

Agenda

Audit & Control Committee

August 20, 2020, 8:35 a.m., Virtual Meeting via Zoom

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (7/16/20)
- C. Privilege of the Floor
 - 1. Proposed Resolution – Request Funding for Replacement of Mayville Building Doors
 - 2. Proposed Resolution – Amend Chautauqua County Purchasing Policy
 - 3. Proposed Resolution – Quit Claim Deeds
 - 4. Proposed Resolution – Amend 2020 Budget for Office of the Sheriff
 - 5. Proposed Resolution – Authorize Execution of Lease Agreement with Verizon Wireless for Tower Space
 - 6. Proposed Resolution – Authorize Execution of New York State Office of Homeland Security Funding Grant – Operation Stonegarden FY19
 - 7. Proposed Resolution – Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY21
 - 8. Proposed Resolution – Amend 2020 Budget for State Homeland Security Program (SHSP-2017) Grant Award
 - 9. Proposed Resolution – Amend 2020 Budget for State Homeland Security Program (SHSP-2018) Grant Award
 - 10. Proposed Resolution – Amend Capital Project H.6010.31002
 - 11. Proposed Resolution – Environmental Assessment of Projects for 2021 2% Occupancy Tax Projects
 - 12. Proposed Resolution – Investment Policy for the County of Chautauqua
 - 13. Discussion – High Level Review – Q2 Budget Performance – Budget Director Dennison

14. Discussion – Auditors Audit Report – Finance Director Crow

15. Discussion – Airbnb – Finance Director Crow

16. Other

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB – 7/29/20
KMD 7/29/20
KMW 7.30.20
SMA 7/30/20
KLC 8/3/20
PMW 8/10/20

TITLE: Request Funding for Replacement of Mayville Buildings Doors

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the main exterior doors at the security entrance at the Gerace Office Building have become worn and deteriorated and are no longer closing properly causing issues with the door locking/unlocking mechanisms and security systems connected to the doors; and

WHEREAS, these doors have been repaired numerous times and can no longer be adjusted to properly close and function as required, and should be replaced; and

WHEREAS, there is a steel man-door located in the sally port of the Mayville Municipal Building that is used by security personnel when transporting inmates for trial at the Family Court; and

WHEREAS, this door has become worn and deteriorated and no longer functions and should be replaced; and

WHEREAS, the Chautauqua County Department of Public Facilities (CCDPF) submitted a capital project request to replace these doors and the request was approved by the Chautauqua County Planning Board; and

WHEREAS, the CCDPF received a cost estimate of \$38,550 from the door and glass contractor that currently services the doors, which cost estimate includes additional costs to reconnect the security system to the new doors; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Reserved Fund Balance—Reserve for Capital	\$38,550
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;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$38,550
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25195.4	Contractual—Buildings & Grounds, Mayville Door Replacement	\$38,550
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25195.R503.1000	Interfund Transfers—Interfund Transfer	\$38,550
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KLC 8/3/20
KMD 08/03/20
SMA 08/03/20
PMW 8/10/20

TITLE: Amend Chautauqua County Purchasing Policy

BY: Administrative Services & Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a Purchasing Policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, 68-14, 161-15, 230-16 and 189-18; and

WHEREAS, individuals who have authority to make purchases on behalf of the County change on a frequent basis; therefore, in order to keep the list of such individuals current, it is preferable to incorporate the list in this Resolution by reference rather than including it in the body of the Resolution; and

WHEREAS the County desires to clarify and otherwise update purchasing requirements; now, therefore, be it

RESOLVED, That the County Purchasing Policy established by Resolution 182-92, as amended, is hereby further amended to read as follows:

1. Purchasing Procedures.

a. State Requirements. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with State competitive bidding / offering requirements and preferred source requirements, under the general supervision of the Purchasing Manager. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding is not required by law. The Purchasing Manager should be consulted when an acquisition is believed to be a professional service and therefore not subject to State competitive bidding requirements. Contracts involving the receipt by County of revenues are not required to be bid; however, quotes or proposals should be solicited.

b. Alternative Proposals and Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be:

- i. secured by use of written requests for proposals (RFPs) and written, faxed, or e-mailed quotations received from at least three vendors, for procurements of services expected to exceed \$20,000 in value per year;
- ii. secured by written, faxed, or e-mailed quotations received from at least three vendors, for procurements of goods and services expected to be between \$5,000 and \$20,000 per year; and
- iii. within the discretion of the Department Head, subject to the advice of the Purchasing Manager, for procurements of goods and services under \$5,000 per year.

