being one per annum, shall be held and shall promulgate such additional rules and establish such procedures as may be necessary to effect the orderly and proper conduct thereof.

41.2 All sales shall become final upon payment by the purchaser of the full amount of the purchase price.

41.3 The Public Works Committee is authorized to employ such professional auctioneers from time to time for this purpose as may be necessary and to delegate its responsibility for the conduct of such auctions to one or more of its members or to any office of county government.

41.4 All officers, departments, and other agencies of county government shall dispose of equipment no longer necessary for public use in the manner set forth herein. The disposition of a specific item of equipment by another method may be permitted, however, by the Committee.

41.5 No sale of surplus equipment shall be made to any County Legislator, or County Legislator's spouse or dependent children, as defined by the County Ethics Code.

RULE 42. PROCEDURE FOR BIDDING AND ACCEPTING BIDS

42.1 Specifications and bids will be set and determined by the Department Head and the standing committee of the Legislature that governs the respective department for which the item or services are being procured and, wherever possible, the specifications shall be written to conform with State bid specifications.

42.2 No department, board, or other agency of County government shall advertise for sealed bids for any purpose which has not been included in the current year budget, without prior approval of the legislative committee which exercises jurisdiction over such agency.

42.3 No committee shall authorize advertisement for sealed bids, unless the bid item is partially or entirely included in the current year's budget.

**APPENDIX****STANDING COMMITTEES****1. COUNTY OPERATIONS (7 members)****1.1** This committee shall have charge of all matters relating to the following departments:

- .1 Board of Elections
- .2 County Attorney
- .3 County Clerk
- .4 County Museum
- .5 Information Services
- .6 Real Property Tax Service.

**1.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over general governmental functions.
- .2 Liaison with Chautauqua-Cattaraugus Library System.

**2. DEVELOPMENT & AGRICULTURE (7 members)****2.1** This committee shall have charge of all matters relating to the Department of Economic Development, Planning and Tourism.**2.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over matters relating to tourism and economic development in the County.
- .2 Liaison with the County Planning Board.
- .3 General jurisdiction over agricultural matters.
- .4 General jurisdiction over forestry matters.
- .5 Liaison with the following:
  - .1 Agricultural Society
  - .2 Business Development Corporations
  - .3 Chambers of Commerce
  - .4 Cornell Cooperative Extension
  - .5 Empire Zone Corporation
  - .6 Federated Sportsmen
  - .7 Industrial Development Agency
  - .8 Local Development Corporations
  - .9 Salamanca Rail Museum
  - .10 Southern Tier West Regional Planning & Development Board.

**3. FINANCE (9 members)****3.1** This committee shall have charge of all matters relating to the following departments:

- .1 County Administrator
- .2 County Treasurer.

**3.2** In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over the financial affairs of the County.
- .2 Review tentative budget.
- .3 General jurisdiction over the following administrative divisions of the County Administrator:
  - .1 Auditing
  - .2 General Administration
  - .3 Purchasing.
- .4 General jurisdiction over community college issues.
- .5 Liaison with Off-Track Betting Corporation.

4. HUMAN SERVICES (7 members)

4.1 This committee shall have charge of all matters relating to the following departments:

- .1 Community Services
- .2 Coroners
- .3 Health
- .4 Social Services
- .5 Veterans Service Agency
- .6 Youth Bureau.

4.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all matters relating to the general welfare of persons in the County.
- .2 Liaison with the following contract agencies:
  - .1 Association for Retarded Children
  - .2 Council on Alcoholism & Substance Abuse
  - .3 Day Care Centers
  - .4 Mental Health Society.
- .3 Liaison with Cattaraugus-Allegany Workforce Investment Board.

5. LABOR RELATIONS (5 members)

5.1 This committee shall have charge of all matters relating to the following department:

- .1 Human Resources.

5.2 In addition, the committee shall have the following responsibilities:

- .1 All employee classifications, salary changes, and employment practices.
- .2 Vacancies shall be filled in accordance with Act 68-2003, as amended.
- .3 Shall review personnel issues after those issues have been reviewed by the respective program committees.
- .4 Shall have charge of matters that influence the general labor relations and employment policies of the County.

5.3 Upon delegation by the Chair, this committee shall consider fiscal and other matters dealing with collective bargaining and employee relations.

5.4 This committee's members, plus the Chair of the County Legislature, are the Employer representatives to the Labor-Management Committees referred to in the collective bargaining agreements.

6. PUBLIC SAFETY (7 members)

6.1 This committee shall have charge of all matters relating to the following departments:

- .1 Assigned Counsel
- .2 District Attorney
- .3 Emergency Services
- .4 Judiciary
- .5 Probation
- .6 Public Defender
- .7 Sheriff.

6.2 In addition, the committee shall have the following responsibilities:

- .1 Emergency Communications Systems.
- .2 Liaison with Fire Advisory Board.
- .3 Liaison with Society for Prevention of Cruelty to Animals (SPCA).
- .4 Liaison with Nuclear Waste industry.

7. PUBLIC WORKS (9 members)

7.1 This committee shall have charge of all matters relating to the Public Works Department.

7.2 In addition, the committee shall have the following responsibilities:

- .1 General jurisdiction over all County buildings and grounds.
- .2 Watershed Program.
- .3 Liaison with Cattaraugus County Soil & Water Conservation District.
- .4 Approve or disapprove requests from non-County government groups for County facility usage.
- .5 General jurisdiction over all matters relating to solid waste.

8. SENIOR SERVICES (7 members)

8.1 This committee shall have charge of all matters relating to the following departments:

- .1 Aging
- .2 Nursing Homes.

9. STRATEGIC PLANNING (7 members)

9.1 This committee will have the following responsibilities:

- .1 General jurisdiction relating to the process of governmental review of planning mechanisms.
- .2 Liaison with the following entities:
  - .1 Southern Tier West regarding governmental planning.
  - .2 All local governments within Cattaraugus County regarding sharing/coordination of services.

9.2 In addition, this committee shall have charge of all matters relating to cooperation and coordination/sharing of County services within Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 2-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will be involved in civil actions during the year 2013, and

WHEREAS, the civil actions may require the services of outside counsel, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ outside counsel from time-to-time in the year 2013 to perform services in relation to civil actions that may be pending or may hereafter occur, with preference given to attorneys in Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 3-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY FISCAL ADVISORS**

Pursuant to Section 153 of the County Law.

