



ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

David J. Wood
Majority Leader

Patricia A. Hudak
Minority Leader

COMMUNICATIONS WITH DOCUMENTATION

October 26, 2011

(Correspondence relating to upcoming legislation, appointments, petitions, etc)

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ONEIDA COUNTY BOARD OF LEGISLATORS

Gerald J. Fiorini, Chairman ♦ 800 Park Avenue ♦ Utica, New York 13501
Work Phone: 798-5900 ♦ Home Phone: 337-9045

October 24, 2011

FN 20 11-297

Board of Legislators
800 Park Ave.
Utica, NY 13501

Honorable Members:

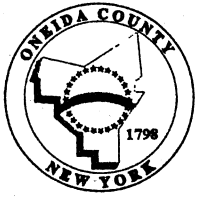
Please find the attached letter from Republican Elections Commissioner Pamela Mandryck and Democratic Elections Commissioner Carolann Cardone requesting the creation of certain titles and the setting or confirming of rates of compensation for such positions. Due to time constraints, I am forwarding this request to Ways and Means for their consideration at their October 26th meeting. If Ways and Means agrees with this request, a waiver of Rules 12 and 55 will be necessary for the full Board to consider this request.

I am requesting that the full Board approve this resolution on October 26, 2011.

Thank you.

Sincerely,

Gerald J. Fiorini
Chairman



COUNTY OF ONEIDA
OFFICE OF THE COUNTY EXECUTIVE

ANTHONY J. PICENTE JR.

County Executive
ce@ocgov.net

ONEIDA COUNTY OFFICE BUILDING
800 PARK AVENUE
UTICA, NEW YORK 13501
(315) 798-5800
FAX: (315) 798-2390
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October 24, 2011

Hon. Gerald J. Fiorini
Chairman
Board of Legislators
800 Park Ave.
Utica, NY 13501

RE: Creation of Titles and Rates Setting for Temporary Board of Elections
Employees

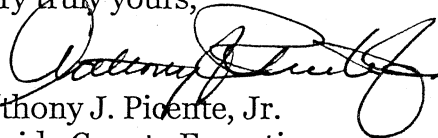
Dear Mr. Fiorini:

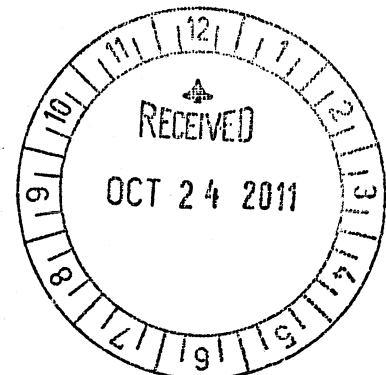
I am in receipt of a letter from the Commissioners of Election requesting the creation of certain titles and the setting or confirming of rates for same in anticipation of the November 8, 2011 General Election.

I am advised by the Law Department that, pursuant to State Elections Law, the ability of the Board of Elections to create these positions and to set the rates for compensation is a matter between the Board of Elections and the Board of Legislators and does not require the review or approval of my office.

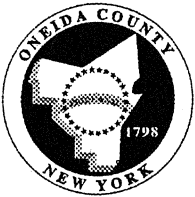
That being said, I am informed that the funds to provide the compensation for these positions does not exist and must be found in the 2011 budget and appropriated for such purposes by your Board. That action will require the review and approval of this office and I will consider same as soon as the Board of Elections has submitted the necessary transfer or supplemental appropriations proposal to my office.

Very truly yours,


Anthony J. Picente, Jr.
Oneida County Executive



Cc: Pamela N. Mandryck
Carolanne Cardone
Hon. Michael Waterman



ONEIDA COUNTY BOARD OF ELECTIONS

Union Station ♦ 321 Main St. ♦ 3rd Floor
Utica, New York 13501
Fax: (315) 798-6412

Anthony J. Picente Jr.
County Executive

CAROLANN N. CARDONE
Democratic Commissioner
(315) 798-5761

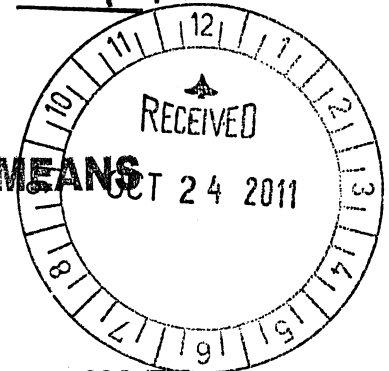
PAMELA N. MANDRYCK
Republican Commissioner
(315) 798-5763

20 October 2011

Anthony J. Picente, Oneida County Executive
Oneida County Office Building – FL 10
800 Park Avenue
Utica, NY 13501

FN 20 11 - 297

WAYS & MEANS



Dear County Executive Picente:

In July of 2006 the Oneida County Board of Legislators adopted Introductory 225 (FN 2006-228) which established the rate of compensation for various election-day staff including inspectors, poll clerks and machine custodians. With the implementation of the Optical Scan Voting Systems there have been staffing requirement changes which should be correctly reflected in Oneida County Legislation. It is to that end that the Board of Elections presents the following proposal to the Board of Legislators for their consideration and action, as per Chapter 180 of the Laws of New York State. The position descriptions are provided in the attached documentation.

The existing positions of Chairman, Poll Clerk and Custodian will be deleted. The positions of Poll Site Coordinator, Circuit Rider, Voting System Machine Technician and Election Management System Programmer will be added. The compensation for these positions is listed below as well as that of the currently-existing Inspector position.

GENERAL ELECTION COMPENSATION RATES:

Poll Site Coordinator	\$180.00 plus mileage at the county-established rate
Inspector	\$150.00
Circuit Rider	\$140.00 plus mileage at the county-established rate

PRIMARY ELECTION COMPENSATION RATES:

Poll Site Coordinator	\$130.00 plus mileage at the county-established rate
Inspector	\$100.00
Circuit Rider	\$ 90.00 plus mileage at the county-established rate

VOTING SYSTEM MACHINE TECHNICIAN

\$20.00 per hour

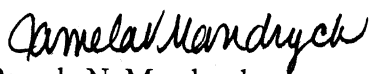
ELECTION MANAGEMENT SYSTEM PROGRAMMER

\$20.00 per hour

Implementation of this compensation schedule and the related expense will be offset by the reduction in election districts and poll sites (and thus staffing decreases) planned for the upcoming year. The approval and adoption of legislation implementing such rates of compensation will bring us into compliance with New York State requirements. Should you have any questions or require additional information, please contact either or both of the Commissioners.

Thank you for your consideration of this proposal.

Sincerely,


Pamela N. Mandryck
Republican Commissioner of Elections


Carolann N. Cardone
Democrat Commissioner of Elections

Atch: Position Descriptions

ELECTION INSPECTOR

Election Inspectors are responsible for the smooth operation and conduct of processes at the poll sites across Oneida County. Their primary responsibility is to ensure the individual's opportunity to exercise their right to vote.

Inspectors are expected to arrive at their assigned poll site NO LATER THAN 5:30 AM for General and Special elections and NO LATER THAN 11:30 AM for Primary elections, and to remain at that site until their obligations to conduct the election is completed (typically about 10:00 PM). Breaks to acquire meals and interim breaks are anticipated.

Inspectors are to ensure that the poll site is prepare for receipt of voters by ensuring that all necessary election supplies have been received from the Board of Elections and are accounted for, including:

the folder containing the Statement of Canvass, Opening and Closing Instructions, Payroll, BOE phone numbers Ballot Receipt Verification Log, and Custody and Control Documentation;

the Poll Site Designation Sign, Voters' Bill of Rights and 100 Foot Marker Designation Sign;

the ballots for their specific election district as well as the blank BMD ballots; and

the list of voters, poll books, affidavit bag, writing supplies, seals, pad for voter sign-in list, black markers and large manila folders.

Inspectors are to complete the Opening Poll Site information on the Statement of Canvass (your Poll Site Coordinators will assist you).

Inspectors are to arrange the sign-in table to accommodate voters and be prepared to provide the correct ballot style for their respective election district. Additionally they are to provide the correct ballot marking devices to the voter as well as privacy folders.

Inspectors will ask voters to identify themselves and then locate the voter's name in the poll book and have the voter sign in the designated signature area. They will then record the voter's name on the numbered list and highlight the voter's name on the voter list for the respective election district. After providing the correct ballot and marking item they will direct the voter to the privacy booth.

Inspectors will assist voters in determining their correct poll site and will provide affidavit ballots to voters requiring such documents. They will also provide documentation on challenged voters.

Inspectors and Poll Site Coordinators will work in tandem to maintain a smooth and orderly flow of the process and will preclude interruption of the same by voters, media, candidates or pollwatchers.

Inspectors will obtain pollwatcher certificates from those individuals serving that function and will provide the highlighted voter list to the pollwatcher as is convenient to the voting public.

At the end of the night (9:00 PM) the inspectors will announce the close of polls and will ensure that the last individual in line at that time is allowed to vote. Following this last voter the inspectors will begin the accumulation of the report of the vote on each ballot style used at the poll site. These numbers will then be recorded onto the Statement of Canvass by the inspectors. The results will be read by the Poll Site Coordinator to the Inspectors and to those pollwatchers in attendance.

Inspectors will complete the remainder of the required documentation and will place all voted ballots into the election supply bag and will place all unopened, unused ballots into the empty ballot box of the Optical Scan Voting System. Ballots with write-ins will be placed in a specific write-in folder as will all affidavit ballots. These items will also be placed in the election supply bag for return to the Board of Elections. Inspectors will then secure the Optical Scan Voting System as well as the Election Supply Bag for return to the Board of Elections.

POLL SITE COORDINATOR

The primary responsibility of the Poll Site Coordinator is to serve as the eyes and ears of the Commissioners at the poll site. There are two Poll Site Coordinators at each POLL SITE and they serve as the 'go-to' people for the inspectors. Any issue arising during course of the day will be resolved by the Poll Site Coordinators (if necessary with the direction of the Commissioners). The Poll Site Coordinators are responsible for the operation of the Poll Site for the duration of the election. They are additionally responsible for the correct opening and closing of ALL voting systems at their poll site and for the speedy return of election results and data at the close of polls, as well as, the assurance of the correct and complete Statements of Canvass

The Poll Site Coordinators are responsible for conveying site, staff or machine issues to the Board of Elections and Machine Technicians. They are also responsible for the proper arrangement of the poll site to ensure voter flow and maximum voter privacy at the Privacy Booth and Optical Scan, as well as oversight of the completion of the inspectors' assigned responsibilities.

Poll Site Coordinators will ensure that the election supply bag(s) required for use at the poll site is picked-up and delivered to the poll site by the Poll Site Coordinator. They will ensure that all of the following election day items are located and properly utilized and/or displayed:

- *Poll Site Designation Sign*
- *Voter's Bill of Rights*
- *Distance Marker*
- *Correct ballots for each election district*
- *List of voters (to be highlighted by inspector)*
- *Poll Book*
- *Pad for sign-in list*
- *Folder containing Election Day documents and instructions*
- *Black markers and manila folders*
- *Writing instruments and seals*

Poll Site Coordinators will report to their poll site **NO LATER THAN 5:00 AM** for a General or Special Election and **NO LATER THAN 11:30 AM** for a Primary Election. They will open the Optical Scan, verify that the correct machine was delivered and assist inspectors with the completion of the machine information portion of the statement of canvass (machine number, serial #'s, seal #'s, machine count).

The Poll Site Coordinator will then open the Optical Scan Voting System, verify that the emergency ballot box is empty and then prepare the voting system for use, beginning with the printing of a zero tapes which will be attached to the Statement

of Canvass and in the end of night returns container. The Poll Site Coordinator will also prepare the BMD portion of the Optical Scan for use.

The Poll Site Coordinator is also responsible for completion of the Security Seal documentation.

At the end of the election (9:00 PM), the Poll Site Coordinators will ensure that all eligible voters at the poll site are allowed to vote. They will announce the close of the polls and will then begin the close polls procedure of all Optical Scan Voting Systems located at the poll site.