With respect to the procurements of goods and services between \$5,000 and \$35,000 (other than professional services) that are not subject to State competitive bidding requirements, the County shall purchase from a responsible and responsive local

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County Executive

Date

vendor when: (i) the price quoted by the local vendor does not exceed the lowest price quoted by a non-local vendor by more than ten percent (10%); and (ii) the local vendor is willing to match the lowest, non-local vendor's quoted price. For purposes of this Purchasing Policy, a "local vendor" shall be deemed to mean (i) in the case of a business entity vendor, a business entity which has a physical location in Chautauqua County and employs at least one full-time employee in Chautauqua County; and (ii) in the case of an individual vendor, an individual whose legal residence is Chautauqua County.

Purchases must also be compliant with any funding source requirements. See, for example, the requirements of Title 2: Grants and Agreements, of the Code of Federal Regulations (CFR), Part 200—Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards ("Uniform Guidance") §§200.318-200.326.

Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or the Agreement or Agreement of Services request submitted to the Purchasing Manager, and the credit card purchase information submitted to the Department of Finance. Such documentation must include a statement of the reason that three quotes were not able to be secured, when applicable. This Policy requires the receipt of three proposals or quotes; however, when that is not possible, the procuring party may document good faith efforts to comply with this Policy and/or reasons that three responses were not able to be secured.

c. Exceptions. In the event that the procurement is from: a State contract bid; General Services Administration schedule seventy, information technology; General Services Administration's "1122 Program Equipment and Supplies Catalog" and consolidated schedule contracts; involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from a State-designated Preferred Source; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth in this Policy would not be practical or would not be in the best interest of the County shall accompany the Purchase Order, Agreement or Agreement of Services request submitted to the Purchasing Manager, or the Procurement Card statement submitted to the Department of Finance, which determination shall be subject to review by the Purchasing Manager, Department of Finance, and/or the Law Department.

d. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offeror, the Purchase Order or Agreement / Agreement of Services request shall be accompanied by written documentation and justification specifying why such award is in the best interest of the County. When a contract is awarded utilizing "best value" procedures pursuant to Section 103 of New York State General Municipal Law, the award shall be based to the extent possible on objective and quantifiable analysis, and best value RFPs shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted, and as appropriate, identify the relative importance of price and non-price factors.

e. Miscellaneous Provisions.

- i. Whenever practical, economical, and permitted by State law, the County shall acquire goods and services from local vendors and select goods and services which provide the least possible negative impact on the environment, including products made from recycled materials. In the event of a tie bid between a local vendor and a non-local vendor, the County may award the contract to the local vendor.

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

- ii. The requirements of this Purchasing Policy apply to procurements in which the County expends funds or receives revenues.
- iii. Notwithstanding anything to the contrary in this Purchasing Policy, all County procurements shall be made in conformance with Federal and State requirements, including but not limited to applicable laws and Federal and State grant/funding requirements.
- iv. Department heads shall require their employees with purchasing authority to attend training sessions provided by the County Purchasing Manager and ensure that new employees receive training prior to purchasing on behalf of that department.
- v. An individual or entity that reviews a County Invitation to Bid or Request for Proposals in draft or final form prior to its issue may not (i) submit a response to the solicitation or (ii) serve as an employee, contractor or subcontractor of the individual or entity awarded the contract, for the first five (5) years of the contract period.
- vi. From the time of issuance of a County Invitation to Bid or Request for Proposals until final determination of the successful vendor, all prospective vendor questions and communications must be referred to the Purchasing Manager or his/her designee.

2. Credit Card Usage.

Procurement Credit Cards issued by the Finance Department to County departments and departmental staff, hereinafter referred to as credit cards, can be used to make payments for purchases of goods not exceeding \$1,000 in value when pre-approved by the Department Head and consistent with the direction provided by the Purchasing Manager. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholders. Such cards are not re-assignable for use by other employees.