WHEREAS, it is necessary to prepare in-depth financial statements and other financial paraphernalia to market the financial instruments issued by the County, and

WHEREAS, Fiscal Advisors and Marketing, Inc., 120 Walton Street, Suite 600, Syracuse, New York 13202 is a reputable municipal bond marketing service, and

WHEREAS, the cost of these professional services will come from the proceeds of the financial issues, and

WHEREAS, it is desirable to retain the services of Fiscal Advisors and Marketing, Inc., to prepare the necessary financial information, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby retains the firm of Fiscal Advisors and Marketing, Inc., to undertake the above-described financial services for Cattaraugus County.

Adopted January 2, 2013 by voice vote.

**ACT NO. 4-2013** by Mr. Marsh**AUTHORIZATION TO EMPLOY BONDING ATTORNEY**

Pursuant to Section 501 of the County Law.

WHEREAS, it is anticipated that the County of Cattaraugus will undertake certain programs during the year 2013 which will be financed through the sale of bonds, and

WHEREAS, these projects will require the services of a recognized bonding attorney, now, therefore, be it

RESOLVED, that the County Attorney be, and hereby is, authorized and directed, on behalf of Cattaraugus County, to employ a recognized bonding attorney from time-to-time in the year 2013 to perform services in relation to financing such programs as may hereafter be authorized by the Cattaraugus County Legislature.

Adopted January 2, 2013 by voice vote.

**ACT NO. 5-2013** by Mr. Marsh

**DELEGATING AUTHORITY FOR CERTAIN REAL PROPERTY TAX  
REFUNDS AND CORRECTION OF TAX BILLS AND TAX ROLLS**

Pursuant to Sections 554(a) and 556(8)(a) of the  
Real Property Tax Law.

WHEREAS, Act 6-2012 delegated the authority to make real property tax refunds and to correct tax bills and tax rolls to the County Administrator, and

WHEREAS, that delegation should be continued for the year 2013, now, therefore, be it

RESOLVED, that for the year 2013, the County Administrator is hereby authorized to perform the duties of the County Legislature in providing real property tax refunds, where the recommended refund is \$2,500.00 or less, in accordance with Section 556 of the Real Property Tax Law, and be it further

RESOLVED, that for the year 2013, the County Administrator is hereby authorized to correct tax bills and tax rolls, where the recommended tax refund is \$2,500.00 or less, in accordance with Section 554 of the Real Property Tax Law.

Adopted January 2, 2013 by voice vote.

**ACT NO. 6-2013** by Mr. Marsh

**DESIGNATION OF OFFICIAL DEPOSITORIES AND TRADING PARTNERS**

Pursuant to Section 212 of the County Law.

RESOLVED, that the following banking institutions in Cattaraugus County be designated as official depositories for County funds, commencing January 1, 2013, and that the County Treasurer is hereby authorized to deposit in each or any of such banking institutions in an amount not to exceed twenty-five million dollars (\$25,000,000):

Cattaraugus County Bank, Little Valley, New York  
Cattaraugus County Bank, South Dayton, New York  
Community Bank, Gowanda, New York  
Community Bank, Olean, New York  
JP Morgan Chase, Buffalo, New York

Bank of America, Buffalo, New York  
Five Star Bank, Allegany, New York  
Five Star Bank, Ellicottville, New York  
Five Star Bank, Olean, New York  
Five Star Bank, Salamanca, New York  
First Niagara Commercial Bank, Albion, New York  
MBIA Municipal Investors Service Corp., Armonk, New York  
Bank of Cattaraugus, Cattaraugus, New York  
M & T Bank, Ellicottville, New York  
M & T Bank, Delevan, New York  
M & T Bank, Olean, New York  
Morgan Stanley/Dean Witter, Buffalo, New York  
Pershing (BNY Securities Group), New Jersey  
Smith Barney, Olean, New York.

Adopted January 2, 2013 by voice vote.

**ACT NO. 7-2013** by Mr. Aiello, Ms. Edstrom, Mr. Edwards, Mr. Felton,  
Mr. Hale, Mr. Klancer, Mr. Marsh, Mr. Murphy, Mr. Snyder, Sr., Mr. Snyder, Jr.,  
Mrs. Stockman, Mr. Teachman, Mr. VanRensselaer, Ms. Vickman and Mr. Weller

**DESIGNATING OFFICIAL REPUBLICAN NEWSPAPER FOR THE YEAR 2013**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Olean Times Herald, a newspaper published in Olean, New York, and advocating the principles of the Republican Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2013.

Adopted January 2, 2013 by voice vote.

**ACT NO. 8-**by Mr. Boser, Mr. Koch, Mrs. Labuhn,  
Mr. Lamberson, Mr. Padlo and Mr. Sprague

**DESIGNATING OFFICIAL DEMOCRATIC NEWSPAPER FOR THE YEAR 2013**

Pursuant to Section 214 of the County Law.

RESOLVED, that the Salamanca Press, a newspaper published in Salamanca, New York, and advocating the principles of the Democratic Party be, and the same hereby is, designated as one of the newspapers for the publication of all local laws, notices, and other matters required by law to be published by Cattaraugus County for the year 2013.

Adopted January 2, 2013 by voice vote.

**ACT NO. 9-2013** by Mr. Marsh

**AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS FOR  
TAX FORECLOSURE SEARCHES**

Pursuant to Article 11 of the Real Property Tax Law and  
Act 290-2011 of the Cattaraugus County Legislature.

WHEREAS, Act 43-2012 authorized contracts with Cattaraugus Abstract Corporation, 406 Erie Street, Little Valley, New York 14755, and Empire Search Company, 208 Court Street, Little Valley, New York 14755, for the provision of tax foreclosure searches at a rate of \$80.00 per parcel, the terms of which expired December 31, 2012, and

WHEREAS, searches of the various records in the County Clerk's Office are necessary in order to comply with statutory notification provisions as Cattaraugus County prepares to commence its in rem foreclosure proceedings for unpaid taxes, and

WHEREAS, the County is desirous of renewing the aforementioned contracts, and

WHEREAS, Cattaraugus Abstract Corporation and Empire Search Company have agreed to perform the aforementioned searches for the amount of \$90.00 per parcel, for an estimated annual cost to the County of \$42,500.00, now, therefore, be it

RESOLVED, that the County Administrator be, and hereby is, authorized and directed to execute contracts, on behalf of Cattaraugus County, with Cattaraugus Abstract Corporation and Empire Search Company for the provision of the above-described tax foreclosure searches, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 10-2013** by Mr. Marsh

**APPOINTMENT TO BOARD OF HEALTH**

Pursuant to Section 343 of the Public Health Law.