The Poll Site Coordinators will generate results tapes for each election district as well as for return to the Board of Elections. A results tape is placed in the End of Night Results Return container along with the zero tape AND a data card. This is done for each Optical Scan Voting System located at the poll site.

One Poll Site Coordinator (the Data Transport Poll Site Coordinator) leaves the poll site to return the data to the Board of Elections. The second Poll Site Coordinator remains at the poll site and completes the closing procedure by reading the results tape (by Ballot Style –election district) to the Inspectors and to Poll Watchers.

The Poll Site Coordinator will then assist the Inspectors in completing the Statement of Canvass and verify that the results are recorded correctly. After this process is completed the Poll Site Coordinator will call-in the results to the Call-In Center (or will designate an Inspector to perform this task).

The Poll Site Coordinator will then remove the voted ballots from ballot box, verify that the emergency ballot box is empty) and will place ballots with write-ins in a manila folder and provide to inspectors. The Poll Site Coordinator will remove the BMD devices from the Optical Scan and place in the now empty ballot box for return to the Board of Elections. Security seals will be placed on the Optical Scan Voting System. The Optical Scan voting System will then be completely closed down and readied for return to the Board of Elections.

The Poll Site Coordinator will collapse the privacy booths and place same near the voting system(s).

Finally, the Poll Site Coordinator will ensure that all supplies have been returned to the election supply bag and will then return the supply bag to the BOE upon completion of any other remaining poll site election night tasks.

CIRCUIT RIDER

The purpose of the Circuit Rider is to provide a redundant coverage mechanism and to ensure quick response to such issues as missing election supplies or unanticipated absence of election inspectors. They also provide a level of review of the activities at each poll site with that information returned in checklist format to the Commissioners throughout the course of the day.

Each Circuit Rider is assigned a specific number of poll sites which they are responsible to visit multiple times throughout the day, beginning at 6:00 AM.

The Circuit Rider will verify that the requirements of the Inspector and Poll Site Coordinator have been accomplished or will oversee the completion of those tasks before moving to the next assigned poll site. In addition they will verify that the Poll Site Coordinators have opened and readied the Optical Scan Voting System(s) at the site and that the Privacy Booths are situated.

The Circuit Rider will also ensure that the inspectors of each election district have located and are issuing the correct ballots for their election district. Circuit riders will obtain the AM Inspector list and verify that all actions have been accomplished and signed off.

They will also inquire with the Poll Site Coordinator re: issues/concerns. Critical issues will result in a call to the Board of Elections Commissioners. Otherwise, situations will be noted and then conveyed to the Board of Election Commissioners at the first Certification Review.

The Circuit Rider will continue this process through all assigned poll sites and will then return to the Board of Elections for the initial review. This process will be repeated at assigned intervals throughout the day. During interim periods there may be a need for "errand runs" to various poll sites.

At the end of the evening the Circuit rider will be assigned at the Board of Elections office at the Train Station to assist in the receipt of data and supply bags OR will be utilized as back-up for the call-in center.

Voting System Machine Technician

The responsibilities of the Voting System Machine Technicians are to ensure the successful completion and documentation of the New York State Board of Elections mandated maintenance and testing of the Optical Scan Voting Systems as prescribed by New York State Election Law and the Help America Vote Act as well as preparation of the voting systems for use at elections.

The Technicians will perform all testing and maintenance required by law and by usage of the voting systems. They are also required to attend vendor-provided training as available to ensure proper performance of the related responsibilities.

Recording of service provided to specific voting systems is required and will be reported on the quarterly maintenance reports the technicians submit to the Commissioners for review by New York State Board of Elections.

Mandated quarterly testing of each of the voting systems is also the responsibility of the technicians. Additionally, voting system technicians are responsible for the installation of software upgrades to the optical scan voting systems.

Technicians are also responsible for the preparation of the Optical Scan Voting Systems for any election for which they are used. This includes, but is not limited to, reinstalling of printer cartridges and thermal paper, verification of inclusion of HAVA supplies (ATI device, sip and puff items, headsets, etc.) as well as extension cords and security seal logs.

Technicians will prepare the Optical Scan Voting Systems by installing the data cards into the systems. They will also complete test decking of the Optical Scan Voting Systems prior to their use at any election and will verify the success or failure of the test decking. Corrective action to remedy negative test deck or quarterly testing is the responsibility of the voting system technicians. Technicians also assist in the training of inspectors and poll site coordinators as well as Board of Elections staff.

Technicians will ensure that Optical Scan Voting Systems are completely charged and are in compliance with security requirements as per HAVA and Election Law requirements prior to shipment to the poll site. Machine issues that arise during the course of the day are resolved by the machine technicians.

Upon the return of the Optical Scan Voting System(s) from an election, the voting system technicians will verify the return of election supplies and will determine if any physical damage to the Optical Scan Voting equipment has occurred. If there has been damage, the situation will be remedied as necessary by the voting system technicians and will be reported on the maintenance logs and to the Commissioners.

Election Management System (EMS) Programmer

The Election Management System (EMS) programmers are responsible to provide election ballot preparation and certain other voting machine services as prescribed by New York State Election Law and the Help America Vote Act.

Such preparation will include, but is not limited to, receiving vendor-provided training on the utilization of the EMS ballot definition and generation system and then implementing that training to accomplish the definition of the election parameters. The stated parameters include introducing the relevant data to correspond to the offices, names, parties and political subdivision of persons running for election and to do so in strict adherence to the requirements set forth in the New York State Election Law and the Help America Vote Act.

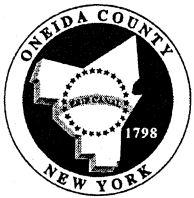
In addition to the ballot definition and generation, the EMS Programmers are responsible for the generation of all related machine operational items (iButtons and flash cards) as well as reference materials (poll site, tabulator and ballot identification cross-reference reports).

The EMS Programmers are also responsible for the back-up of election definition data to the secure server as well as provision of the ballot styles and election to the commissioners for their transmittal to the vendor and printer for the purposes of ballot and test-deck generation.

The EMS Programmers are also responsible for the compilation of election results in the EMS Results Transformation Program (RTR) and the provision of those files to the Commissioners for their upload to the internet.

The EMS Programmers are responsible for the data uploads of results from the data cards to the workstations and then onto a permanent retention device for the secure storage of the specific election's results (both data and graphic format).

Finally, the EMS Programmers (in conjunction with the Oneida County IT Department) will maintain a secure back-up of the EMS Server and all projects therein.



ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ fax (315) 798-5603

ANTHONY J. PICENTE, JR.
COUNTY EXECUTIVE

LINDA M.H. DILLON
COUNTY ATTORNEY

FN 20 11 - 298

October 13, 2011

PUBLIC SAFETY

Hon. Anthony J. Picente, Jr.
County Executive
800 Park Avenue
Utica, New York 13501

WAYS & MEANS

Dear Mr. Picente:

The New York State Office of Indigent Legal Services (OILS) has awarded Oneida County with a supplemental grant which is intended to improve efficiency and access for indigent persons receiving legal representation. These services are to be delivered through several Oneida County departments, including the Supplemental Assigned Counsel Program, and both the criminal and civil Public Defenders' offices.

Enclosed for your review and approval is a contract which outlines the details of how this award, in the amount of \$78,856.00 is to be spent, as approved by the NYS OILS board. While this grant is for a period of one year only, Oneida County has already been informed that additional multiple-year grants are to be awarded in the 2012 budget year that will continue to support these services.

Thank you for your consideration of this grant award and program plan.

Very truly yours,

Linda M.H. Dillon, Esq.
County Attorney

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive

Date 10/21/11

Encl.



Oneida Co. Department: Assigned Counsel

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name of Proposing Organization: NYS Office of Indigent Legal Services

Title of Activity or Service: Special Funding for New Services

Proposed Dates of Operation: June 1, 2011 through May 31, 2012

Client Population/Number to be Served: Oneida County Residents

Summary Statements

1) Narrative Description of Proposed Services

This agreement is for new revenue to improve the quality of indigent legal services through the Assigned Counsel and Public Defender departments pursuant to article 18-B of the County Law of New York State through the newly established NYS Office of Indigent Legal Services.

2) Program/Service Objectives and Outcomes:

To establish new and innovative methods of service to the indigent population in need of legal assistance including technology and program improvements.

3) Program Design and Staffing N/A

Total Funding Requested: \$78,856.00

Account # A1171.495

Oneida County Dept. Funding Recommendation: This is a new source of state grant funding.

Proposed Funding Sources (Federal \$/ State \$/County \$): New York State – 100%

Cost Per Client Served: N/A

Past Performance Data: N/A

**AGREEMENT
BETWEEN THE
NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
AND
COUNTY OF ONEIDA, NEW YORK
C000008**

This Agreement, between the New York State Office of Indigent Legal Services, State Capitol, Rm. 254, Albany, New York 12224 (“ILS”) and County of Oneida, New York (“County”), is for the provision of funds to assist County in improving the quality of indigent legal services provided by such County pursuant to article 18-B of the county law, in accordance with this Agreement and (i) the Budget, annexed as Appendix B hereto and made a part hereof, (ii) Payment and Reporting Schedule, annexed as Appendix C hereto and made a part hereof and (iii) Program Work Plan, annexed as Appendix D hereto and made a part hereof.

I. TERM

When signed by the parties, this Agreement shall be in effect for the period from June 1, 2011 to May 31, 2012, unless terminated earlier pursuant to its terms.

II. AMENDMENT

A. This Agreement may be amended only upon the mutual written agreement of the parties.

B. As set forth in Section V(A) below, no such amendment of this Agreement shall increase the maximum amount of funds distributed to County unless an additional distribution has been awarded that names County as the recipient.

C. Any such amendment of this Agreement shall be subject to approval by Office of the State Comptroller (“OSC”) and, where necessary as set forth in Section V(A) below, shall contain a new budget.

III. TERMINATION

A. This Agreement may be terminated with or without cause by ILS upon thirty (30) days written notice to County.

B. This Agreement may be terminated by County with cause upon sixty (60) days written notice to ILS.

C. In the event of the termination of this Agreement by either party, all remaining funds paid to County that are not subject to allowable costs already incurred by the County shall be returned to ILS. In any event, no liability shall be incurred by ILS or the State of New York beyond monies available for the purpose of this Agreement.

IV. SCOPE OF SERVICES

County shall provide the services and meet the program objectives summarized in the Program Work Plan (Appendix D). Such Program Work Plan also contains the performance criteria pursuant to which the County shall be evaluated.

V. FUNDS DISTRIBUTED

A. The maximum amount of funds payable to County under this Agreement shall not exceed \$78,856.00. As set forth in Section II(B) above, the funds payable to County made pursuant to an amendment may not exceed the total maximum funds already authorized for the Agreement, unless an additional distribution has been awarded that names County as the recipient of funds during the term of the amendment.

B. The budget for the term of the Agreement is set forth in Appendix B to this Agreement. In the event that additional funding becomes available at any time during the term of this Agreement, a new budget shall be prepared and shall replace or supplement the budget now set forth in Appendix B. This new budget shall be incorporated into this Agreement as a revised Appendix B pursuant to the amendment document entered into by the parties in accordance with Section II above.

C. Throughout the term of this Agreement, County shall be reimbursed only for costs actually incurred in accordance with this Agreement and with Appendices B and D. Payments shall be made in arrears on a quarterly basis and shall be processed upon submission by County and approval by ILS of appropriate statements and vouchers in a format approved by ILS and OSC.

D. After every three (3) months of the 12-month period in which this Agreement is in effect, County shall submit to ILS an expenditure voucher detailing the approved actual costs incurred pursuant to this Agreement during the immediately preceding three (3) month period.

These expenditure vouchers shall be submitted by County to ILS no later than thirty (30) days after the close of each three (3) month period commencing on the effective date of the Agreement, as set forth in Section I above. Following review and approval of County's three (3) month expenditure voucher, the ILS shall, no later than thirty (30) days after receipt of such expenditure voucher from County, submit a voucher to OSC for payment to County based on the approved expenses.

E. No funds provided to County by ILS pursuant to this Agreement may be used for any partisan political activity or for any activities that may influence legislation or the election or defeat of any candidate for public office or for the advancement or defeat of any ideological, political or social issue.

