

FINANCE, LEGAL AND SAFETY

February 15, 2022

10:30am

- APPROVAL OF MINUTES JANUARY 11, 2022
- FINANCIAL
 - Budgets for Legal and Safety
- OLD BUSINESS
 - None
- NEW BUSINESS
 - Local Law Introductory No. C
 - In Rem
- PERSONNEL
 - None
- RESOLUTIONS
 - ILS (accept four (4) year funding)
 - ILS (apply for grant)
 - Opioid Settlement with Allergan
 - Ethic Board appointment
 - Local Law Introductory No. C
- PROCLAMATIONS
 - None
- ADJOURNMENT

Legal/Safety Committee Meeting

January 11, 2022

PRESENT: Legislators Chair Sauerbrey, Monell, Balliet, Standinger, Hollenbeck, Mullen, Roberts, Ciotoli, and Brown, Legislative Clerk Haskell, County Attorney DeWind, Safety Officer Thorpe, Treasurer McFadden, Deputy Treasurer Chandler, (and County Attorney Secretary Freyvogel - minutes)

ABSENT: Legislator Weston

Meeting was convened by Legislator Monell at 10:45 A.M.

Minutes: On motion of Legislator Monell, seconded by Legislator Standinger and unanimously carried the minutes from December 14, 2021 were approved.

YEAR END BUDGET 2021: Law and Safety tracked on budget for the fiscal year. The year-end budget report for Law does not reflect some of the revenue streams that will be coming after the submission of time sheets to DSS and Mental Hygiene for 2021.

NEW BUSINESS:

MASKING: NYSDOH has extended masking guidance until February 1, 2022. The County's current masking guidance and signage appear to be working well. There have been ongoing discussions with Public Health regarding the distribution of at home test kits, validation of the results, and informing the Health Department of test results.

AUCTION: The eviction moratorium is set to expire January 15, 2022 however County Attorney DeWind believes the moratorium will be extended. If the eviction moratorium is extended this will impact the 2019 and 2020 auction. The county is not proceeding with foreclosures, at this time, due to the habitation of some of the dwellings which would make the county landlords and responsible as such.

ETHICS BOARD: The Ethics Board met December 27, 2021. Chair Barb Crannell tendered her resignation, verbally, effective December 31, 2021. Vice Chair Joan Case was elected Chair and Charles Davis was elected Vice Chair for 2022. The Ethics Board reviewed Annual Financial Disclosures and Annual Policy Attestations for 2021 with letters mailed out to delinquent filers. Reverend Stevens stated he will not be seeking a second term when his first term expires March 31, 2022. The Ethics Board will have their next meeting, in person, June 2022.

RESOLUTIONS: Chair Sauerbrey has nominated Cliff Balliet Jr. and Jenny Ceccherelli to the Ethics Board. County Attorney DeWind asked the Legislators if

they would like to re-discuss the Redistricting local law to which all legislators denied they would. The County is on track for the new districts to be up and running before November elections. Many local counties are in the preliminary stages of redistricting whereas Tioga is ready to implement the changes thanks to the hard work of the Redistricting Committee.

COUNTY INSURANCE RENEWAL POLICY: The official 2022 invoice, from Smith Brothers, arrived at a cost of four hundred and sixty thousand one hundred seventeen dollars and fifteen cents (\$460,117.15). This is an approximate increase of six percent (6%). The largest premium increases were for Law Enforcement, a ten thousand dollar (\$10,000) increase, and a ten thousand dollar (\$10,000) increase for flood insurance for 56 Main Street. Law Enforcement premiums have increased exponentially across the country due to an uptick in claims. County Attorney DeWind is researching the increase of flood insurance for 56 Main Street. Legislator Ciotoli asked if anything had changed to cause the increase. County Attorney DeWind replied NYMIR had increased the policy by twenty five percent (25%) over a four (4) year period but that period had past.

CLAIMS AND LITIGATION: The Perdue Pharma Opiate jury had returned a verdict in favor of Suffolk and New York State Counties. It is too early to know if or what the payout to Tioga County will be. It is possible the state will disburse these funds through grants to the counties. The Federal case is still proceeding.

MEETING AND TRAININGS: County Attorney DeWind has participated in the following meetings: Youth Assessment Team, Executive Policy, Child Advocacy Center, Leaders, Public Health, Redistricting, and Radio Tower Project. The Radio Tower Project is proceeding with work being completed on the proposed contract and grant funding.