RESOLVED, that the following individual is appointed to the Board of Health:

Joseph Bohan  
2110 Dugan Road  
Olean, New York 14760

term expires December 31, 2018.

Adopted January 2, 2013 by voice vote.

**ACT NO. 11-2013** by Mr. Marsh

**APPOINTMENT OF INTER-COUNTY ASSOCIATION OF  
WESTERN NEW YORK MEMBERS**

Pursuant to Section 153 of the County Law.

RESOLVED, that the following individuals shall be the Cattaraugus County voting members to the Inter-County Association of Western New York for the year 2013:

Richard Lamberson  
124 North Second Street  
Allegany, New York 14706

William Aiello  
725 Bishop Street  
Olean, New York 14760

Donna Vickman  
971 Back Street, PO Box 5  
Farmersville Station, NY 14060

Linda Edstrom (*alternate*)  
408 Laurens Street  
Olean, New York 14760

Norman L. Marsh (*alternate*)  
121 First Street  
Little Valley, New York 14755

James L. Boser (*alternate*)  
97 North First Street  
Allegany, New York 14706,

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to the Inter-County Association of Western New York.

Adopted January 2, 2013 by voice vote.

**ACT NO. 12-2013** by Mr. Marsh**APPOINTMENT OF CORONER'S PHYSICIANS**

Pursuant to Section 400 (4-b) of the County Law and Act 138-81.

RESOLVED, that the following individuals are appointed Coroner's Physicians for Cattaraugus County for two years with their terms to expire on December 31, 2014, at the salary which has heretofore, or may hereafter be established:

Dean Mast  
10208 Pigeon Valley Road  
Cattaraugus, New York 14719

Scott F. LaPoint  
Erie County Medical Examiner's Office  
462 Grider Street  
Buffalo, New York 14215

Fazlollah Loghmanee  
111 Lehn Springs Drive  
Williamsville, New York 14221

Dianne Vertes  
Erie Co. Medical Examiner's Office  
462 Grider Street  
Buffalo, New York 14215

Adopted January 2, 2013 by voice vote.

**ACT NO. 13-2013** by Ms. Edstrom and Mr. Marsh**APPOINTMENTS TO COMMUNITY SERVICES BOARD  
MENTAL HEALTH SUBCOMMITTEE AND  
COMMUNITY SERVICES BOARD ALCOHOL & SUBSTANCE ABUSE SUBCOMMITTEE**

Pursuant to Section 41.11 of the Mental Hygiene Law.

RESOLVED, that the following individuals are re-appointed to the Community Services Board Mental Health Subcommittee effective February 13, 2012 with terms to expire December 31, 2015:

Jon Baker  
120 North 21<sup>st</sup> Street  
Olean, New York 14760

Russell Hahn  
4353 South Nine Mile Road  
Allegany, New York 14706,

and be it further

RESOLVED, that the following individuals are re-appointed to the Community Services Board Alcohol & Substances Abuse Subcommittee effective February 13, 2012 with terms to expire December 31, 2015:

Derah Black-Day  
Seneca Nation Health  
987 RC Hoag Drive  
Salamanca, New York 14779

Kenneth McClune  
51 South Main Street  
Salamanca, New York 14779  
*(resigned from Community Services Board  
and ASA Subcommittee effective May 21, 2012).*

Adopted January 2, 2013 by voice vote.

**ACT NO. 14-2013** by Mr. Marsh**RE-CREATING CATTARAUGUS COUNTY LONG TERM CARE ADVISORY COUNCIL**

Pursuant to Section 235 of the County Law.

WHEREAS, Act 218-2007 created the Long Term Care Advisory Council, the term of which expired December 31, 2012, and

WHEREAS, a Long Term Care Advisory Council must be re-created and exist in each county to conduct long term care system planning and development in order to ensure achievement of the goals and objectives of the point of entry, and

WHEREAS, a Long Term Care Advisory Council should be re-created consisting of 21 members and 4 ex-officio members to be appointed by the Chairman of the Legislature, and

WHEREAS, the Long Term Care Advisory Council must report its activities and recommendations to the lead agency, who is required to report directly to the Chairman of the Cattaraugus County Legislature, and

WHEREAS, the Long Term Care Advisory Council must have the following duties and responsibilities:

- Identify and analyze emerging community needs in the long term care service delivery system, based on identified gaps, service accessibility and availability and develop strategies to respond to those needs in a timely and appropriate fashion;
- Solicit input from long term care stakeholders regarding changes in the community environment (e.g. new resources or closing of providers), legislation or regulations;
- Review the long term care service delivery system by identifying entry points to the system and the manner by which populations in need of long term care services navigate or access services throughout the system; and
- Serve in its advisory capacity as a catalyst to advance changes in the long term care system when modifications are required to ensure the availability of appropriate and quality community services,

and

WHEREAS, it is not necessary to limit this council to a specific term, now, therefore, be it

RESOLVED, that there is hereby created an advisory council to be known as the Long Term Care Advisory Council, and be it further

RESOLVED, that the purpose of the committee shall be as described above.

Adopted January 2, 2013 by voice vote.

**ACT NO. 15-2013** by Mr. Marsh**ESTABLISHING STANDARD WORK DAY FOR CERTAIN  
APPOINTED OFFICIALS FOR REPORTING PURPOSES TO  
NEW YORK STATE RETIREMENT SYSTEM**

Pursuant to 2 NYCRR Section 315.4.

WHEREAS, 2 NYCRR Section 315.4, effective August 12, 2009, requires that all newly elected or appointed officials participating in the New York State Retirement System maintain a record of activities for a period of three months within 150 days of appointment or the start of a term of office, for purposes of establishing a standard work day, and

WHEREAS, 2 NYCRR Section 315.4 requires that the governing board shall establish, by resolution, a standard work day for each elected or appointed position, and

WHEREAS, certain newly appointed officials have submitted their three-month record of activities, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees Retirement System, based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Ret. Reg.</u>	<u>Authority</u>	<u>Term</u>	<u>Standard Work Hrs/Day</u>	<u>Days/ Month</u>
Director, Department of Aging,	Catherine M. Mackay	38595955	Appointed	4/01/2012- 3/31/2016	7	21.67

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to post conspicuously, on the bulletin board in the front lobby of the Little Valley County Center, for a period on thirty days, a copy of this adopted resolution and thereafter forward a certified copy of this resolution, along with a certification of such public posting, to the New York State and Local Employees Retirement System in accordance with 2 NYCRR Section 315.4.