Credit card limits shall be established by the Finance Department's credit card administrator. The credit cards have a monthly limit of \$5,000, unless the Department Head requests that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements. There is a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder authorize a transaction exceeding this \$1,000 limit without the advance written approval of the Purchasing Manager.

Procurements paid for with credit cards remain subject to all requirements of this Policy. The Cardholder to whom the credit card is assigned shall reimburse the County for costs incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card, to the extent such costs were within the Cardholder's control. The credit card is expressly not authorized to be used to pay for the procurement of services unless specifically authorized in writing by the Purchasing Manager.

Cardholders must obtain packing slips for all purchases paid for by credit card, reconcile the slips with the Cardholder's monthly credit statement, and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. Department Heads must sign the monthly credit statements of their Cardholders as an indication that all purchases were authorized by the Department Head.

Credit shall be immediately requested from the vendor for any unauthorized purchases or billing errors. In the event the vendor does not cooperate in issuing a credit when due, the Cardholder should contact the Department of Finance and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases or purchases made for personal use.

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Cardholders must perform an initial audit and reconciliation of their monthly statements and must promptly submit their statements, along with the appropriate G/L Account number to be charged, so that the bill can be paid prior to the time of imposition of late fees or penalties, and prior to the monthly closing of the County's financial statements.

The Purchasing Manager will review the periodic audit reports submitted by the auditors and take appropriate action to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form, and must attend all applicable Purchasing Manager training sessions.

3. Violations.

Employees are subject to disciplinary action and/or referral to the Chautauqua County Ethics Board, for violation of this Policy. County employees aware of a violation of this Policy shall report such violation to their County supervisor and/or to the County's Purchasing Manager.

4. Individuals with Purchasing Authority.

Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the individuals identified as having purchasing authority are included on a list to be maintained and continually updated by the County Executive's office, which list is incorporated herein by reference. Such list shall identify all employees with purchasing authority, which includes individuals who are authorized to:

- i. Approve Agreements and Agreements of Services;
- ii. Use a County Credit Card;
- iii. Approve Purchase Orders; or
- iv. Approve Vouchers or Grids.

; and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

KLC 8/4/20 KMD 08/05/20 SMA 08/05/20 PMW 8/10/20

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Quit Claim Deeds

BY: Administrative Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M Wendel Jr.:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-155-2017	Busti	062289-385.05-5-50	Robert Robbins	Lee Robert & Sharon Fischer	\$2,000.00	\$12,315.03
PA-290-2018	Pomfret	065889-129.00-3-43	Eric & Tamra Johnson	Michael & Debra Brooks	\$500.00	\$22,716.64
				Total	\$2,500.00	\$35,031.67

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWB 7/30/2020
KMD 07/31/20
TMT 07/31/20
SMA 07/31/20
KLC 8/3/20
PMW 8/10/20

TITLE: Amend 2020 Budget for Office of the Sheriff

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.2	Equipment – Sheriff – Sheriff Grants	\$50,000
	Contractual – Pub Safety Communication – Pub Sfty Communications	
A.3020.PSCN.4	Network	\$178,600
A.3020.W911.4	Contractual – Pub Safety Communication - E911 Wireless	<u>\$14,400</u>
	Total	\$243,000

DECREASE APPROPRIATION ACCOUNT:

	Equipment – Pub Safety Communication – Pub Sfty Communications	
A.3020.PSCN.2	Network	\$178,600

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9BMB	Federal Aid-Bomb Detection	\$50,000
A.3020.W911.R114.0000	Non Property Tax Items-Surchg: Emerg Phone Sys	<u>\$14,400</u>
	Total	\$64,400

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWB 7/30/2020
KMD 7/31/20
TMT 08/03/20
SMA 08/03/20
KLC 08/03/20
PMW 8/10/20

TITLE: Authorize Execution of Lease Agreement with Verizon Wireless for Tower Space

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Verizon Wireless has negotiated a tentative contract with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Oak Hill Road in the Town of Carroll, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Verizon Wireless and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to lease with a five (5) year term; and