SAFETY: County Attorney DeWind introduced Safety Officer Thorpe to the new legislators and spoke about the projects and better management of events Safety Officer Thorpe is able to handle now that she is full time. Safety Officer Thorpe has been working with the departments to address and ensure safety policies are being followed to mitigate liability for the county. There have been no new workplace violence claims to report. Safety Officer Thorpe has started revamping policy in regards to ADA, Language Line, Title VI, and driver training. NYMIR offers a one (1) hour, free, driver safety course which is being considered as an option to replace the costly six (6) hour course the county currently pays for. Legislator Ciotoli asked if the county receives a reduction in their premium for having employees take this course. County Attorney DeWind stated the county does not receive a discount however the employee does receive a discount with their personal auto insurance. Another reason to consider the change to NYMIR's course is employees are currently unable to mitigate personal traffic violations due to already completing the six (6) hour driver

training course for the county. County Attorney DeWind asked if there were any other questions.

Legislator Mullen adjourned the meeting at 11:03am.

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TIOGA COUNTY, NEW YORK

Tioga County 2022 LEGAL BUDGET REPORT FEBRUARY

FOR 2022 02

	ORIGINAL APPROP	TRANSFRS/ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A. General Fund							
A1420 Law							
A1420 412706 Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00	.0%
A1420 510010 Full Time	196,606	0	196,606	16,344.61	.00	180,261.39	8.3%
A1420 520200 Office Equipment	200	0	200	.00	.00	200.00	.0%
A1420 520210 Other Furniture	250	0	250	.00	.00	250.00	.0%
A1420 540010 Advertising	200	0	200	.00	.00	200.00	.0%
A1420 540040 Books	800	0	800	.00	.00	800.00	.0%
A1420 540180 Dues	1,100	0	1,100	429.00	.00	671.00	39.0%
A1420 540320 Leased/Service Equ	400	0	400	.00	.00	400.00	.0%
A1420 540330 Legal Fees	50,000	0	50,000	3,720.25	37,400.00	8,879.75	82.2%
A1420 540390 Mileage Expense	100	0	100	.00	.00	100.00	.0%
A1420 540420 Office Supplies	475	0	475	123.51	.00	351.49	26.0%
A1420 540480 Postage	200	0	200	.00	.00	200.00	.0%
A1420 540485 Printing/Paper	100	0	100	.00	.00	100.00	.0%
A1420 540731 Training/State Req	600	0	600	.00	.00	600.00	.0%
A1420 581088 State Retirement F	17,918	0	17,918	2,012.25	.00	15,906.17	11.2%
A1420 583088 Social Security Fr	15,182	0	15,182	1,695.77	.00	13,486.41	11.2%
A1420 584088 Workers Compensati	3,673	0	3,673	440.73	.00	3,232.29	12.0%
A1420 585588 Disability Insuran	204	0	204	23.49	.00	180.09	11.5%
A1420 586088 Health Insurance F	49,507	0	49,507	7,064.16	.00	42,443.22	14.3%
A1420 588988 Eap Fringe	44	0	44	5.04	.00	38.64	11.5%
TOTAL Law	287,480	0	287,480	31,858.81	37,400.00	218,221.45	24.1%
TOTAL General Fund	287,480	0	287,480	31,858.81	37,400.00	218,221.45	24.1%
TOTAL REVENUES	-50,079	0	-50,079	.00	.00	-50,079.00	
TOTAL EXPENSES	337,559	0	337,559	31,858.81	37,400.00	268,300.45	
GRAND TOTAL	287,480	0	287,480	31,858.81	37,400.00	218,221.45	24.1%

** END OF REPORT - Generated by Freyvogetl, Christine **



TIOGA COUNTY, NEW YORK

Tioga County 2022 SAFETY BUDGET REPORT FEBRUARY

FOR 2022_02

	ORIGINAL APPROP	TRANSFRS/ADJUSTMENTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042_504 Coordinator/Safety							
CI8042 424010 Interest And Earn	0	0	0	.60	.00	.60	100.0%
CI8042 510010 Fulltime	50,500	0	50,500	4,346.20	.00	46,153.80	8.6%
CI8042 540140 Contracting Servi	2,350	0	2,350	.00	1,000.00	1,350.00	42.6%
CI8042 540320 Leased/Service Eq	250	-75	175	.00	.00	175.00	.0%
CI8042 540340 Literature	50	0	50	.00	.00	50.00	.0%
CI8042 540410 Nursing Supplies	1,000	0	1,000	.00	.00	1,000.00	.0%
CI8042 540420 Office Supplies	600	0	600	125.36	.00	474.64	20.9%
CI8042 540480 Postage	150	0	150	.00	.00	150.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	56.27	.00	543.73	9.4%
CI8042 540660 Telephone	0	75	75	.00	.00	75.00	.0%
CI8042 540733 Training/All Othe	3,500	0	3,500	.00	.00	3,500.00	.0%
CI8042 581088 State Retirement	2,744	0	2,744	483.81	.00	2,259.97	17.6%
CI8042 583088 Social Security F	2,232	0	2,232	404.38	.00	1,827.72	18.1%
CI8042 584088 Workers' Compensat	1,224	0	1,224	146.91	.00	1,077.43	12.0%
CI8042 585588 Disability Insura	0	0	0	5.22	.00	-5.22	100.0%
CI8042 586088 Health Insurance	0	0	0	1,236.24	.00	-1,236.24	100.0%
CI8042 588988 Eap Fringe	15	0	15	1.68	.00	12.88	11.5%
TOTAL 504 Coordinator/Safety	65,215	0	65,215	6,805.47	1,000.00	57,409.31	12.0%
TOTAL Liability Insurance Fund	65,215	0	65,215	6,805.47	1,000.00	57,409.31	12.0%
TOTAL REVENUES	0	0	0	-60	.00	.60	
TOTAL EXPENSES	65,215	0	65,215	6,806.07	1,000.00	57,408.71	
GRAND TOTAL	65,215	0	65,215	6,805.47	1,000.00	57,409.31	12.0%