Adopted January 2, 2013 by voice vote.

**ACT NO. 16-2013 by Mr. Marsh**

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CHAUTAUQUA-CATTARAUGUS LIBRARY SYSTEM, INC.**

Pursuant to Sections 224, 233-a and 450 of the County Law and  
Section 256 of the Education Law.

WHEREAS, Act 20-2012 authorized a contract with the Chautauqua-Cattaraugus Library System, Inc. for the provision of educational materials for the citizens of the County, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$81,248.00 to the library system from Account No. A.298.7415.0000.42009 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Chautauqua-Cattaraugus Library System, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013 according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Chautauqua-Cattaraugus Library System, Inc., in quarterly installments, upon submission of vouchers for payments certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer.

Adopted January 2, 2013 by voice vote.

**ACT NO. 17-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
SOUTHERN TIER WEST REGIONAL PLANNING AND DEVELOPMENT BOARD**

Pursuant to Section 239-c of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 21-2012 authorized a contract with the Southern Tier West Regional Planning and Development Board for the provision of planning assistance to municipalities and businesses in Cattaraugus, Chautauqua, and Allegany Counties, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$24,970.00 to the Southern Tier West Regional Planning and Development Board (STW) from Account No. A.643.8025.0000.42032 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Southern Tier West Regional Planning and Development Board for the provision of the above-described services for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 18-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
BOCES FOR STUDENT GOVERNMENT PROGRAM**

Pursuant to Section 95 of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 22-2012 authorized a contract with BOCES for the provision of a student government program conducted by BOCES to teach students about local government, with an emphasis on County government, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$6,450.00 to BOCES from Account No. A.101.2980.0000.42001 for this program, of which 50% is reimbursable by the New York State Office of Children and Family Services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with BOCES for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 19-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT**

Pursuant to Sections 224 (3) and 450 of the County Law.

WHEREAS, Act 23-2012 authorized a contract with the Cattaraugus County Soil & Water Conservation District for the provision of conservation of the soil and water resources of the County through prevention of soil erosion and prevention of flood water and sediment damages, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$118,932.00 to the Cattaraugus County Soil & Water Conservation District from Account No. A.871.8710.0000.42033 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Cattaraugus County Soil & Water Conservation District for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 20-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
CATTARAUGUS COUNTY SOIL & WATER CONSERVATION DISTRICT FOR  
ISCHUA CREEK WATERSHED MAINTENANCE PROGRAM**

Pursuant to Sections 299-m and 450 of the County Law.

WHEREAS, Act 24-2012 authorized a contract with the Cattaraugus County Soil & Water Conservation District, Cooperative Extension Center, Parkside Drive, Ellicottville, New York 14731, for the provision of a maintenance program for the County's watershed sites, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Public Works is desirous of continuing the maintenance program for the Ischua Creek Watershed, and

WHEREAS, the Cattaraugus County Soil & Water Conservation District has agreed to provide the aforementioned maintenance program for the year 2013 at an amount not to exceed \$18,000.00, and

WHEREAS, sufficient funds are included in Account No. A.871.8740.0000.40809 of the 2013 budget of the Department of Public Works for the cost of the aforementioned watershed maintenance program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with the Cattaraugus County Soil & Water Conservation District, for the provision of the above-described watershed maintenance program, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 21-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH CORNELL  
COOPERATIVE EXTENSION ASSOCIATION-CATTARAUGUS COUNTY**

Pursuant to Sections 224 (8) and 450 of the County Law.

WHEREAS, Act 15-2011 authorized a contract with Cornell Cooperative Extension Association-Cattaraugus County for the provision of a variety of services to the youth, farmers, and general public of Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment from Account No. A.298.2980.0000.42003.02, in the amount of \$50,000.00 to the Cornell Cooperative Extension Association-Cattaraugus County, for the 4-H program, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with the Cornell Cooperative Extension Association-Cattaraugus County for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cornell Cooperative Extension Association-Cattaraugus County in quarterly installments, upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator and paid by the County Treasurer.

Adopted January 2, 2013 by voice vote.

**ACT NO. 22-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MERCY FLIGHT, INC.**

Pursuant to Sections 224 (14) and 450 of the County Law and  
Section 122-b of the General Municipal Law.

WHEREAS, Act 133-2012 authorized a contract with Mercy Flight, Inc., for the provision of vital emergency transportation services to Western New York, the term of which expired December 31, 2012, and

WHEREAS, the 2013 County budget provides for the payment of \$7,650.00 to Mercy Flight, Inc., from Account No. A.454.4540.0000.42015 for these services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 with Mercy Flight, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 23-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH SOUTHERN  
TIER HEALTH CARE SYSTEM, INC., FOR FLYCAR FUNDING**

Pursuant to Section 122-b of the General Municipal Law and  
Section 450 of the County Law.

WHEREAS, Act 134-2012 authorized a contract with Southern Tier Health Care System, Inc., 1 Blue Bird Square, Olean, New York 14760, for the Cattaraugus County Advanced Life Support (flycar) Program, the term of which expired December 31, 2012, and

WHEREAS, Southern Tier Health Care System, Inc., is a principal sponsor of the aforementioned program, and

WHEREAS, this program provides pre-hospital emergency medical treatment for ill or injured individuals, and

WHEREAS, the 2013 County budget provides for the payment of \$15,300.00 to Southern Tier Health Care System, Inc., for the provision of these services from Account A.454.4540.0000.42017, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Southern Tier Health Care System, Inc., for a term commencing January 1, 2013 and terminating December 31, 2013, for the provision of the above-described services, according the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 24-2013** by Mr. Marsh**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
ABILITY NETWORK, INC. FOR ELECTRONIC BILLING FOR MEDICARE**

Pursuant to Section 450 of the County Law.

WHEREAS, the County Health Department is in need of software licenses, product support services and professional services necessary to participate in electronic billing for Medicare, and

WHEREAS, ABILITY Network, Inc., 100 North 6<sup>th</sup> Street, Suite 900A, Minneapolis, Minnesota 55403, can provide for the installation and set-up of the ABILITY software necessary for participation in electronic billing for Medicare, for an amount of \$350.00 for the installation plus \$80.00 per month for the Ability Base Connectivity, and

WHEREAS, any increase in the monthly cost shall be agreed upon between the parties hereto on an annual basis prior to renewal, and

WHEREAS, sufficient funds are included in the budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with ABILITY Network, Inc., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, with automatic annual renewals, until terminated by either party hereto, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 25-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
NASH PHARMACY SERVICES, P.C. FOR DEPARTMENT OF  
NURSING HOMES CONSULTING PHARMACIST SERVICES**

Pursuant to 10 NYCRR Part 450 and  
Section 450 of the County Law.