F. The amounts paid to County by ILS pursuant to this Agreement shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the County Law. In the event funds are used to supplant local funds, such funds actually provided by ILS shall be returned to ILS by County.

VI. REPORTING; RECORD KEEPING; MONITORING; AUDITS

A. In addition to the fiscal reporting requirements set forth in Section V above, County shall submit such other oral and written reports concerning its provision of services and use of funds as are set forth herein and in Appendices B, C and D and as may be required from time to time by ILS.

B. Within forty-five (45) days of the conclusion of the 12-month period in which this Agreement is in effect, County shall submit a final program report to ILS.

C. County shall be required to retain all financial records pertaining to this Agreement for a period of six (6) years after the termination of the Agreement.

D. ILS, OSC, the state and any other governmental entity providing funding to County pursuant to this Agreement shall have the right to perform both pre- and post-audits of County's records relating to the receipt and expenditure of any funds provided pursuant to this Agreement.

VII. ASSIGNMENT

The rights and obligations of County under this Agreement may not be assigned, conveyed, transferred or subcontracted by County without the prior written authorization of ILS.

VIII. NOTICES

All written notices and communications made pursuant to this Agreement shall be delivered to the addresses set forth below or to such other addresses as the parties may from time to time provide to each other. All notices shall be deemed received on the fifth (5th) business day after mailing or upon delivery, if delivered by hand.

Notification to ILS:

Office of Indigent Legal Services
State Capitol, Room 254
Albany, New York 12224
Attn: Joseph Wierschem

Notification to County:

Thomas B. Keeler
Budget Director
Oneida County
800 Park Avenue
Utica, NY 13501
(315) 798-5805
tkeeler@ocgov.net

IX. MISCELLANEOUS PROVISIONS

A. This Agreement, including all its appendices, constitutes the entire agreement between the parties and supersedes all other communications between the parties relating to the subject matter herein.

B. Standard Clauses for New York State Contracts, consisting of standard terms for New York State contracts, is attached hereto as Appendix A and made a part hereof.

C. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

D. If any part of this Agreement is found to be unenforceable for any reason, that part shall be deemed to be deleted and all other terms, conditions and provisions of this Agreement shall remain in full force and effect.

E. The obligations of ILS under this Agreement shall be limited to the extent that monies are appropriated or otherwise available therefor.

F. The captions contained in this Agreement are intended for convenience and referenced purposes only and shall in no way be deemed to define, limit, or describe the scope or intent of this Agreement, or any provision thereof, or in any way affect this Agreement.

G. In the event that any one or more of the provisions of this Agreement shall for any reason be declared unenforceable under the laws or regulations in force, such provision will not have any effect on the validity of the remainder of the Agreement, which shall then be construed as if such unenforceable provision had never been written or was never contained in this Agreement.

H. Neither party will be liable for losses, defaults, or damages under this Agreement which result from delays in performing, or inability to perform, all or any of the obligations or responsibilities imposed upon it pursuant to the terms and conditions of this Agreement, due to or because of acts of God, the public enemy, acts of government, earthquakes, floods, strikes, typhoons, civil strife, fire or any other cause beyond the reasonable control of the party that was so delayed in performing or so unable to perform, provided that such party was not negligent and shall have used reasonable efforts to avoid and overcome such cause. Such party will resume full performance of such obligations and responsibilities promptly upon removal of any such cause.

ILS Contract Number C000008

ILS Certification

ILS certifies that an original or photocopy
of this signature page will be attached to
every exact copy of this Agreement

COUNTY OF ONEIDA

**NEW YORK STATE OFFICE OF
INDIGENT LEGAL SERVICES**

By: _____

By: _____

Name: _____

Name: WILLIAM J. LEAHY

Title: _____

Title: Director

Date: _____

Date: _____

**Attorney General:
ERIC T. SCHNEIDERMAN**

**State Comptroller:
THOMAS P. DINAPOLI**

By: _____

By: _____

Date: _____

Date: _____

ACKNOWLEDGMENT

STATE OF)

) ss.:

COUNTY OF)

On this day of 20__ before me personally came
, to me known, who, being by me duly sworn, did depose and say that s/he resides in
, that s/he is the of , the organization
described in the above instrument; that s/he had the authority to sign same; and that s/he did
duly acknowledge to me that s/he executed the same as an act and deed of said organization.

NOTARY PUBLIC

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration

exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall

be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) FEDERAL

EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) **PRIVACY NOTIFICATION.** (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.

In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in

excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair,

renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of

each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and

suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS.

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.

Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.

If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance

Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

June 2011

APPENDIX B

BUDGET

County of Oneida
Office of Indigent Legal Services
May, 2011 ILSB Distribution
June 1, 2011 - May 31, 2012

PERSONNEL			
Part Time Clerk	\$10,000	100%	\$10,000
Subtotal			\$10,000
Fringe Benefits @ 45%			\$4,500
PERSONNEL TOTAL			\$14,500

OTPS			
Training (CLE, Conferences)			\$2,000
Technology (35 computers upgrade)			\$36,356
Assigned Counsel Billing Software			\$25,000
Legal reference materials			\$1,000
OTPS TOTAL			\$64,356

TOTAL			\$78,856
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County of Oneida

APPENDIX C PAYMENT AND REPORTING SCHEDULE

For All Counties:

1. County agrees that this is a reimbursement-based contract. All requests for reimbursement must reflect actual costs that have been disbursed or items received by the County. A purchase order issued without receipt of the items or services is not eligible for reimbursement.
2. Counties must submit all required fiscal reports, supporting documentation and program reports. Failure to meet these requirements will result in the rejection of associated vouchers. Failure to submit the final program report, or any other report as may be required, may result in a disallowance of 25 percent (25%) of the distribution amount. Final vouchers, reimbursement payment and reports must be submitted within 45 days of the end of the contract period. Failure to voucher within this period may result in the loss of distribution funds.
3. Vouchers shall be submitted in a format acceptable to ILS and the Office of the State Comptroller. Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the Budget (Appendix B) and during the contract period. When submitting a voucher, such voucher shall also be deemed to certify that a) the payments requested do not duplicate reimbursement from other sources of funding; and b) the funds provided herein do not replace funds that, in the absence of this distribution, would have been made available by the County for this program.
4. Timely and properly completed New York State vouchers, with supporting documentation when required, shall be submitted to:

Office of Indigent Legal Services
State Capitol
Room 254
Albany, NY 12224

5. Payment Schedule

All submitted vouchers will reflect the County's actual expenditures and will be accompanied by supporting detailed itemizations of personal service and non-personal service expenditures and other documentation as required, and by a fiscal cost report for the reporting period. ILS reserves the right not to release subsequent distribution or grant awards pending County compliance with this Agreement. In the event that any expenditure for which the County has been reimbursed by distribution funds is subsequently disallowed, ILS in its sole discretion, may reduce the voucher payment by the amount disallowed. If necessary, the County may be

required to submit a final budget reallocation. Fiscal cost reports must be submitted showing distribution expenditures and/or obligations for each quarter within 45 days after the last day of the quarter for the reporting period.

Payment requests need to include the following documents as required:

- Detailed itemization of Personal Service Expenditures
- Detailed itemization of Non-Personal Service Expenditures
- Detailed itemization of Consultant/Contractual Expenditures
- Voucher and Fiscal Cost Report signed

Throughout the term of this Agreement, County shall be reimbursed only for costs actually incurred in accordance with this Agreement and with Appendices B and D. Payments shall be made in arrears on a quarterly basis and shall be processed upon submission by County and approval by ILS of appropriate statements and vouchers in a format approved by ILS and the Office of the State Comptroller (OSC).

After every three (3) months of the 12-month period in which this Agreement is in effect, County shall submit to ILS an expenditure voucher detailing the approved actual costs incurred pursuant to this Agreement during the immediately preceding three (3) month period. These expenditure vouchers shall be submitted by County to ILS no later than thirty (30) days after the close of each three (3) month period commencing on the effective date of the Agreement, as set forth in Section 1 of the Agreement. Following review and approval of County's three month expenditure voucher, and no later than 30 days after receipt of such expenditure voucher from County, ILS shall submit a voucher to OSC or other appropriate agency for payment to County based on the approved expenses.

6. Contract Payments

County shall provide complete and accurate billing invoices to ILS in order to receive payment. Billing invoices submitted to the agency must contain all information and supporting documentation required by the Contract, ILS and the State Comptroller.

APPENDIX D
WORK PLAN

APPENDIX D

**County of Oneida
Office of Indigent Legal Services
May, 2011 ILSB Distribution**

**Description and Schedule of County's Services and Performance Criteria (Work Plan)
June 1, 2011- May 31, 2012**

Goal: To improve the quality of services provided under Article 18-B of the County Law.

Task #1:

- To replace all computers in Public Defenders Office with new computers capable of doing Skype or other similar functions which will enable the attorneys to contact and see their clients without having to have a face to face meeting in the jail or other locations. This will expedite the actual court hearing and will allow the attorney to save time not having to travel to the various jails in the area.

Performance Measure:

- Amount of time it takes to complete a case.
- Clients will have better access to their attorney before the trial or hearing starts.
- Numbers of cases an attorney may be able to increase due to the lack of travel time.

Program Location:

- Various offices of the Public Defender, Jail settings and Court Houses.

Task #2:

- To improve the current Assigned Counsel billing system. Currently, Oneida County uses a shuffling paper system which is very labor intensive and very time consuming resulting in Assigned Counsel Attorneys waiting up to six to eight weeks before getting paid for a closed case. Oneida County is looking to get an online system that allows Attorneys to submit their voucher online and it will correspond with the courts data. Oneida County has been in touch with New York City which currently does have its Assigned Counsel Attorneys use an online system which is tied into the Courts dockets and is available for the judge's signature at the end of the case. The computer system calculates the time billed on the case and compares it with the courts time records and allows the charges. Oneida County understands that the Law Guardians currently use this type of system with New York State with their caseloads. Estimated cost of setting this system up is approximately \$25,000, including software, hardware, etc.

Performance Measure:

- Reduce the turnaround time between a case being closed and the actual time the Assigned Counsel Attorney actually gets paid. Current turnaround time under the present system is six to eight weeks.
- Improve accuracy of time records and verification of court time along with minimizing audit & control accounting review.

Program Location:

- Oneida County Office Building will house the equipment necessary along with the software and The Attorneys will be able to access the system through the inter-net!

Task #3:

- To create a new Part-Time Clerk to work in the Public Defender – Civil Division.

Performance Measure:

- Amount of time it takes to process the paperwork for upcoming cases and motions.
- Impact on overall attorney caseloads in the Office of the Public Defender.

Program Location:

- Public Defender – Civil Offices.

Task #4:

- To provide CLE training to members of the assigned counsel panel in subject areas related to the provision of indigent legal services under Art. 18 of the County Law.

Performance Measure:

- Number of assigned counsel who attended CLE courses in subject areas related to the provision of Article 18-B services.

Program Location:

- Programs will be held at MVCC Lecture halls or other lecture halls depending on the availability.

Anthony J. Picente Jr.
County Executive



Lucille A. Soldato
Commissioner

ONEIDA COUNTY DEPARTMENT OF SOCIAL SERVICES

County Office Building, 800 Park Avenue, Utica, NY 13501
Phone (315) 798-5733 Fax (315) 798-5218

October 11, 2011

FN 20 11 - 299

Honorable Anthony J. Picente Jr.
Oneida County Executive
800 Park Avenue
Utica, New York 13501

HUMAN RESOURCES

WAYS & MEANS



Dear Mr. Picente:

I am submitting the following Purchase of Services Agreement for review and approval by the Board of Legislators per Board Resolutions and Local Law #3 of 2001, amending Article VIII, Section 802 of the Administrative Code.

This Purchase of Services Agreement for Personal Care Services will be provided by Cathie Lee's Home Health Care, P.O. Box 526-528 8th Avenue, Sylvan Beach, New York 13157. Personal Care Services are a vital deterrent to the placement of eligible Medicaid Clients in Nursing Home Care. These services enable people to remain at home, maintaining a lower cost of care.