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REFERRED TO: FINANCE/LEGAL COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -22 AUTHORIZE ACCEPTANCE OF YEAR FOUR
FUNDING FROM THE NYS OFFICE OF INDIGENT
LEGAL SERVICES AND ACCEPT YEAR FOUR
FUNDING FOR HURRELL-HARRING GRANT AND
AMEND 2022 BUDGET

WHEREAS: By Resolution No. 257-18 adopted on November 13, 2018, Tioga County entered into a five-year agreement with the New York State Office of Indigent Legal Services for distribution of funds to provide representation to persons legally entitled to counsel but unable to hire an attorney; and

WHEREAS: The allocated amount to Tioga County from NYS Office of Indigent Legal Services for the fiscal year April 2021 – March 2022 is \$616,811.54; and

WHEREAS: It is necessary for Tioga County to adopt the fourth year funding budget for said distribution in said amount of \$616,811.54; and

WHEREAS: Said funding in the amount of \$616,811.54 needs to be appropriated and the 2022 budget be amended; therefore be it

RESOLVED: That the Tioga County Legislature hereby approves the fourth year budget of said distribution in the amount of \$616,811.54 and the Chair of the Legislature is hereby authorized to execute the fourth year ILS Hurrell–Harring contract amendment.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. - 22 APPLY FOR INDIGENT LEGAL SERVICES GRANT

WHEREAS: The New York State Office of Indigent Legal Services has made available to Tioga County a three year, non-competitive grant totaling \$61,902.00 to improve the quality of Indigent Legal Services provided under Article 18-B of the County Law; and

WHEREAS: Tioga County realizes the importance of providing quality representation to indigent individuals; and

WHEREAS: The grant funds will be used:

1. To fully fund the position of Part-time Paralegal plus Fringe for the Public Defender's Office.
2. To partially fund the positions listed below:
 1. Chief Public Defender
 2. Family Court Public Defender
 3. Part-time First Assistant Public Defender
 4. Part-time Second Assistant Public Defender
 5. Part-time Secretary for the Public Defender
3. To fund the on-line research tool for the Public Defender's Office.
4. To fund the annual support for the PD CMS system.
5. To partially fund Investigative, Expert Witness, Transcripts, and Training for the Public Defender's Office.

therefore be it

RESOLVED: That the Assigned Counsel Administrator be authorized to submit the appropriate grant application for the purpose of securing this funding.

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -22 AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH ALLERGAN CONCERNING CLAIMS RELATED TO THE OPIOID CRISIS

WHEREAS: Tioga County has joined in a legal action seeking compensation from those who are responsible for causing and perpetuating the opioid addiction crisis (the "Action"); and

WHEREAS: The Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS: The Action alleges several causes of action against defendant Allergan based on claims that Allergan contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various "front groups" and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in New York; and

WHEREAS: Allergan has offered to settle the claims against it by paying a sum to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS: The final amount to be received by Tioga County will vary depending on several factors including the number of Plaintiff's ultimately agreeing to the settlement but will have an approximate value to Tioga of \$108,486.48; and

WHEREAS: It is in the best interest of Tioga County to resolve this matter with respect to Allergan without further litigation and enter into an agreement to settle all allegations against Allergan and avoid protracted litigation; therefore be it

RESOLVED: That Tioga County is authorized to settle its claim with Allergan and Tioga County Chair of the Legislature, Martha Sauerbrey, is authorized to execute such forms and agreements, as approved by the County Attorney to compromise the claim the Defendants Allergan and distribute the proceeds between the participating Plaintiffs.