WHEREAS, Act 724-2008 authorized a contract with Nash Pharmacy Services, P.C., 36 Central Avenue, Fredonia, New York 14063, for the provision of consulting pharmacist services for the Department of Nursing Homes, for an amount of \$8.50 per bed, for an annual cost of \$23,970.00, the term of which expired December 31, 2012, and

WHEREAS, the Department of Nursing Homes is desirous of continuing the aforementioned services, and

WHEREAS, Nash Pharmacy Services, P.C., has agreed to provide the aforementioned consulting pharmacist services for an amount of \$9.25 per resident per bed per month, to be paid as invoiced, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Nash Pharmacy Services, P.C., for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2015, with the option to renew for an additional two-year term at the same rates, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 26-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE CONTRACT WITH  
MOTOROLA SOLUTIONS, INC. FOR  
E911 TECHNICAL SUPPORT AND MONITORING SERVICES**

Pursuant to Sections 308 and 450 of the County Law.

WHEREAS, Act 652-2011 authorized a contract with Motorola Solutions, Inc., 1307 East Algonquin Road, Schaumburg, Illinois 60196, for the provision of on-site and remote technical support, service and monitoring services for the E911 telephone system, the term of which expired December 31, 2012, and

WHEREAS, the Sheriff's Office is desirous of continuing the aforementioned support, and

WHEREAS, Motorola Solutions, Inc., can provide the aforementioned on-site and remote technical support, service and monitoring services for an amount of \$4,709.07 per month, to be paid on a monthly basis, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, on behalf of Cattaraugus County, with Motorola Solutions, Inc., for the provision of the above-described services, for a term commencing January 1, 2013, to continue on a monthly basis for a period of not more than one year, according to the above-described terms.

Adopted January 2, 2013 by voice vote.

**ACT NO. 27-2013** by Mr. Marsh

**SUPPORTING CATTARAUGUS-ALLEGANY BOCES APPLICATION TO  
APPLY FOR LITERACY ZONE GRANT**

Pursuant to Section 153 of the County Law.

WHEREAS, Cattaraugus-Allegany BOCES is desirous of applying for the Literacy Zone grant through the New York State Education Department, and

WHEREAS, the Literacy Zone is a reform initiative designed to close the achievement gap in urban and rural communities of concentrated poverty and high concentrations of families and individuals with limited literacy or English language proficiency, and

WHEREAS, the Literacy Zone will provide a systemic approach to meeting the literacy needs of Cattaraugus County, and

WHEREAS, various organizations and entities must partner with Cattaraugus-Allegany BOCES in order for BOCES to apply for the aforementioned Literacy Zone grant, and

WHEREAS, Cattaraugus County is desirous of partnering with BOCES to designate Cattaraugus County as a Literacy Zone in order to:

- bridge the gap between high school, including high school equivalency, and college or training;
- provide transition services for individuals who are entering or re-entering the workforce;
- provide computer literacy instruction and internet access for necessary services;
- provide health and financial literacy;
- make available resource library of culturally sensitive materials; and
- provide referral services, as needed,

and

WHEREAS, it is in the best interests of the County to support the aforementioned Literacy Zone project, now, therefore, be it

RESOLVED, that Cattaraugus County shall partner with Cattaraugus-Allegany BOCES for the purpose of applying for the Literacy Zone grant, and partnering with BOCES for the provision of services.

Adopted January 2, 2013 by voice vote.

**ACT NO. 28-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
COUNCIL ON ADDICTION RECOVERY SERVICES, INC. FOR  
SUBSTANCE ABUSE PROGRAM FUNDS AND ADJUSTING VARIOUS  
APPROPRIATION ACCOUNTS  
(Department of Community Services)**

Pursuant to Articles 1, 19, 23 and 25 of the Mental  
Hygiene Law and Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 46-2012 authorized approval of a contract with Council on Addiction Recovery Services, Inc., for the provision of a substance abuse program in the County, the term of which expired December 31, 2012, and

WHEREAS, New York State has approved funding for the program in an amount not to exceed \$921,974.00 for the period January 1, 2013 through December 31, 2013, and

WHEREAS, the net County cost for the provision of this program shall not exceed \$26,900.00 in County funds, and

WHEREAS, this program is 69.4% federally, 27.7% state and 2.9% county funded, and

WHEREAS, various appropriation accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and the Council on Addiction Recovery Services, Inc., to signify the County's approval for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Decrease Estimated Revenue Accounts:

A.433.4322.3520.3492.013M	State Aid, OASAS, OASAS MH Local Assistance	\$ 69,677.00
A.433.4322.3520.3492.013S	State Aid, OASAS, Continual 100% State Aid	\$ 69,678.00

Decrease Appropriation Accounts:

A.433.4322.3520.42019.013M	CARES, Inc., OASAS MH Local Assistance	\$ 69,677.00
A.433.4322.3520.42019.013S	CARES, Inc., OASAS, State Local Assistance	\$ 69,678.00.

Adopted January 2, 2013 by voice vote.

ACT NO. 29-2013 by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
SOUTHERN TIER ENVIRONMENTS FOR LIVING, INC. FOR  
VARIOUS MENTAL HEALTH PROGRAMS AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 41-2012, as amended by Act 526-2012, authorized approval of a contract with Southern Tier Environments for Living, Inc., (S.T.E.L.), 715 Central Avenue, Dunkirk, New York 14048, for the provision of intensive case management, supportive case management and supported housing services for mentally ill individuals, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

WHEREAS, S.T.E.L., Inc., has agreed to provide the following programs for a total amount not to exceed \$114,706.00:

Intensive Case Management,  
Supportive Case Management,  
Supported Housing and Rental Assistance,

and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and S.T.E.L., Inc., to signify the County's approval, for the provision of the above-described services for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.440.4322.6050.3490.078	State Aid, OMH Supported Housing	\$12,640.00
A.440.4322.6060.3490.078	State Aid, OMH Supported Housing	\$12,640.00

A.440.4322.1810.3490.570	State Aid, OMH Health Homes	\$ 5,952.00
A.440.4322.1910.3490.570	State Aid, OMH Health Homes	\$13,468.00
A.440.4322.6810.3490.570	State Aid, OMH Health Homes	\$39,688.00
A.440.4322.6811.3490.570	State Aid, OMH Health Homes	\$13,464.00