This Agreement is established for the year November 1, 2011 through October 31, 2012. New York State Department of Health establishes the Personal Care Rates. The cost of this service was \$156,507 from July 1, 2010 through June 30, 2011 with a local share of 10% or \$15,650.70.

I am respectfully requesting that this matter be forwarded to the Board of Legislators for action as soon as possible. Thank you for your consideration.

Sincerely,

Lucille A. Soldato
Commissioner

LAS/tms
attachment

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive

Date 10/24/11

10/11/11
67202

Oneida Co. Department Social Services

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____

Oneida County Board of Legislators
Contract Summary

Name of Proposing Organization: Cathie Lee's Home Health Care
P.O. Box 526-228 8th Avenue
Sylvan Beach, New York 13517

Title of Activity or Services: Personal Care Services

Proposed Dates of Operations: November 1, 2011 through October 31, 2012

Client Population/Number to be Served: Physically or Mentally disabled individuals in receipt of Medicaid who are residing in their own home.

SUMMARY STATEMENTS

1). Narrative Description of Proposed Services

Personal Care Services is defined as some or total assistance with personal hygiene, dressing and feeding, nutritional and environmental support functions and health-related tasks. Such services shall be essential to the maintenance of the patient's health and safety within his/her own home, ordered by the attending physician, based on an assessment of the patient's needs provided by a qualified person in accordance with a plan of care and supervised by a registered professional nurse.

2). Program/Service Objectives and Outcomes -

To enable disabled Medicaid recipients to remain in their own home and delay or divert entrance to a higher level of care.

3). Program Design and Staffing Level - N/A

Total Funding Requested: \$ 20.38 to \$ 24.00 per hour.

Rates are determined by New York State quoted is the highest rates and vary by level of care needed.

Mandated or Non-Mandated: Mandated Service

Oneida County Dept. Funding Recommendation: Account # A6102.495

Proposed Funding Source (Federal \$ /State \$ / County \$):

Federal	62 % -	\$ 14.88
State	28 % -	\$ 6.72
County	10 % -	\$ 2.40

* Based on \$ 24.00 per hour

Cost Per Client Served: Rates vary as to the level of care required and are set by New York State Department of Health.

Past performance Served: The department has contracted with this provider since 1997 for personal care services. This contract is paid directly by New York State through eMedNY, the cost of this service to the Department is included in the Medicaid Cap. The total cost to the State was \$156,507 from July 1, 2010 through June 30, 2011.

O.C. Department Staff Comments: The Department is satisfied with this provider and contracts with a number of agencies to ensure availability of service.

Agreement

BETWEEN A LOCAL SOCIAL SERVICES DISTRICT AND A CONTRACTING AGENCY
FOR PERSONAL CARE SERVICES (PURSUANT TO TITLE II OF ARTICLE 5 OF THE
NEW YORK STATE SOCIAL SERVICES LAW AND TITLE XIX OF THE UNITED
STATES SOCIAL SECURITY ACT)

FOR TITLE XIX SERVICES ONLY

MADE THIS 1ST DAY OF NOVEMBER 2011

BETWEEN ONEIDA COUNTY, THE SOCIAL SERVICES DISTRICT LOCATED AT
800 PARK AVENUE, UTICA, NEW YORK 13501 (HEREINAFTER CALLED THE
DISTRICT), AND CATHIE LEE'S HOME HEALTH CARE LOCATED AT
P.O. BOX 526, SYLVAN BEACH, NEW YORK 13157
(HEREINAFTER CALLED THE PROVIDER)

This Agreement is between Oneida County Department of Social Services, a municipal corporation of the State of New York, hereinafter referred to as the Social Services District, having its principal office at 800 Park Avenue, Utica, New York 13501 and Cathie Lee's Home Health Care (Provider) having its principal office at P.O. Box 526, Sylvan Beach, New York 13157.

The parties hereto desire to make available to the County of Oneida, Personal Care Services under Title XIX of the Federal Social Security Act.

The Social Services District is authorized, pursuant to Section 365-a(2)(e) of the New York State Social Services Law and 18 New York Code of Rules and Regulation (NYCRR), and/or other New York State Department of Health regulations, to provide personal care services to persons eligible to receive said services; and

The Social Services District is desirous of obtaining personal care services to be rendered to recipients of Medical Assistance (Medicaid) for which reimbursement is available, pursuant to Title XIX of the Federal Social Security Act and applicable State law; and

The Provider herein represents that he or she will provide services that are authorized, pursuant to Title XIX of the Federal Social Security Act and applicable State law and which are eligible for reimbursement thereto;

THEREFORE, the parties signing and executing this instrument do in consideration of the above agree as follows:

1. Providers as Independent Contractors

The Social Services District and the Provider agree that the Provider is an independent Contractor and is not in any way to be deemed an employee of the Social Services District or the State Department of Health. The Provider agrees that it will, at all times, indemnify and hold the Social Services District and the State Department of Health and their officers or employees harmless and free and clear of any and all liability arising from any act of omission or commission by the Provider, its officers or employees with respect to this Agreement and any of the terms thereof. It is further understood and agreed that no agent, servant or employee of the Provider shall, at any time, or under any circumstances, be deemed to be an agent, servant, or employee of the Social Services District or State Department of Health. Notwithstanding the foregoing, the Provider shall not be required to indemnify the Social Services District or the State Department of Health for any losses resulting solely from the Provider's negligence.

2. Provision of Personal Care Services

The Provider agrees to provide personal care services, as defined in New York State 18 NYCRR to recipients of Medicaid, as defined in Title II of Article 5 of the New York State Social Services Law and/or Title XIX of the Federal Social Security Act, if requested to provide said services by a Social Services district, pursuant to the order(s) and/or prescription(s) of a physician, in accordance with a plan of care and to be

supervised by a registered nurse, subject to the conditions set forth in the regulations of New York State 18 NYCRR or superseding provisions.

3. Authorization and Request for Personal Care Services

It shall be the sole responsibility of the Social Services District to determine the eligibility of a client. The Social Services District and/or eMedNY shall not reimburse the Provider for personal care services provided to persons who have not been determined eligible and authorized by the Social Services District to receive such services and when such services are not provided in accordance with the written authorization of the Social Services District. The Social Services District and/or eMedNY shall reimburse the Provider only for such personal care services authorized and provided in accordance with the policies and procedures of the Social Services District.

It shall be the sole responsibility of the Social Services District to notify the Provider of the service authorization of each client including the functions and tasks required.

The Social Services District will forward to the Provider written confirmation of each telephoned service authorization within seven (7) working days of such notification.

4. Obligation to Utilize Provider

The Social Services District shall not be obligated to utilize the services of the Provider(s).

5. District's Termination of Contract

The Social Services District shall have the right to terminate this Agreement under the following conditions:

- a Upon receipt of notification that Federal and/or State reimbursement is no longer available for the services to be provided.
- b Failure of the personal care agency to perform its obligations pursuant to this Agreement and the requirements of 18 NYCRR 505.14.
- c Violation by the Provider of any of the material terms of this Agreement or participation in Medicaid fraud.
- d Except for emergencies when the patient's health and safety is in immediate jeopardy, the Social Services District shall give the Provider thirty (30) days written notice of intention to terminate services of the Provider under this Agreement; in the event of termination, the Provider shall, within five (5) working days, transfer copies of any and all records pertaining to any individual who has been or is receiving services provided by the Provider to the Social Services District. The Provider shall retain its original client care records and, within five (5) working days, transfer a copy of any and all client care records in lieu of originals which shall be retained by the Provider for at least six (6) years beyond the date of termination of the contract between Provider and District.
- e The cessation of services to a particular recipient shall not render this entire Agreement void or voidable.

6. Provider's Termination of Contract

The Provider shall have the right to terminate this Agreement under the following conditions:

- a. If there is an imposition of new or additional requirements by the Federal or State governments as a condition to continued Federal or State reimbursement which the Provider reasonably finds unacceptable;
- b. The State Department of Health has, pursuant to the provisions of this Agreement, reduced the rate paid to the Provider and the Provider finds such reduced rate to be unacceptable.
- c. The Provider shall give the Social Services District thirty (30) days written notice of its intention to terminate services to the District or any individual who would otherwise remain eligible to continue receiving personal care services. This written notice of termination shall contain the reasons for termination and the effective dates.

7. Close-Out Procedures

Upon termination or expiration of this Agreement, the Provider shall comply with all State Department of Health and Social Services Districts close-out procedures including, but not limited to:

- a. Turn over to the State Department of Health or the Social Services District all books, client records, client documents and material relating to client services.
- b. Not incur or pay any further obligations pursuant to this Agreement beyond the termination date. Any obligation necessarily incurred by the Provider on account of this Agreement prior to receipt of notice of termination and falling due after such date shall be paid by the Social Services District in accordance with the terms of this Agreement if the Social Services District receives notice of such obligations within thirty (30) days after the date of termination, overpayments or funds paid in excess of Allowable Payments which have been paid to the Provider pursuant to this Agreement.
- c. Account for the refund to the Social Services District within thirty (30) days after the date of termination, overpayments of funds paid in excess of Allowable Payments which have been paid to the Provider pursuant to this Agreement.
- d. Submit to the State Department of Health within ninety (90) days after the date of termination or expiration, a final report of receipt and expenditure of funds relating to this Agreement. The report shall be made by a Certified Public Accountant.

8. Terms of Agreement

This Agreement will be in effect for one year and will be automatically renewed at the end of the year and each subsequent year unless terminated. Either party may terminate this Agreement at any time, with or without cause, by providing at least thirty days (30) advance written notice of the termination to the other party. Such termination will have no effect upon the rights and obligations resulting from any transactions occurring prior to the effective date of termination.

9. Jurisdiction of District

The Provider agrees that its employees or agents rendering personal care services shall be subject to the jurisdiction of the District and/or its designee, when such designee has been approved by the State Department of Health. It is understood and agreed that the Social Services District retains the right to maintain and continue case management for any recipients of Medicaid, and that the activities of the Provider shall be subject to the monitoring of the Social Services District and the State Department of Health, in accordance with the requirements of 18 NYCRR.

10. Agreement to Renegotiate

The parties agree to renegotiate this Agreement in the event that the United States Department of Health and Human Services or the State Department of Health issue new or revised requirements on the Social Services District as a condition for receiving continued Federal or State reimbursement.

11. Amendment of Contract

This Agreement may be amended whenever determined necessary by the Social Services District and the Provider, if such amendments are approved by the State Department of Health. All amendments must be in writing, duly signed by both parties, and be annexed to the contract.

12. Fair Hearings

The Social Services District shall be responsible for providing notice to recipients of the recipient's right to a State fair hearing as required by Federal and State Law and regulations, and the manner in which a State fair hearing may be requested. The Provider, upon request of the Department, shall participate in State fair hearings when necessary for the determination of issues.

13. Adequacy of Service Notices

This contractual arrangement shall not diminish the Provider agency's responsibility for maintaining adequacy of service notices thereof to recipients, reports, surveys, studies, audits, court or judicial proceedings, and any other matters of procedures relating to the furnishing of personal care services by the Provider.

14. Adequacy of Provider Services

This contractual arrangement shall not diminish the Provider agency's responsibility for maintaining adequacy of services provided by the agency. As required in 10 NYCRR 766.10(d), notwithstanding any other provisions in this contract, the Provider agency remains responsible for: a) ensuring that any service provided pursuant to this contract complies with all pertinent provisions of Federal, State and local statutes, rules and regulations; b) ensuring the quality of all services provided by the agency; and c) ensuring adherence by the agency staff to the plan of care established for patients.

15. Liability Insurance

The Provider shall obtain and maintain in full force and effect liability or other insurance in an amount sufficient to protect the Social Services District and the State Department of

Health from any potential liability that may accrue as a result of any actions of the Provider; such coverage may be an endorsement to an existing policy of the Provider. Regardless of the form or manner of coverage, the insurer shall be requested by the Provider to provide the Social Services District with a written acknowledgment of coverage, the terms and conditions thereof, and a commitment to notify the Social Services District at least ten days before any cancellation, reduction, or other change in coverage becomes effective (pursuant to usual insurance "hold harmless" or "loss payee" provisions).