REFERRED TO:

LEGISLATIVE WORKSESSION
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -22

APPOINT MEMBER TO BOARD OF ETHICS

WHEREAS: Tioga County Ethics Policy, Section II, Subsection VI (B) – Ethics Board Membership states members who have served two full three-year terms may not be reappointed for at least one year after the expiration of their last term; and

WHEREAS: A vacancy exists on the Board of Ethics due to Barbara Crannell resigning from the Board effective December 31, 2021; and

WHEREAS: John Hitchings, a resident of Tioga County, NY has agreed to serve on the Board of Ethics for the current vacant term with an additional term being available thereafter subject to Legislative reappointment; therefore be it

RESOLVED: That John Hitchings be and hereby is appointed to the Board of Ethics for a retroactive term beginning January 1, 2022 through March 31, 2023.

County of Tioga

Local Law No. X of the Year 2022.

A Local Law of the Tioga County Legislature of the County of Tioga, repealing and replacing Local Law No. 1 of the Year 2022 imposing additional surcharges for telephonic communication pursuant to the authority of Tax Law §186-g and County Law §337.

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

SECTION 1: PURPOSE

A Local Law repealing and replacing Local Law No. 1 of the Year 2022, that amended Local Law No. 3 of 2017 and Local Law No. 1 of 1991 to authorize the County of Tioga to impose an additional surcharge of One Dollar (\$1.00) to the current surcharges which are applied to both wireless and traditional telephone services for a period of ten years.

The charge applied for prepaid and monthly wireless devices is increased from Thirty Cents (\$0.30) to One Dollar and Thirty Cents (\$1.30). The charge for traditional phone service through telephone service providers and Voice Over IP services is increased from Thirty Five Cents (\$0.35) to One Dollar and Thirty Five Cents (\$1.35). This law provides for these fees to return to their prior level after this law's expiration.

SECTION 2: WIRELESS SURCHARGES

Local Law No. 1 of 2022, which amended Local Law No. 3 of 2017, is repealed and replaced by adding a new Section 7 to read as follows:

SECTION 7: Imposition of additional wireless surcharges

(a) Pursuant to the authority of Tax Law § 186-g, in addition to the wireless communications surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid additional surcharges within the territorial limits of the County of Tioga on (i) wireless communications service provided to a wireless communications customer with a place of primary use within the County of Tioga, at the rate of One Dollar (\$1.00) per month on each wireless communications device in service during any part of the month. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharge referenced herein; and (ii) retail sales of prepaid wireless communication service sold within the County of Tioga, at the rate of one dollar (\$1.00) per retail sale, whether or

not any tangible personal property is sold therewith. The sum of both surcharges shall be One Dollar and Thirty Cents (\$1.30) with the addition of the surcharged referenced herein.

(b) Such additional surcharges shall be identical to the surcharges imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the wireless communication service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The wireless communication surcharge imposed must be reflected and made payable on bills rendered to the wireless communications customer for wireless communications service.

(e) Wireless communications service suppliers shall begin to add such surcharge to the billing of its customers and prepaid communications sellers shall begin to collect such surcharge from its customers commencing June 1, 2022 and shall cease collection August 31, 2031.

(f) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent (3%) of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before the due date for that return and that payment.

SECTION 3: LOCAL SURCHARGE FOR ENHANCED EMERGENCY TELEPHONE SYSTEM
Local Law No. 1 of 2022, as amended by Local Law No. 1 of 1991, is repealed and replaced by adding a new Section 11 to read as follows:

SECTION 11: Imposition of additional surcharges for an Enhanced Emergency Phone System

(a) Pursuant to the authority of County Law § 337, in addition to the surcharges imposed by Section 2 of this local law, there are hereby imposed and there shall be paid an additional surcharge of One Dollar (\$1.00) per access line per month on the customers of every service supplier within Tioga County to pay for the costs associated with obtaining,

operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system (E911) to serve Tioga. The sum of both surcharges shall be One Dollar and Thirty Five Cents (\$1.35) with the addition of the surcharges referenced herein.

(b) This additional surcharge shall be identical to the surcharge imposed by such Section 2 and shall be administered and collected in the same manner as such surcharges. All of the provisions of this local law relating or applicable to the administration and collection of the surcharges imposed by such Section 2 shall apply to the additional surcharges imposed by this section with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional surcharges imposed by this section.

(c) Tioga County will provide a minimum of forty-five (45) days written notice to the service suppliers to allow ample time to add such surcharge to the billings of its customers.

(d) The E911 surcharge imposed must be reflected and made payable on bills rendered to the customer.

(e) Service suppliers shall begin to add such surcharge to the billing of its customers and shall begin to collect such surcharge commencing June 1, 2022 and shall cease collection August 31, 2031.

(f) The Definition of Service Supplier provided in Section 1 (a) is hereby amended to reference the definition provided by New York County Law § 301 and will read as follows (a) "Service supplier" means (i) a telephone corporation which provides local exchange access service within a 911 service area, or (ii) a provider of "voice over internet protocol service" or "VOIP service" that provides such service within a 911 service area.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect June 1, 2022 and shall expire and be deemed repealed November 3, 2031 with all collection ceasing August 31, 2031.