WHEREAS, this revenue is not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, The Chautauqua County Executive is hereby authorized and empowered to execute the lease agreement with Verizon Wireless granting the right to maintain an antenna and communications equipment at the County-owned tower located on Oak Hill Road in the Town of Carroll; and also be it

RESOLVED, That the A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----,----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$4,250

;and be it further

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R241.OTWR Use of Money & Property-Rental: Tower Lease \$4,250

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWB 8/6/20
KMD 08/07/20
TMT 08/07/20
SMA 08/07/20
KLC 08/10/20
PMW 8/10/20

TITLE: Authorize Execution of New York State Office of Homeland Security
Funding Grant—Operation Stonegarden FY19

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the County Sheriff's Office received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for a FY19 grant in the amount of \$76,383.26, with no local funds, for a contract period of September 1, 2019 through August 31, 2022; and

WHEREAS, this grant is included in the 2020 Adopted Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWB 7/30/2020
KMD 08/03/20
TMT 08/03/20
SMA 08/03/20
KLC 8/3/20
PMW 8/10/20

TITLE: Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY21

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Governor’s Traffic Safety Committee has approved the application submitted for the Police Traffic Services Program; and

WHEREAS, the State of New York will provide funding in the amount of \$18,750 with no local funds required for the contract period from October 1, 2020 to September 30, 2021; and

WHEREAS, this grant is new to the Chautauqua County Office of the Sheriff and is not currently included in the 2020 Adopted Budget; now therefore be it

RESOLVED, The Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Governor’s Traffic Safety Committee to secure the grant funding as set forth above; and also be it

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2020 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.1	Personal Services – Sheriff	\$1,000
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INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000	NYS Aid—Other Public Safety	\$1,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

JCG 7/28/20
KMD 7/28/20
TMT 7/30/20
SMA 7/30/20
KLC 8/3/20
PMW 8/10/20

TITLE: Amend 2020 Budget for State Homeland Security Program (SHSP-2017) Grant Award

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY17 grant with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, some revenues and expenditures associated with this grant were not included in the 2020 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual-Emergency Services	\$4,371
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$4,371
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

JCG 8/3/20
KMD 08/03/20
TMT 08/03/20
SMA 08/03/20
KLC 8/10/20
PMW 8/10/20

TITLE: Amend 2020 Budget for State Homeland Security Program (SHSP-2018) Grant Award

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$150,000 from the 2018 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY18 grant with no local funds, per Contract #C969580 during the performance period of September 1, 2018 through August 31, 2021; and

WHEREAS, pursuant to Resolution 237-18, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, some revenues and expenditures associated with this grant were not included in the 2020 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment—Emergency Services	\$9,735
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid—Homeland Security	\$9,735
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KMD 07/10/20
JA 7/10/2020
KMW 7.10.20
SMA 7/11/20
KLC 7/13/20
PMW 7/13/20

TITLE: Amend Capital Project H.6010.31002

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County approved Capital Project H.6010.31002 HRC Teleconferencing (2019) in the 2019 Capital Budget; and

WHEREAS, the proposed cost of Project H.6010.31002 was established at \$52,470 with a funding formula of \$28,234 Federal Aid, \$6,580 NYS Aid, and \$17,656 Local Share; and

WHEREAS, due to a clerical error, the costs and revenues approved in the 2019 Capital Budget were incorrect and the incorrect figures rolled forward into the 2020 Capital Budget; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Capital Budget:

DECREASE CAPITAL REVENUE ACCOUNT:

H.6010.31002.R368.9001	NYS Aid--Soc Srvcs Capital Funding	\$10,578
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6010.31002.R468.9001	Federal Aid--Soc Srvcs Capital Funding	\$28,234
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6010.31002.4	Contractual--Social Services Admin, HRC Teleconferencing (2019)	\$17,656
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

DWM 7-14-20
KMD 07/15/20
ABC 07/15/20
SMA 07/15/20
KLC 7/16/20
PMW 7/16/20

TITLE: Environmental Assessment of Projects for 2021 2% Occupancy Tax Projects

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 154-20 that the Chautauqua County Department of Planning and Development (“CCDPD”) conduct a New York State Environmental Quality Review (“SEQRA”) for the projects approved by the Waterways Panel for funding in 2021 as set forth below and provide a report and recommendations to the County Legislature; and