16. Fiscal Reports

The Provider shall make the necessary and/or required employer payroll reports, deductions, and tax, insurance, or other payments including, but not limited to, providing for worker's compensation insurance, disability insurance, U.S. Social Security taxes, federal and state unemployment insurance benefits, withholding federal, state and local income taxes; and comply with any other legal or customary requirements.

17. Performance Standards

The Provider shall provide services which assure the health and safety of the client and assist the client to live as independently as possible. To assure the quality of the service, the following shall apply:

- a. The Provider shall commence services as expeditiously as possible upon receipt of an oral or written authorization from the Social Services District. If notice to commence services is received on a Friday, Saturday, Sunday or official State holiday, the said hour period shall begin to run on the next business day following such Friday, Saturday, Sunday or State holiday.
- b. The Provider shall establish and maintain procedures in order to ensure uninterrupted service in accordance with service authorizations, including the following:
 - i) The Provider shall establish and maintain a 24 hour per day, seven day per week system for emergency replacement of personal care aides.
 - ii) The Provider shall establish and submit to the Social Services District for review and approval a holiday coverage plan for the provision of services.
 - iii) Providers who are certified in accordance with Part 760 of 10 NYCRR, or licensed in accordance with Part 765 of 10 NYCRR, shall share with the Social Services District their plan for emergency and disaster preparedness prepared in accordance with Section 763.8 of 10 NYCRR and Section 766.5 of 10 NYCRR. Those agencies which are not required to be certified or licensed and are providing services exclusively under 18 NYCRR shall establish and submit to the Social Services District for its prior approval a plan for maintaining services in the event of an emergency, including snowstorms and power failures.
 - iv) The Provider shall promptly notify the client and the Social Services District when the Provider is unable to provide continuing

services in accordance with service authorization. The Provider shall make such emergency arrangements as shall be necessary to ensure that the safety of the client is not endangered by the inability of the Provider to provide the authorized services.

- c. The Provider shall notify the Social Services District when personal care services appear to be no longer appropriate. The Provider shall in no event terminate services to a client without the prior approval of the Social Services District.
- d. The Provider shall notify in writing all their employees that the personal care aides cannot cash checks, do banking or pay bills for the client without special written permission from the Social Services District. If such permission is granted, all such transactions shall be documented in writing.
- e. The personal care aide shall not directly or indirectly solicit any gift or accept any gift, whether in the form of money, services, loans, time off, telephone usage, travel or any other form.

18. Administrative Supervision

The Provider agrees to perform administrative supervision activities to assure that personal care services are provided as authorized by the case management agency. To assure that services are provided according to the level, amount, frequency and duration authorized, the Provider agrees to:

- a) Notify the case manager agency within 24 hours of the initial referral whether the agency accepts or rejects an assigned case. If the Provider accepts the client, the provider agency must notify the case management agency of the arrangements made to provide personal care services. If the Provider rejects the client, the Provider agrees to notify the case management agency of the reason for rejecting the referral.
- b) Assign a personal care aide(s) to the client which can meet his/her needs. In making such a determination, the Provider agrees to take the following into consideration:
 - i) the skills needed by the patient;
 - ii) the patient's cultural background, primary language, personal characteristics and geographic location; and
 - iii) the ability of the personal care aide to communicate with the patient or on the patient's behalf;
- c) Promptly provide a replacement when the assigned personal care aide:
 - i) is unavailable;
 - ii) does not work effectively with the patient or caregivers, or provides personal care services inappropriately or unsafely; or
 - iii) is not performing to the satisfaction of the client.
- d) Promptly notify the case management agency when the Provider is unable to maintain coverage including cases requiring service at night, weekends and holidays, or when there are questions regarding the adequacy of the authorized personal care services.
- e) Participate in, or arrange for, the orientation of persons providing personal care services to the employment policies and procedures of the agency;

- f) Evaluate, at a minimum annually, the overall job performance of persons providing personal care services;
- g) Check time cards for required documentation and maintain scheduling records and any other records necessary to fulfill required administration activities.

19. Provider Records

- a The Provider agrees to maintain books, records, documents and acceptable accounting procedures and practices which adequately reflect all direct and indirect costs of any nature expended in the performance of this Agreement. The Provider also agrees to collect and maintain program and statistical records as prescribed by and on forms furnished by the Social Services District and authorized by the State Department of Health.
- b The Provider agrees to retain all books, records, and other documents relevant to this Agreement for six (6) full years after final payment. Federal and/or State auditors and any persons duly authorized by the Social Services District shall have full access to and the right to examine any of said materials during said six (6) year period.
- c The Social Services District and the Provider shall observe and require the observance of applicable Federal and State requirements relating to confidentiality or records and information, and each agrees not to allow examination of records or disclose information, except for examination of records by the Social Services District and/or the State Department of Health, as may be necessary to assure that the purpose of the Agreement will be effectuated. The Social Services District also agrees that the physician's orders, the nursing and the social assessments will be maintained within their records provided that the District furnishes copies of such written documentation and information, including copies of the physician's orders and nursing assessment and access to its staff, as may be required by the State Department of Health or by the licensed Provider agency, to assure compliance with applicable statutes, rules and regulations.

20. Cooperative Agreements

The Provider agrees that it has notified or will notify the Social Services District and/or the State Department of Health of any affiliated entities with which it has direct or indirect cooperative agreements, contracts for services, or any other type of formal or informal arrangement whereby the costs and/or the amounts received in reimbursement for services rendered to recipients are shared among or transferred between the Provider and any other entity(ies); if the Provider makes any disbursement directly or indirectly to any entity receiving reimbursement from any governmental agency, the Social Services District and/or the State Department of Health shall also be notified.

21. Rates of Payment

The Social Services District shall reimburse the Provider at the rate(s) set forth by the State Department of Health and approved by the State Division of the Budget. Unless otherwise stated, the rate of payment set forth shall be the total gross amount of payment and no additional reimbursement to the Provider will be made for any subsidiary or other services supplementary or in addition to the terms herein set forth. The terms set forth on

the rate page appended hereto shall be made a part hereof and shall be incorporated herein.

22. Local Variations

Local variations, if any, shall be set forth in Appendix B, appended hereto, and shall be effective only if the terms and form of such variations do not conflict with the contents of this contract. The words and meaning of the terms in the main body shall be controlling to the exclusion of the local variations unless a separate executed Agreement between the State Department of Health and the Social Services District deliberately changes said effect and a copy of said Agreement is appended thereto.

23. Civil Rights Requirements

The Provider agrees to comply with the requirements of the United States Civil Rights Act of 1964 as amended, and Executive Order No. 11246 entitled "Equal Employment Opportunities," and the regulations issued pursuant thereto as shall be deemed to exist or to bind any of the parties hereto.

24. Non-Discrimination Requirements

The Provider agrees to observe and comply with the Federal regulations contained in 45 CFR 84 entitled "Non-discrimination on the Basis of Handicap; Programs and Activities Receiving or Benefiting from Federal Financial Assistance."

25. Effective Dates

This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any other parties hereto. Terms of this Agreement shall be effective beginning November 01, 2011 through October 31, 2012 and may be renewed agreeable to each party and completed prior to the end of the term of this Agreement.

26. Signatures

In Witness Whereof, the parties hereunto have signed and executed this Agreement on the date(s) indicated opposite their respective Signature.

Date: _____

Oneida County Executive: _____

Anthony J. Picente Jr., Oneida County Executive

Approved as to Form _____

Oneida County Attorney

Date: _____

Oneida County Department of Social Services: _____

Lucille A. Soldato, Commissioner

Date: 9/19/11

Agency: Cathie Lee's Home Health Care

Authorized Signature: Kathleen A. Douglas

Print Authorized Name: KATHLEEN A. DOUGLAS

Title: Administrator / Owner

eMedNY ID # 017 33893

APPENDIX A

The Parties to the attached contract further agree to be bound by the following, which are hereby made a part of said contract:

- I. This contract may not be assigned by the Provider or its right, title or interest therein assigned, transferred, conveyed, sublet or disposed of without the previous consent, in writing, of the State Department of Health.
- II. This contract shall be deemed executory only to the extent of money available to the State for the performance of the terms hereof and no liability on account thereof shall be incurred by the State of New York beyond moneys available for the purpose thereof.
- III. The Provider specifically agrees, as required by Labor Law, Sections 220 and 220-d, as amended that:
 - a) No laborer, workman or mechanic, in the employ of the Provider, subprovider or other person doing or contracting to do the whole or; any part of the work contemplated by the contract shall be permitted or required to work more than eight (8) hours in any one calendar day or more than five (5) days in any one week, except in the emergencies set forth in the Labor Law.
 - b) The wages paid for a legal day's work shall not be less than the prevailing rate of wages as defined by law.
 - c) The minimum hourly rate of wage to be paid shall not be less than that stated in the specifications, and any redetermination of the prevailing rate of wages after the contract is approved shall be deemed to be incorporated herein by reference as of the effective date of redetermination and shall form a part of these contract documents.
 1. The Labor Law provides that the contract may be forfeited and no sum paid for any work done thereunder on a second conviction for willfully paying less than;
 - a. The stipulated wage scale as provided in Labor Law, Section 220, subdivision 3, as amended, or
 - b. Less than the stipulated minimum hourly wage scale as provided in Labor Law, Section 220-d, as amended.
- IV. The Provider specifically agrees, as required by the provisions of the Labor Law, Section 220-e as amended, that:
 - a) In hiring of employees for the performance of work under this contract or any subcontract hereunder, or for the manufacture, sale or distribution of materials, equipment or supplies hereunder, no provider, subprovider nor any person acting on behalf of such provider or subprovider, shall by reason of race, creed, color, sex or national origin discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates.
 - b) No provider, subprovider, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for

the performance of work under this contract on account of race, creed, color, sex or national origin.

- c) There may be deducted from the amount payable to the provider by the State under this contract a penalty of fifty dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract.
- d) This contract may be canceled or terminated by the State or municipality and all moneys due or to become due hereunder may be forfeited for a second or any subsequent violation of the terms or conditions of the contract.
- e) The aforesaid provisions of this section covering every contract for or on behalf of the State or a municipality for the manufacture, sale or distribution of materials, equipment or supplies shall be limited to operations performed within the territorial limits of the State of New York.

V. During the performance of this contract, the contractor agrees as follows:

- a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status.
- b) If directed to do so by the Commissioner of Human Rights, the contractor will send to each labor union or representative of workers with which the contractor has or is bound by a collective bargaining or other agreement or understanding, a notice, to be provided by the State Commissioner of Human Rights, advising such labor union or representative or the provider's agreement under clauses (a) through (g) (hereinafter called "non-discrimination clauses"). If the contractor was directed to do so by the providing agency as part of the bid or negotiation of this contract, the provider shall request such labor union or representative to furnish a written statement that such labor union or representative will not discriminate because of race, creed, color, sex, national origin, age, disability or marital status, and that such labor union or representative will cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of these non-discrimination clauses and that it consents and agrees that recruitment, employment and the terms and conditions of employment under this contract shall be in accordance with the purposes and provisions of these non-discrimination clauses. If such labor union or representative fails or refuses to comply with such a request that it furnish such a statement, the provider shall promptly notify the State Commissioner of such failure of refusal.
- c) If directed to do so by the Commissioner of Human Rights, the provider will post and keep posted in conspicuous places, available to employees and applicants for employment, notices to be provided by the State Commissioner of Human Rights setting forth the substance of the provisions of clauses (a) and (b) and such provisions

of the State's laws against discrimination as the State Commissioner of Human Rights shall determine.