## Decrease Appropriation Accounts:

A.440.4322.1810.42026.034J	STEL, Adult Case Management	\$ 5,952.00
A.440.4322.1910.42026.034J	STEL, Adult Case Management	\$13,468.00
A.440.4322.6810.42026.034J	STEL, Adult Case Management	\$39,688.00
A.440.4322.6811.42026.034J	STEL, Adult Case Management	\$13,464.00

## Increase Appropriation Accounts:

A.440.4322.6050.42026.078	STEL, Supported Housing	\$12,640.00
A.440.4322.6060.42026.078	STEL, Supported Housing	\$12,640.00
A.440.4322.1810.42026.570	STEL, Health Homes	\$ 5,952.00
A.440.4322.1910.42026.570	STEL, Health Homes	\$13,468.00
A.440.4322.6810.42026.570	STEL, Health Homes	\$39,688.00
A.440.4322.6811.42026.570	STEL, Health Homes	\$13,464.00

## Decrease Estimated Revenue Accounts:

A.440.4322.1810.3490.034J	State Aid, OMH, Adult Case Management	\$ 5,952.00
A.440.4322.1910.3490.034J	State Aid, OMH, Adult Case Management	\$13,468.00
A.440.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$39,688.00
A.440.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$13,464.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 30-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATTARAUGUS COUNTY CHAPTER NYSARC, INC. AND THE CATTARAUGUS REHABILITATION  
CENTER, INC. FOR PROVISION OF SERVICES AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 44-2012 authorized approval of a contract with the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., 1439 Buffalo Street, Olean, New York 14760, for the provision of comprehensive programs and service facilities for the mentally ill, developmentally disabled, and physically handicapped residents of Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, New York State has approved funding for the program in the total amount of \$526,545.00 for the period January 1, 2013 through December 31, 2013, for a net County cost of \$0, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., to signify the County's approval, with the for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, and be it further

RESOLVED, that payment of the aforementioned amount be made to the Cattaraugus County Chapter NYSARC, Inc., and The Cattaraugus Rehabilitation Center, Inc., in monthly or quarterly installments, as received from the State Agencies, upon submission of vouchers for payment certified by the Chair of the Legislature, audited by the County Administrator, and paid by the County Treasurer, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.434.4322.1810.3490.570	State Aid, OMH, Health Home	\$ 5,952.00
A.434.4322.1910.3490.570	State Aid, OMH, Health Home	\$13,468.00
A.434.4322.6810.3490.570	State Aid, OMH, Health Home	\$19,844.00
A.434.4322.6811.3490.570	State Aid, OMH, Health Home	\$ 6,732.00

Decrease Appropriation Accounts:

A.434.4322.1810.42020.034J	Rehabilitation Center, Adult Case Management	\$ 5,952.00
A.434.4322.1910.42020.034J	Rehabilitation Center, Adult Case Management	\$13,468.00
A.434.4322.6810.42020.034J	Rehabilitation Center, Adult Case Management	\$19,844.00
A.434.4322.6811.42020.034J	Rehabilitation Center, Adult Case Management	\$ 6,732.00

Decrease Estimated Revenue Accounts:

A.434.4322.1810.3490.034J	State Aid, OMH, Adult Case Management	\$ 5,952.00
A.434.4322.1910.3490.034J	State Aid, OMH, Adult Case Management	\$13,468.00
A.434.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$19,844.00
A.434.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$ 6,732.00

Increase Appropriation Accounts:

A.434.4322.1810.42020.570	Rehabilitation Center, Health Home	\$ 5,952.00
A.434.4322.1910.42020.570	Rehabilitation Center, Health Home	\$13,468.00
A.434.4322.6810.42020.570	Rehabilitation Center, Health Home	\$19,844.00
A.434.4322.6811.42020.570	Rehabilitation Center, Health Home	\$ 6,732.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 31-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
CATHOLIC CHARITIES OF BUFFALO NEW YORK FOR  
CASE MANAGEMENT SERVICES FOR CHILDREN**

Pursuant to Section 41.07 of the Mental Hygiene Law, and  
Section 450 of the County Law.

WHEREAS, Act 39-2012 authorized approval of a contract with Catholic Charities of Buffalo New York for the provision of case management services for Cattaraugus County children, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of renewing the aforementioned contract, and

WHEREAS, Catholic Charities of Buffalo New York, 525 Washington Street, Buffalo, New York 14203, can provide case management services to children for an amount not to exceed \$38,840.00, to be paid in quarterly installments as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract for the year 2013 between the Cattaraugus County Community Services Board and Catholic Charities of Buffalo New York, to signify the County's approval, for the provision of case management services for children, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 32-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
TLC HEALTH NETWORK FOR RESIDENTIAL DRUG-FREE PROGRAM**

Pursuant to Section 41.55 of the Mental Hygiene Law, and  
Section 450 of the County Law.

WHEREAS, Act 33-2012 authorized approval for a contract with TLC Health Network for the operation of a residential drug-free program in Cattaraugus County, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the operation of the aforementioned residential drug-free program, and

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded an amount not to exceed \$579,374.00 to Cattaraugus County for the operation of a Residential Drug-Free Program for the 2013 fiscal year, and

WHEREAS, TLC Health Network, Lake Shore Health Care Center, 845 Routes 5 & 20, Irving, New York 14081, shall operate a Residential Drug-Free Program in Cattaraugus County for an amount not to exceed \$579,374.00, to be paid on a quarterly basis as invoiced, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the cost of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and TLC Health Network, to signify the County's approval, for the operation of the above-described Residential Drug-Free Program, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 33-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
HEALTHY COMMUNITY ALLIANCE FOR AWARE NEWSLETTER**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 38-2012 authorized approval of a contract with Healthy Community Alliance, 1 School Street, Suite 100, Gowanda, New York 14070, for the development, publication and distribution of the *Aware* newsletter, the term of which expired December 31, 2012, and

WHEREAS, the Department of Community Services is desirous of continuing the distribution of the *Aware* newsletter, and

WHEREAS, Healthy Community Alliance has agreed to continue the distribution of the Mental Health informational *Aware* newsletter, for an amount not to exceed \$2,017.00, to be paid in quarterly installments, as invoiced, and

WHEREAS, this program is 100% state funded, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Healthy Community Alliance, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 34-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
DIRECTIONS IN INDEPENDENT LIVING, INC. FOR  
MENTAL HEALTH CONSUMER ADVOCACY AND TRAINING PROGRAM,  
CASE MANAGEMENT SERVICES AND DROP-IN CENTER AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Community Services)**