WHEREAS, CCDPD and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCDPD recommends that the projects that are ranked as numbers 1 through 8 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

WHEREAS, the County has reviewed and analyzed the SEAF for each project, and considered any relevant areas of environmental concern and probable environmental impacts of the Actions to determine if the Actions may have any significant adverse environmental effects; now, therefore be it

RESOLVED, That the County hereby finds and determines that Actions listed and identified below will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Lakewood Grandview	1	\$40,000.00	\$40,000.00
CWC Lake Friendly Lawn Care	2	\$23,734.00	\$23,734.00
Rice Tim	3	\$28,660.00	\$28,660.00
O'Brien	4	\$40,000.00	\$40,000.00
Mud Creek 2	5	\$29,907.00	\$29,907.00
Sunset Bay HOA	6	\$29,935.00	\$29,935.00
Pomfret Salt Storage	7	\$40,000.00	\$40,000.00
Stark Chautauqua Lake Shoreline	8	\$12,000.00	\$12,000.00
Totals		\$244,236.00	\$244,236.00

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KLC 8/4/20 KMD 08/05/20 SMA 08/05/20 PMW 8/10/20

TITLE: Investment Policy for the County of Chautauqua

BY: Audit & Control Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, the change in name of one of the County's authorized depositories needs to be reflected in this update of the County Investment Policy; therefore be it

RESOLVED, That the County Investment Policy is hereby reconfirmed and amended in Section VII to read as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,
*to conform with all applicable federal, state and other legal requirements (legality);
*to adequately safeguard principal (safety);
*to provide sufficient liquidity to meet all operating requirements (liquidity); and
*to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability, based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and to regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

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All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity schedule.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of receipt, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$40,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Bank of America	Evans Bank, N.A.
Citizen's Bank N.A.	JP Morgan Chase, N.A.	PayPal
Northwest Bank	<u>TD Bank</u>	<u>Five Star Bank</u>
<u>Bank of Castile</u>	<u>BankonBuffalo</u>	<u>Cattaraugus County Bank</u>

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by one or more of the following:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the County to exercise its

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rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- *Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;
- *Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law Section 9-r;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

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Prudential Securities
Merrill Lynch
Bank of New York
Stifel, Nicolaus & Company, Inc.
Morgan Stanley
McDonald Investments
Wachovia Securities
Edward Jones
The Baker Group LP

Crew & Associates
Mischler Financial Group
Federal Reserve Bank –Treasury Direct
Manufacturer’s & Traders Trust Co.
Financer Securities
JP Morgan Chase, N.A.
Greenwich Capital
Duncan-Williams Inc.

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RIBS Greenwich Capital
Federal Reserve Bank	Manufacturer’s & Traders Trust Co.
Wachovia Securities	Wilmington Trust
Edward Jones	Morgan Stanley
JP Morgan Chase, N.A.	

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

The Director of Finance shall notify the County Attorney and obtain approval as to the legality of an investment prior to making purchases of any new type of investment not currently in the County’s portfolio. With regard to obligations issued by any municipality, school district, or district corporation other than the County, or obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, the Director of Finance shall also receive the approval of the County Attorney as to the legality of the investment prior to making purchases of such investments.

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XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

* All repurchase agreements must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.

* No substitution of securities will be allowed.

* The custodian shall be a part other than the trading partner.

XIV. OVERSIGHT OF INVESTMENT PROGRAM

The Director of Finance shall provide written monthly investment reports to all County Legislators and the County Attorney which shall be accompanied by the actual monthly investment statements showing the County's current holdings, all transactions during the statement period, and realized and unrealized gains and losses. On not less than a quarterly basis, the Audit & Control Committee of the County Legislature shall discuss the status of the investment program at its regular committee meetings, including the four (4) objectives set forth in the County's Investment Policy. The Audit & Control Committee shall also on not less than an annual basis undertake a review with a financial advisor of the County's current investment holdings.

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