- d) The Provider will state, in all solicitations or advertisement for employees placed by or on behalf of the Provider, that all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, sex, national origin, age, disability, or marital status.
- e) The Provider will comply with the provisions of Sections 290-299 of the Executive Law and with the Civil Rights Law, will furnish all information and reports deemed necessary by the State Commissioner of Human Rights under these non-discriminatory clauses and such sections of the Executive Law, and will permit access to the provider's books, records and accounts by the State Commissioner of the purposes of investigation to ascertain compliance with these non-discrimination clauses and such sections of the Executive Law and Civil Rights Law.
- f) This contract may be forthwith canceled, terminated or suspended, in whole or in part, by the providing agency upon the basis of a finding made by the State Commissioner of Human Rights that the provider has not complied with these non-discrimination clauses, and the contractor may be declared ineligible for future contracts made by or on behalf of the State or public authority or agency of the State, until the Provider satisfies the State Commissioner of Human Rights that the Provider has established and is carrying out a program in conformity with the provisions of these not-discrimination clauses. Such finding shall be made by the State Commissioner of Human Rights after conciliation efforts by the Commissioner have failed to achieve compliance with these non-discrimination clauses and after a verified complaint has been filed with the Commissioner, notice thereof has been given to the provider and an opportunity has been afforded the provider to be heard publicly in accordance with the Executive Law. Such sanctions may be imposed and remedies invoked independently of or in addition to sanctions and remedies otherwise provided by Law.
- g) The provider will include the provisions of clauses (a) through (f) in every subcontract or purchase order in such a manner that such provisions will be binding upon each subprovider or vendor as to operations to be performed within the State of New York. The Provider will take such action in enforcing such provisions of such subcontract or purchase order as the State Commissioner of Human Rights or the providing agency may direct, including sanctions or remedies for non-compliance: If the contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the State Commissioner of Human Services of the providing agency, the Provider shall promptly so

notify the Attorney General, requesting the Attorney General to intervene and protect the interests of the State of New York.

- VI. The agreement shall be void and of no force and effect unless the provider shall provide coverage for the benefit of, and keep covered during the life of this agreement, such employees as are required to be covered by the provisions of the Worker's Compensation Law.
- VII. In accordance with Section 200-f of the Labor Law and Section 139-h of the State Finance Law and the regulations of the Comptroller of the State of New York promulgated thereunder, the provider agrees, as a material condition of the contract:
 - a) That neither the provider nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the provisions of the United States Export Administration Act of 1969, as amended, or the Export Administration Act of 1979, as amended, or the regulations of the United States Department of Commerce promulgated thereunder;
 - b) That if the Provider or any substantially owned or affiliated person, firm, partnership or corporation has been convicted or subjected to a final determination by the United States Commerce or any other appropriate agency of the United States of a violation of the United States Export Administration Act of 1969, as amended, or the Export Administration Act of 1979, as amended, or the regulations of the United States Department of Commerce promulgated thereunder, the contractor shall notify the Comptroller of such conviction or determination in the manner prescribed by the Comptroller's regulations.

APPENDIX B

(Local Variations)

The New York State Department of Social Services has assumed full responsibility for setting home care services rates for Medicaid eligible clients.

Oneida County Department of Social Services agrees to make payment to Cathie Lee's Home Health Care at the reimbursable rate established by the New York State Department of Health.

APPENDIX C

AGREEMENT BETWEEN A LOCAL DEPARTMENT OF SOCIAL SERVICES AND
A CONTRACTING AGENCY FOR PERSONAL CARE SERVICES (PRUSUANT TO
TITLE 11
OF ARTICLE 5 OF THE NEW YORK STATE SOCIAL SERVICES LAW)
(FOR TITLE XIX SERVICES ONLY)

Between:

Oneida County Department of Social Services
(Social Services District)

and:

Cathie Lee's Home Health Care
(Provider)

Nursing Supervision

WHEREAS, as agreement has been or is simultaneously being executed between the parties hereto for the provision of home health care and personal care services; and,

WHEREAS, nursing supervision for personal care may be provided by a registered nurse who is an employee of a voluntary or proprietary agency pursuant to 18 NYCRR, and

WHEREAS, the Provider(s) herein represent(s) that he, she, it or they will provide said nursing supervision services as authorized pursuant to applicable state law and which are eligible for reimbursement thereto.

NOW, THEREFORE, the parties signing and executing this instrument do, in consideration of the above, covenant and agree as follows:

- A. All the terms and conditions contained in the agreement to which this addendum is appended shall continue in effect and the terms and conditions in this addendum are to be supplementary and subordinate therein.
- B. The Provider(s) agree(s) to provide nursing supervision for personal care as defined in New York State Department of Health If requested by the local Social Services District, the Provider agrees to provide nursing supervision for personal care as defined in 18 NYCRR for services rendered to recipients of medical assistance (Medicaid), as defined in Title 11 of Article 5 of New York State Social Services Law if requested to provide said services by a social services district subject to the conditions set forth in the regulations of the New York State Department of Health; said nursing supervision services shall be rendered subject to the same terms and conditions set forth for personal care services in the Agreement to which this addendum is appended.
 - a. All the terms and conditions contained in the agreement to which this addendum is appended shall continue in effect and the terms and conditions in this addendum are to be supplementary and subordinate thereto.
 - b. The Provider(s) agree(s) to provide nursing supervision for personal care as defined in 18 NYCRR for services rendered to recipients of medical assistance (Medicaid), as defined in Title 11 of Article 5 of the New York State Social Services law, if requested to provide said services by a social services district subject to the conditions set forth in the regulations of the New York State Department of Health; said nursing supervision services shall be rendered subject to the same terms and conditions set forth for personal care services in the agreement to which this addendum is appended.

- c. The Provider(s) agree(s) that all nursing supervision services performed under its direction shall be performed by a registered nurse who possesses the qualifications required by New York State Department of Health and/or any other state or federal law and/or regulations; all persons rendering such nursing supervision services shall be employees of the Provider in accordance with the New York State Department of Health requirements.
- d. The Social Services District shall reimburse the Provider at the rate(s) set forth by the New York State Department of Health and approved by the state Division of Budget. Unless otherwise stated, the rate of payment set forth shall be the total gross amount of payment, and no additional reimbursement to the Provider will be made for any subsidiary or other services supplementary or in addition to the terms herein set forth. The terms set forth on the rate page appended hereto shall be made a part hereof and shall be incorporated herein.
- e. This addendum shall be valid and binding for the time period set forth in the agreement to which this addendum is appended unless a shorter period of effectiveness is set forth below:

From (date):

To:

- f. This addendum contains all the additional terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understandings, oral or otherwise, exist regarding the subject matter of this agreement, shall be deemed to exist or bind any of the parties hereto, and any amendments, modifications, or revisions shall be subject to the terms and/or conditions set forth in the agreement to which this addendum is appended.

IN WITNESS WHEREOF, the parties hereunto have signed and executed this agreement on the date(s) indicated opposite their respective signatures. This addendum shall be valid and binding for the time period set forth in the Agreement to which the addendum is appended.

DATE: _____

For the Oneida County
Department of Social Services: _____
Lucille A. Soldato, Commissioner

DATE: 9/19/11

For: _____ Cathie Lee's Home Health Care
(Provider)

Authorized Signature: Kathleen A. Douglas

Print name and Title: KATHLEEN A. Douglas
Owner/Administrator

CERTIFICATION REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification included in the regulations before completing the form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-Procurement) and Government-Wide Requirements for Drug-Free Workplace (Grants)." The certificate shall be treated as a material representation of fact upon which reliance will be placed when the Department of Labor determines to award the covered transaction grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code and implemented at 34 CFR Part 82 for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Section 82.105 and 82.110, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal Grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
- (b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form 111 "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarments and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 83.105 and 85.110;

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contracts under a public transaction, violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicated or otherwise criminally or civilly charged by a Government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph A (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. The applicant that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace;
2. The grantee's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance program; and
4. The penalties that may be imposed upon employee for drug abuse violation occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that as a condition of employment under the grant, the employee will-

1. Abide by the terms of the statement and;
2. Notifying the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing within 10 calendar days after having received notice under subparagraph (d)(2) from an employee or otherwise receiving actual police of such conviction. Employers of convicted employees must provide notice, including position title, to : Director Grants Management Bureau, State Office Building Campus, Albany, New York 12240. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following action, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the Requirements of the Rehabilitation Act of 1973, as amended; or
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a),(b),(c),(d),(e),(f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (street, address, city, county, state, zip code).

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace act of 1988, and implemented at 34 CFR Part 85, Subpart F. for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Management Bureau, State Office Building Campus, Albany, NY 12240. Notice shall include the identification number(s) of each affected grant.

Check if there are workplaces on file that are not identified here.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Kathleen A. Douglas
NAME OF APPLICANT (GRANTEE/SUBGRANTEE)

KATHLEEN A. Douglas Owner/Administrator
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Kathleen A. Douglas
SIGNATURE

9/19/11
DATE

ONEIDA COUNTY HEALTH DEPARTMENT

A *Adirondack Bank* Building, 5th Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PhD, MPH, CHES
DIRECTOR OF HEALTH

ADMINISTRATION

Phone: (315) 798-6400 • Fax: (315) 266-6138

FN 20 11-300



October 12, 2011

Anthony J. Picente, Jr.
Oneida County Executive
800 Park Avenue
Utica, New York 13501

PUBLIC HEALTH

WAYS & MEANS

Dear Mr. Picente:

Attached are five (5) copies of a grant from Health Research, Inc. and Oneida County through its Health Department for the provision of public health emergency preparedness.

The purpose of this grant is to provide the Health Department with tools to prepare and plan for public health emergencies by working with local emergency and community partners to meet emergency needs should an emergent event occur. The term of this agreement shall become effective on August 10, 2011 and remain in effect through August 9, 2012 with reimbursement to Oneida County in the amount of \$133,756. This grant is 100% federally funded.

If this grant meets with your approval, please forward to the Board of Legislators.

This grant is being submitted for your approval after the commencement date due to the grant being received on October 7, 2011.

Feel free to contact me at 798-5220 should you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Gayle D. Jones".

Gayle D. Jones, PhD., MPH, CHES
Director of Health

attachments
ry

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

A handwritten signature in black ink, appearing to read "Anthony J. Picente, Jr.". Below the signature is a horizontal line.

Anthony J. Picente, Jr.
County Executive
Date 10/24/11

CONTRACT SUMMARY SHEET - ONEIDA COUNTY HEALTH DEPARTMENT

DIVISION: Administration

Contract Number: 1577-09

HRI Grant Number: 15-0073-12

NAME AND ADDRESS OF VENDOR: Heather Elden, Contract Administrator
Health Research Inc.
150 Broadway, Suite 560
Menands, New York 12204

VENDOR CONTACT PERSON: Lisa Worden

SUMMARY STATEMENTS: This grant provides the tools to prepare and plan for public health emergency preparedness by working with local emergency partners, to collaborate with community partners to plan and advocate rebuilding community recovery, coordinate emergency operations, develop/coordinate emergency public information, coordinate fatality management, conduct multijurisdictional, multidisciplinary exchange of health related information and situational awareness data among federal, state, local, territorial, and tribal levels of government, and the private sector, coordinate mass care with partner agencies addressing the public health, medical and mental/behavioral health needs, provide medical countermeasures to include vaccines, antiviral drugs, antibiotics, antitoxin, etc., acquire and maintain medical material and distribution, provide adequate medical evaluation and care during events exceeding limits of normal infrastructure of an affected community, recommend non-pharmaceutical interventions, conduct rapid public health laboratory testing, create, maintain, support public health surveillance and epidemiological investigation, protect public health agency staff responding to an incident and to support health and safety needs of hospital and medical facility personnel, coordinate volunteer management.