Pursuant to Section 75.13 of the Mental Hygiene Law and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 36-2012 authorized approval of a contract with Directions in Independent Living, Inc., 514 West State Street, Olean, New York 14760, for the provision of advocacy and training programs for consumers of mental health services and case management, as well as the operation of a drop-in center in Salamanca, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, Directions in Independent Living, Inc., can provide advocacy and training programs for consumers of mental health services and case management services, as well as the operation of a drop-in center in Salamanca, for an amount not to exceed \$63,732.00, to be paid in quarterly installments, as invoiced, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Directions in Independent Living, Inc., to signify the County's approval, for the provision of the above-described

services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Accounts:

A.438.4322.6810.3490.570	State Aid, OMH, Health Home	\$19,844.00
A.438.4322.6811.3490.570	State Aid, OMH, Health Home	\$ 6,732.00

Decrease Appropriation Accounts:

A.438.4322.6810.42024.034J	Directions Independent Living, Adult Case Mgmt	\$19,844.00
A.438.4322.6811.42024.034J	Directions Independent Living, Adult Case Mgmt	\$ 6,732.00

Increase Appropriation Accounts:

A.438.4322.6810.42024.570	Directions in Independent Living, Health Home	\$19,844.00
A.438.4322.6811.42024.570	Directions in Independent Living, Health Home	\$ 6,732.00

Decrease Estimated Revenue Accounts:

A.438.4322.6810.3490.034J	State Aid, OMH, Adult Case Management	\$19,844.00
A.438.4322.6811.3490.034J	State Aid, OMH, Adult Case Management	\$ 6,732.00.

Adopted January 2, 2013 by voice vote.

**ACT NO. 35-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
SENECA NATION OF INDIANS FOR  
CASE MANAGEMENT SERVICES FOR HOMELESS/MICA CLIENTS AND  
ADJUSTING VARIOUS APPROPRIATION ACCOUNTS  
(Department of Community Services)**

Pursuant to 14 NYCRR 587.8(g) and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 34-2012 authorized approval for a contract with the Seneca Nation of Indians for case management services to the Homeless/Mentally Ill Chemical Abuser (MICA) clients, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, the Seneca Nation of Indians, P.O. Box 231, 90 Ohi:Yo Way, Salamanca, New York 14779, has proposed to continue the aforementioned program of case management services for the Homeless/MICA population within the Seneca Nation of Indians, for an amount not to exceed \$46,036.00, and

WHEREAS, this program is 100% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and the Seneca Nation of Indians, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.436.4322.2720.3490.034J	State Aid, OMH, Adult Case Management & ACT	\$46,036.00
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Decrease Appropriation Account:

A.436.4322.2720.42022.300	SNI Homeless/MICA	\$46,036.00
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Decrease Estimated Revenue:

A.436.4322.2720.3490.300	State Aid, OMH, Homeless/MICA	\$46,036.00
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Increase Appropriation Account:

A.436.4322.2720.42022.034J	SNI, Adult Case Management & ACT	\$46,036.00.
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Adopted January 2, 2013 by voice vote.

**ACT NO. 36-2013** by Mr. Marsh

**AUTHORIZING THE CHAIR TO EXECUTE AMENDED CONTRACT WITH  
NEW YORK STATE DEPARTMENT OF HEALTH FOR  
HEALTH DEPARTMENT WIC PROGRAM AND  
ADJUSTING VARIOUS APPROPRIATION AND REVENUE ACCOUNTS  
(Department of Health)**

Pursuant to 42 USCS Section 1786 and  
Sections 363, 366 and 450 of the County Law.

WHEREAS, Act 333-2012 authorized a contract with the New York State Department of Health for WIC Program funding, the term of which expires September 30, 2013, and

WHEREAS, the New York State Department of Health has authorized a cost-of-living adjustment (COLA) in the amount of \$35,427.00 for the period October 1, 2012 through September 30, 2013, and

WHEREAS, a contract amendment is necessary in order to obtain the aforementioned COLA funding, and

WHEREAS, this program is 96% federal and 4% state funded, and

WHEREAS, various appropriation and revenue accounts must be adjusted in order to accommodate the aforementioned COLA, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute an amended contract on behalf of Cattaraugus County, with the New York State Department of Health for WIC Program funding, for a term commencing October 1, 2012 and terminating September 30, 2013, according to the above-described terms, and be it further

RESOLVED, that the County Administrator is hereby directed to make the following budgetary changes:

Increase Estimated Revenue Account:

A.401.4082.0000.4482	WIC Federal Aid	\$35,427.00
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Increase Appropriation Account:

A.401.4082.0000.41220	Contracted Nursing	\$35,427.00.
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Adopted January 2, 2013 by voice vote.

**ACT NO. 37-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS COUNTY, INC. FOR  
FAMILY SUPPORT SERVICES**

Pursuant to Section 41.07 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 732-2010 authorized approval of a contract with Mental Health Association in Cattaraugus County, Inc., 121 North Union Street, Olean, New York 14760, for the provision of family support services at the Pioneer Central School, the term of which expired December 31, 2012, and

WHEREAS, the Department of Community Services is desirous of continuing the family support services at the Pioneer Central School for children and youth who are referred for Mental Health services and their families, and

WHEREAS, Mental Health Association in Cattaraugus County, Inc., can provide family support services at the Pioneer Central School for an amount of \$4,000.00, and

WHEREAS, sufficient funds are included in the 2013 budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board with Mental Health Association in Cattaraugus County, Inc., to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 38-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
HOUSING OPTIONS MADE EASY, INC. FOR VARIOUS SERVICES, AND  
SERVING AS THE LEAD AGENCY FOR RECOVERY CENTER SERVICES**

Pursuant to Sections 41.47 and 41.55 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 37-2012, as amended by Acts 99-2012 and 381-2012, authorized approval of a contract with Housing Options Made Easy, Inc., 75 Jamestown Street, Gowanda, New York 14070, for supported housing for mentally ill people and the homeless, the provision of a consumer operated client systems advocacy service, and the operation of a telephone "warm" line, as well as serving as the lead agency for Recovery Center Services, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing aforementioned services, and

WHEREAS, Housing Options Made Easy, Inc., can provide a consumer-operated client systems advocacy service, operate a telephone "warm" line for mentally ill people in Cattaraugus County, and manage the operation of supported housing beds for the mentally ill and homeless, as well as serve as the lead agency for Recovery Center Services, for an amount not to exceed \$870,579.00 to be paid in quarterly installments, as invoiced, and

WHEREAS, the 2013 County budget provides for the payment of \$870,579.00 to Housing Options Made Easy, Inc., for the aforementioned programs, and

WHEREAS, the above programs are funded through 100% state funds with a net County cost of zero, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Housing Options Made Easy, Inc., to signify the County's approval, for the provision of the above-mentioned programs, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 39-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
OLEAN GENERAL HOSPITAL FOR OPERATION OF A 24-HOUR TELEPHONE HOTLINE**

Pursuant to Chapter 119 of the Laws of 1997, and  
Section 41.13(6) of the Mental Hygiene Law.