PREVIOUS CONTRACT YEAR: August 10, 2010 through August 9, 2011

TOTAL: \$100,000

THIS CONTRACT YEAR: August 10, 2011 through August 9, 2012

TOTAL: \$133,756

_____ **NEW** X **RENEWAL** _____ **AMENDMENT**

FUNDING SOURCE: A3481 Grant Award

Less Revenues:	_____	
State Funds: (Health Research, Inc.)		\$ 133,756
County Dollars – Previous Grant		\$ -0-
County Dollars – This Grant		\$ -0-

SIGNATURE: Gayle D. Jones, PhD., MPH, CHES Director of Health

DATE: October 12, 2011

AGREEMENT

This Agreement, made this 30th day of Sept, 2011 by and between HEALTH RESEARCH, INC., with offices located at Riverview Center, 150 Broadway, Ste. 560, Menands, NY 12204, hereinafter referred to as "HRI, a domestic not-for profit corporation, and

Oneida County Department of Health
185 Genesee St.
Adirondack Bank Building
Utica, NY 13501 hereinafter referred to as the "Contractor"
(a(n) State/Local Government

WITNESSETH

WHEREAS, HRI has been awarded a grant from the Center Disease Control Prevent, hereinafter referred to as the "Project Sponsor" under grant/contract number 2U90TP21698811, hereinafter referred to as "Sponsor Reference"; and,

WHEREAS, part of the overall project involves the following:

Public Health Emergency Preparedness Program

WHEREAS, the Contractor has represented to HRI that it is knowledgeable, qualified, and experienced in the skill(s) required for this project, and that it is willing and capable of performing the services required hereunder

Now therefore, in consideration of the promises and mutual covenants herein, the parties hereto agree as follows:

Definitions: Throughout this Agreement, the following terms shall have the following definitions:

"Contract Start Date": 08/10/2011

"Contract End Date": 08/09/2012

"Total Contract Amount": \$133,756 "Maximum Reimbursable Amount": \$42,627

"HRI Project Director": Birkhead, Dr. Guthrie

"Required Voucher Frequency": Monthly

"HRI Contract Number": 1577-09

"Catalog of Federal Domestic Assistance Number": 93.069 ("This contract is "Federally" funded.")

"Budget Flexibility Percentage": 25 % Percent of Total - Cumulative re-budget among categories is allowed by this percentage of the Total Contract Amount, or \$250,000, whichever is less

Attachments / Exhibits: The following are hereby incorporated and made a part of this Agreement:

Exhibit A - "Scope of Work"

Exhibit B - "Budget"

Exhibit C - Reporting/Vouchering Instructions

Attachment A - "General Conditions for HRI Contracts"

Attachment B - "Program Specific Clauses" (if checked) [X]

Attachment C - "Modifications to General Conditions and/or Program Specific Clauses" (if checked) []

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto as of the date first above set forth.

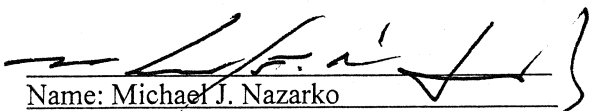
Health Research, Inc.

Oneida County Department of Health

Federal ID: 15-6000460-

Approved as to Form Only
Assistant County Attorney

By: _____
Brian M. Miga
Assistant County Attorney


Name: Michael J. Nazarko
Title: Executive Director

Name: Anthony J. Picante, Jr.
Title: Oneida County Executive

**NYSDOH Office of Health Emergency Preparedness
Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)**

M-4	Counties with International and/or Tribal Nation borders are to continue to participate in cross-border health emergency preparedness planning. <i>(CAP#1 Resource Elements: All as they apply to local planning)</i>		Activity update due annually	4 th
M-11	Ensure that at least one (1) staff can act as the Agency Administrator (training available by request) for the Learning Management System (LMS). <i>(In General – CAP#1)</i>		Activity update due annually	4 th
M-16	Conduct a community engagement activity to solicit public input on planned health emergency preparedness strategies. <i>(CAP #1: Function 1-P2)</i>		Activity update due annually	4 th
M-17	When appropriate, participate in Biohazard Detection System (BDS)/Autonomous Detection System (ADS) planning, response, and notification drills and exercises with neighboring counties, the NYSDOH Regional Office, the United States Postal Service/United States Postal Inspection Service, and/or private companies and entities. <i>(Generally relates to CAP #1 and CAP #13)</i>		Activity update due annually	4 th

CAPABILITY 2: COMMUNITY RECOVERY

Definition:

Community recovery² is the ability to collaborate with community partners, (e.g., healthcare organizations, business, education, and emergency management) to plan and advocate for the rebuilding of public health, medical, and mental/behavioral health systems to at least a level of functioning comparable to pre-incident levels, and improved levels where possible.

FUNCTIONS: *(CURRENTLY THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)*

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF COMMUNITY RECOVERY³](#)

Function 1: Identify and monitor public health, medical, and mental/behavioral health system recovery needs

Function 2: Coordinate community public health, medical, and mental/behavioral health system recovery operations

Function 3: Implement corrective actions to mitigate damages from future incidents

CAPABILITY 3: EMERGENCY OPERATIONS COORDINATION

Definition:

Emergency operations coordination is the ability to direct and support an event or incident with public health or medical implications by establishing a standardized, scalable system of oversight, organization, and supervision consistent with jurisdictional standards and practices and with the National Incident Management System (NIMS)

FUNCTIONS AND ASSOCIATED CDC PERFORMANCE MEASURES:

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF EMERGENCY OPERATIONS COORDINATION⁴](#)

Function 1: Conduct preliminary assessment to determine need for public activation

Function 2: Activate public health emergency operations

CDC Performance Measure: Time for pre-identified staff covering activated public health agency incident management lead roles (or equivalent lead roles) to report for immediate duty. Performance Target: 60 minutes or less.

² This capability supports National Health Security Strategy Objective 8: Incorporate Post-Incident Health Recovery into Planning and Response. Post-incident recovery of the public health, medical and mental/behavioral health services and systems within a jurisdiction is critical for health security and requires collaboration and advocacy by the public health agency for the restoration of services, providers, facilities, and infrastructure within the public health, medical, and human services sectors. Monitoring the public health, medical and mental/behavioral health infrastructure is an essential public health service.

³ <http://www.cdc.gov/php/capabilities/capability2.pdf>

⁴ <http://www.cdc.gov/php/capabilities/capability3.pdf>

Exhibit A

NYSDOH Office of Health Emergency Preparedness
Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)

Function 3: Develop incident response strategy <i>CDC Performance Measure: Production of the approved Incident Action Plan before the start of the second operational period</i>			
Function 4: Manage and sustain the public health response <i>Function 5: Demobilize and evaluate public health emergency operations</i> <i>CDC Performance Measure: Time to complete a draft of an After Action Report and Improvement Plan Function 1: Identify and monitor public health, medical, and mental/behavioral health system recovery needs</i>			
Deliverables:			
L-3	Participate (in person or via webinar) in one (1) Regional Meeting (Review of Exercise AARs, Office Health Systems Management [OHSM] Notification Algorithm, SNS request process, Partnership Exercise kickoff, and Mass Fatality Planning). <i>(Multiple capabilities: CAP#3, 4, 5, 6, 8)</i>	Guidance Document(s) Announcement	Elements of Completion Participation Qtr Due 1 st
M-3	Respond to emergency operations to provide the public health support required to respond to the event. <i>(CAP#3 Resource Elements: ALL as they apply to local planning)</i>		Activity update due annually After Action Report (AAR) Submission 4 th
M-9	Ensure that appropriate staff and/or public health employees with emergency response roles are appropriately trained (ICS 100 (IS-100.b), ICS 200 (IS-200), IS 700.a, IS 800.b, IS-701a: NIMS Multi agency Coordination System, IS-702a: NIMS Public Information System, IS-703a: NIMS Resource Management, and IS-704: NIMS Communication and Information Management) and compliant with NIMS through participation in regional, jurisdictional and/or State NIMS training(s) and other NIMS related activities. <i>(CAP #3: Function 1 –S1; Function 2 –S1; Function 3-S1; Function 4-S3; Function 5-S1)</i>	Links in text of deliverable lead to the Learning Management System (LMS) to allow LHDs to be able to create learner records. Additional links provided in footnotes	Activity update due annually 4 th
M-10	Ensure that at least one* staff is trained in the Homeland Security Exercise and Evaluation Program (HSEEP). <i>* It is recommended that multiple LHD staff be HSEEP trained.</i> <i>(CAP #3 Resource Elements: Function 5 – P2)</i>		Activity update due annually 4 th
M-13	Submit Homeland Security Exercise and Evaluation Program (HSEEP) compliant After Action Reports (AAR) and Improvement Plans electronically to NYSDOH Regional Offices within 60 days after an exercise or the deactivation of the local EOC after a real event. If the AAR is written after a real event, it should address the local public health emergency response. Re-test resubmit AAR at least one (1) area identified for improvement in a previous submitted AAR (GY 7, GY 8, GY 9, GY 10, and GY 10 Extended) by August 9, 2012. <i>(CAP #3 Function 5 – P2)</i>	HSEEP Toolkit https://hseep.dhs.gov/pages/1001/HSEEP7.aspx	Activity update due annually AAR Submission 4 th
CAPABILITY 4: EMERGENCY PUBLIC INFORMATION & WARNING			
Definition: Emergency public information and warning is the ability to develop, coordinate, and disseminate information, alerts, warnings, and notifications to the public and incident management responders.			
FUNCTIONS AND ASSOCIATED CDC PERFORMANCE MEASURES:			
Function 1: Activate the emergency public information system		CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF EMERGENCY PUBLIC INFORMATION & WARNING ⁵	

⁵ <http://www.cdc.gov/phar/capabilities/capability4.pdf>

NYSDOH Office of Health Emergency Preparedness
Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)

CAPABILITY 6: INFORMATION SHARING

Definition:

Information sharing is the ability to conduct multijurisdictional, multidisciplinary exchange of health-related information and situational awareness data among federal, state, local, territorial, and tribal levels of government, and the private sector. This capability includes the routine sharing of information as well as issuing of public health alerts to federal, state, local, territorial, and tribal levels of government and the private sector in preparation for, and in response to, events or incidents of public health significance.

FUNCTIONS: (CURRENTLY THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF INFORMATION SHARING](#)⁷

Function 1: Identify stakeholders to be incorporated into information flow

Function 2: Identify and develop rules and data elements for sharing

Function 3: Exchange information to determine a common operating picture

Deliverables:	Guidance Document(s)	Elements of Completion	Qtr Due
L-6 Ensure a minimum of two (2) staff participate in one (1) webinar course on the new Health Emergency Response Data System Version 3 (HERDS 3). (CAP #6 – general)	Training Schedule	Participation	2 nd
L-10 Participate in the NYSDOH sponsored cascading notification system. (CAP#4 Resource Elements: Function 1 - E3; CAP #6 Function 1 - P2, Function 3 - P1, E1, E2, E3)	Exercise Participation Guidance Reporting Template (TBD)	Participation IHANS Report Reporting Template (TBD)	3 rd
M-23 Use and maintain the HCS Communications Directory for source role and contact information for Health Emergency Preparedness. (CAP #6: Function 1-P2, E1, E2)		Activity update due annually	4 th
M-24 Maintain a cadre of staff certified in the use of the NYSDOH Integrated Health Alert Notification System (IHANS). (CAP #6: Function 1-E1, E2, Function 3-P1)		Activity update due annually	4 th
M-25 Ensure that the LHD maintains primary, secondary, and wireless modes of communications to ensure connectivity to HCS and communication both during emergencies. Services may include, but are not limited to: internet and non-internet connectivity to HCS, WPS, TSP and GETS services, wireless portable and emergency communications devices and services for key response LHD roles (to include: Commissioner/ Public Health Director; Public Health Preparedness Primary Contact, Communicable Disease Director, Environmental Health Director, and Laboratory Director where these roles exist). (CAP #6: Function 1-P2, E1, E2; Function 3-P7, E1, E2, E3)			

⁷ <http://www.cdc.gov/ohpr/capabilities/capability6.pdf>

NYSDOH Office of Health Emergency Preparedness
 Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)

CAPABILITY 9: MEDICAL MATERIEL MANAGEMENT & DISTRIBUTION

Definition:

Medical materiel management and distribution is the ability to acquire, maintain (e.g., cold chain storage or other storage protocol), transport, distribute, and track medical materiel (e.g., pharmaceuticals, gloves, masks, and ventilators) during an incident and to recover and account for unused medical materiel, as necessary, after an incident.