WHEREAS, Act 380-2012 authorized approval for a contract between the Cattaraugus County Community Services Board and the Olean General Hospital for the disproportionate share to hospitals initiative (DSH), which affects identified Article 28 voluntary hospitals with mental health services which received funding pursuant to Article 41 of the Mental Hygiene Law, the term of which expired December 31, 2012, and

WHEREAS, DSH payments were converted to Office of Mental Health (OMH) approved net deficit funding for the operation of a 24-hour telephone hotline to service the residents of Cattaraugus County provided pursuant to Article 41 of the Mental Hygiene Law in these hospitals, and

WHEREAS, the County shall pay to the Olean General Hospital, 515 Main Street, Olean, New York 14760, an amount of \$115,640.00 in state aid, at no cost to the County, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract, between the Cattaraugus County Community Services Board and Olean General

Hospital, to signify the County's approval, for the provision of the above-described services, for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 40-2013** by Mr. Marsh

**APPROVING CONTRACT BETWEEN  
CATTARAUGUS COUNTY COMMUNITY SERVICES BOARD AND  
MENTAL HEALTH ASSOCIATION IN CATTARAUGUS  
COUNTY, INC., FOR VARIOUS PROGRAMS**

Pursuant to Article 75 of the Mental Hygiene Law and  
Section 450 of the County Law.

WHEREAS, Act 35-2012 authorized approval for a contract with the Mental Health Association in Cattaraugus County, Inc., P.O. Box 833, 121 North Union Street, Olean, New York 14760, for the provision of community support services through its Compeer and Family Support Programs, Drop-In Center, and a summer camp program, prevention and education services for the public, and other services, the term of which expired December 31, 2012, and

WHEREAS, the County Department of Community Services is desirous of continuing the aforementioned services, and

WHEREAS, the Mental Health Association in Cattaraugus County, Inc., has agreed to provide the following programs for a total amount not to exceed \$196,361.00:

OMH Children and Youth Family Support Program,  
OMH Advocacy/Support Program,  
OMH Drop-In Center, & OMH Non-Medicaid Care Coordination,

and

WHEREAS, the above programs are funded through state aid and the Mental Health Association in Cattaraugus County, Inc., contributions for a net County cost of zero, now, therefore, be it

RESOLVED, that the Chair of the Legislature be, and hereby is, authorized and directed to execute a contract between the Cattaraugus County Community Services Board and the Mental Health Association in Cattaraugus County, Inc., to signify the County's approval, for the provision of the above-described programs for a term commencing January 1, 2013 and terminating December 31, 2013, according to the above-described terms, and be it further

RESOLVED, that upon termination of either state or federal funding for this program, then this program shall be automatically abolished, and be it further

RESOLVED, that such contract shall provide that upon the reduction of any such funding, the County, in its sole discretion, may terminate the contract on thirty (30) days written notice, and be it further

RESOLVED, that in the event of any such reduction, the department head involved shall immediately report such occurrence to the Chairman of the Committee to which the department is assigned, who shall add the matter to the agenda of the Committee's next meeting.

Adopted January 2, 2013 by voice vote.

**ACT NO. 41-2013** by Mr. Marsh

**ACCEPTING WITHDRAWAL OF BID FOR REHABILITATION OF COUNTY ROAD NO. 30  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 408 and 408-a of the County Law.

WHEREAS, Act 546-2012 authorized the acceptance of the bid and authorized a contract with Man O'Trees, 752 Wildwood Avenue, Salamanca, New York 14779, for the rehabilitation of County Road No. 30 in the total amount of \$3,333,000.00, and

WHEREAS, Man O'Trees has informed the County of its desire to withdraw its bid, conditioned upon the execution and delivery of mutual releases from Man O'Trees to the County and from the County to Man O'Trees, and

WHEREAS, it is in the best interests of the County to accept the proposed withdrawal of Man O'Trees from the aforementioned project and award the same to the next lowest bidder, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby accepts the withdrawal of Man O'Trees bid for the rehabilitation of County Road No. 30, and be it further

RESOLVED, that the Chair of the Legislature is hereby authorized to execute a release in such form as may be approved by the County Attorney, releasing Man O'Trees from all claims that the County may have against Man O'Trees, and be it further

RESOLVED, that the bid for the rehabilitation of County Road No. 30 shall be awarded to the next lowest bidder.

Adopted January 2, 2013 by voice vote.

**ACT NO. 42-2013** by Mr. Marsh

**BID ACCEPTANCE FOR REHABILITATION OF COUNTY ROAD NO. 30  
(Department of Public Works)**

Pursuant to Section 103 of the General Municipal Law and  
Sections 408 and 408-a of the County Law.

WHEREAS, the Clerk of the Legislature was authorized to advertise for sealed bids for the rehabilitation of County Road No. 30, according to specifications provided by the Public Works Committee, and

WHEREAS, the lowest bid received meeting specifications was the bid of Union Concrete and Construction Corp., P.O. Box 410, West Seneca, New York 14224, in the total amount of \$3,424,670.65 to be paid by the County periodically on a percent-of-completion basis as determined by the Department of Public Works, and

WHEREAS, sufficient funds are included in the budget to cover the costs of the aforementioned services, now, therefore, be it

RESOLVED, that the bid of Union Concrete and Construction Corp. be, and the same hereby is, accepted, for a term commencing upon Notice to Proceed and terminating October 31, 2013, and be it further

RESOLVED, that the vouchers accordingly certified by the Commissioner of the Department of Public Works be audited by the Auditor and paid by the County Treasurer.

No State Bid.

Twenty-Two sets of specifications were sent out.

Eleven bids were received.

Adopted January 2, 2013 by voice vote.

MR. LAMBERSON moved, seconded by Mr. Hale to adjourn until January 23, 2013 at 3:00 p.m.  
Carried.

Meeting adjourned at 3:52 p.m.

Ann M. Giglio  
Journal Clerk