FUNCTIONS AND ASSOCIATED CDC PERFORMANCE MEASURES:

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF MEDICAL MATERIEL MANAGEMENT & DISTRIBUTION](#)¹⁰

Function 1: Direct and activate medical materiel management and distribution

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

Function 2: Acquire medical materiel

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

Function 3: Maintain updated inventory management and reporting system

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

Function 4: Establish and maintain security

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

Function 5: Distribute medical materiel

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

Function 6: Recover medical materiel and demobilize distribution operations

CDC Performance Measure: Composite performance indicator from the Division of Strategic National Stockpile in CDC's Office of Public Health Preparedness and Response

CAPABILITY 10: MEDICAL SURGE

Definition:

Medical surge is the ability to provide adequate medical evaluation and care during events that exceed the limits of the normal medical infrastructure of an affected community. It encompasses the ability of the healthcare system to survive a hazard impact and maintain or rapidly recover operations that were compromised.

FUNCTIONS: (CURRENTLY THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF MEDICAL SURGE](#)¹¹

Function 1: Assess the nature and scope of the incident

Function 2: Support activation of medical surge

Function 3: Support jurisdictional medical surge operations

Function 4: Support demobilization of medical surge operations

Deliverables:

Deliverables:	Guidance Document(s)	Elements of Completion	Qtr Due
M-26		Continue to collaborate with State, Local, and healthcare/hospital partners in the development of plans and drills/exercises that address public health and hospital surge capacity. Participate in Regional Resource Center's (RRC) meetings and activities. (CAP#10: Function 1-P4, P5, P6, Function 2-P2, P3, 15)	Activity update due annually 4 th

¹⁰ <http://www.cdc.gov/phpr/capabilities/capability9.pdf>

¹¹ <http://www.cdc.gov/phpr/capabilities/capability10.pdf>

NYSDOH Office of Health Emergency Preparedness
 Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)

CAPABILITY 11: NON-PHARMACEUTICAL INTERVENTIONS

Definition:

Non-pharmaceutical interventions are the ability to recommend to the applicable lead agency (if not public health) and implement, if applicable, strategies for disease, injury, and exposure control. Strategies include the following:

- Isolation and quarantine
- Restrictions on movement and travel advisory/warnings
- Social distancing
- External decontamination
- Hygiene
- Precautionary protective behaviors

FUNCTIONS: (CURRENTLY THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)

CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF NON-PHARMACEUTICAL INTERVENTIONS¹²

Function 1: Engage partners and identify factors that impact non-pharmaceutical interventions

Function 2: Determine non-pharmaceutical interventions

Function 3: Implement non-pharmaceutical interventions

Function 4: Monitor non-pharmaceutical interventions

CAPABILITY 12: PUBLIC HEALTH LABORATORY TESTING

Definition:

Public health laboratory testing is the ability to conduct rapid and conventional detection, characterization, confirmatory testing, data reporting, investigative support, and laboratory networking to address actual or potential exposure to all-hazards. Hazards include chemical, radiological, and biological agents in multiple matrices that may include clinical samples, food, and environmental samples (e.g., water, air, and soil). This capability supports routine surveillance, including pre-event or pre-incident and post-exposure activities.

FUNCTIONS AND ASSOCIATED CDC PERFORMANCE MEASURES:

CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF PUBLIC HEALTH LABORATORY TESTING¹³

Function 1: Manage laboratory activities

CDC Performance Measure: Time for sentinel clinical laboratories to acknowledge receipt of an urgent message from the CDC Public Health Emergency Preparedness (PHEP)-funded Laboratory Response Network biological (LRN-B) laboratory

CDC Performance Measure: Time for initial laboratorian to report for duty at the CDC PHEP-funded laboratory

Function 2: Perform sample management

CDC Performance Measure: Percentage of Laboratory Response Network (LRN) clinical specimens without any adverse quality assurance events received at the CDC PHEP-funded LRN-B laboratory for confirmation or rule-out testing from sentinel clinical laboratories

CDC Performance Measure: Percentage of LRN non-clinical samples without any adverse quality assurance events received at the CDC PHEP-funded LRN-B laboratory for confirmation or rule-out testing from first responders

CDC Performance Measure: Ability of the CDC PHEP-funded Laboratory Response Network chemical (LRN-C) laboratories to collect relevant samples for clinical chemical analysis, package, and ship those samples

¹² <http://www.cdc.gov/phpr/capabilities/capability11.pdf>

¹³ <http://www.cdc.gov/phpr/capabilities/capability12.pdf>

Exhibit A

NYSDOH Office of Health Emergency Preparedness
 Local Health Department (LHD) Deliverable Coordination Tool (2011-2012)

<p>M-20</p> <p>Routinely investigate and report communicable disease in a timely manner, including but not limited to the following activities:</p> <ul style="list-style-type: none"> • Monitor, on at least a weekly basis, output from the EDSurv • During urgent outbreaks, monitor at least daily, emails, faxes, and Health Commerce System (HCS) web pages, resources and applications, such as the Executive Dashboard and all health emergency preparedness applications (HERDS for hospitals, nursing homes, LHDS) • Use of case investigation forms and appropriate supplemental, contact tracing forms, case definitions and other surveillance tools such as CDESS, ECLRS and the EDSurv provided by the NYSDOH to ensure statewide consistency. • Respond to reports of unusual illnesses in animals or illnesses in animals associated with concurrent human illness. <p>(CAP#13 Resource Elements: Function 1- P2, P3, P4, P6; Function 2-ALL; Function 3-ALL; Function 4-ALL)</p>		<p>Activity update due annually</p>	<p>4th</p>
<p>CAPABILITY 14: RESPONDER SAFETY & HEALTH</p>			
<p>Definition: The responder safety and health capability describes the ability to protect public health agency staff responding to an incident and the ability to support the health and safety needs of hospital and medical facility personnel, if requested.</p>			
<p>FUNCTIONS: (THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)</p>			
<p>Function 1: Identify responder safety and health risks</p>			
<p>Function 2: Identify safety and personal protective needs</p>			
<p>Function 3: Coordinate with partners to facilitate risk-specific safety and health training</p>			
<p>Function 4: Monitor responder safety and health actions</p>			

CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF RESPONDER SAFETY & HEALTH ¹⁵

¹⁵ <http://www.cdc.gov/php/capabilities/capability14.pdf>

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CAPABILITY 15: VOLUNTEER MANAGEMENT

Definition: Volunteer management is the ability to coordinate the identification, recruitment, registration, credential verification, training, and engagement of volunteers to support the jurisdictional public health agency's response to incidents of public health significance.

FUNCTIONS: (CURRENTLY THERE ARE NO CDC PERFORMANCE MEASURES FOR THIS CAPABILITY)

[CLICK HERE TO LINK TO CDC FOR FULL DETAIL OF VOLUNTEER MANAGEMENT](#)¹⁶

Function 1: Coordinate volunteers

Function 2: Notify volunteers

Function 3: Organize, assemble, and dispatch volunteers

Function 4: Demobilize volunteers

Deliverables:	Guidance Document(s)	Elements of Completion	Qtr Due
L-8	VMS Incident Response Tool Training L-8 Deliverable Guidance	Narrative/Feedback on quarterly report	4 th Qtr
L-9		Report	3 rd Qtr
M-5			4 th Qtr
MAINTENANCE DELIVERABLES THAT SUPPORT ALL CAPABILITIES			
Deliverables:	Guidance Document(s)	Elements of Completion	Qtr Due
M-7	Individual Announcements will be issued for various trainings, as well as listed on the Learning Management System (LMS)		4 th Qtr
M-22			

When required, complete surveys (using the LHD HERDS [CoSUR] or other templates and tools available on the HCS or provided by NYSDOH that support CDC PHEP progress reports, performance measures, and other health emergency preparedness activities within deadlines set by NYSDOH.

¹⁶ <http://www.cdc.gov/phpr/capabilities/capability15.pdf>

BUDGET ELABORATION

Salaries/Personnel

\$42,423

NOTE: Prohibition on Supplanting of Funds – Per HHS guidance “Cooperative agreement funds under this program may not be used to replace or supplant any current state or local expenditures of the Public Health Service Act.”

Position Title/Incumbent Name(s)	Annual Salary			Amount Requested
List only those positions funded on this contract. If salary for position will change during the contract period, use additional lines to show salary levels for each period of time.	Salary for 12 months, regardless of funding source	# of months or pay periods funded on this contract	% of effort funded by this contract	Annual Salary divided by 12 times # of months times % of effort
Program Analyst/Lisa Worden	\$51,632	26 PP	30%	\$15,490
Data Processing Clerk/Michelle Edic	\$22,186	26 PP	100%	\$22,186
Public Education Coordinator/Ken Fanelli	\$47,474	26 PP	10%	\$4,747

Position Descriptions:

For each position listed above, provide a brief description of the duties supported by this contract.

Name, Title: Michelle Edic, Data Processing Clerk

Contract Duties: Incumbent performs selected information verifying skills for quality assurance and accuracy. They also process data/information regarding ECLRS, CDESS, and syndromic surveillance. This individual works closely with the Director of Clinical Services and staff of the department's Communicable Disease Program. This person helps the Public Health Planner and Public Health Educator deliver BT-Related teleconferences, workshops, and other educational functions.

NYSDOH Note: The Data Processing Clerk effort partially funded by Homeland Security grant funds was eliminated in 2011-12. This position is being reassigned 100% to this grant. This position was always supported 100% by grant funding and was approved by the Oneida County Board of Legislators with the stipulation that it would be eliminated if funding ended or if the position were no longer fully grant funded.

Name, Title: Lisa Worden, Program Analyst

Contract Duties: The incumbent will assist in the coordination of emergency preparedness activities within the Department and with other local community agencies and providers in the development of emergency action plans to address various public health emergencies. The incumbent will assist in the implementation and reporting of grant deliverables and participate in drills and exercises to gauge success in the implementation of various plans, submission of After Action Reports with deficiencies and timeframes for their correction. The incumbent will participate in the preparation and management of grant budget and funds to meet grant deliverables

Name, Title: Ken Fanelli, Public Education Coordinator

Contract Duties: This employee works under the general direction of the Director of Public Health, and is the Public Information Officer (PIO) for the department, and will be the spokesperson for the media; develop risk communication messages during “outbreaks” and other health emergencies; participate in exercises/drills during which the incumbent will develop and disseminate information for the public regarding activities being performed by the OCHD to mitigate the incident, and what the public can do to best protect their health.

Equipment**\$6,000**

Health Research, Inc. (HRI) defines "equipment" as computers and other electronic devices with a unit cost of \$500 or more, and all other items with a unit cost of \$1,000 or more. Your institution will likely have similar thresholds to differentiate "equipment" from "supplies" and these thresholds may be higher or lower than those set by HRI. For the purpose of this contract, please utilize whichever threshold is lower. Each item in the Equipment category will require a copy of the invoice, proof of payment (check # and date) and equipment serial numbers when submitting vouchers for reimbursement. NOTE: Any single item priced at \$25,000 or more will require three quotes and prior approval. All equipment purchased must be inventoried on the attached form.

Amount	Item	Justification
\$6,000	4 Dell Tablet PCs	Tablet PCs for outdoor or drive-through PODs and other mobile and B/T field activities that require ease of forms-based input and stylus navigation. Need for a light, portable and durable PCs for data entry staff to use in POD registrations at outdoor and drive through mass vaccinations. Estimated at \$1500 each.

Miscellaneous**\$23,448**

Funds may be used to support program-related miscellaneous costs. All services must be provided within the contract period (services provided prior to the beginning or after the end date of the contract are not allowable costs for reimbursement). All food/refreshment costs must comply with the Health Emergency Preparedness Program (HEPP) Meeting Expense Reimbursement Guidelines. When vouchering for refreshment expenses, please provide the event name, date, length of meeting, and number of attendees in the notes section.

Amount	Item	Justification
\$2,544	Cell Phones	For rental of four blackberry cell phones for key OCHD PHEP staff for 24/7 emergency access and Internet connectivity. (approx \$53 mon X 4 phones x 12 months)
\$2,669	IP Connection	Maintenance costs of videoconferencing equipment located at 406 Elizabeth St. (\$222.45 per month). Videoconferencing capability is maintained for as alternate communications with other Health Department's and healthcare providers. Maintenance of this T-1 line is critical as the phone lines for 406 Elizabeth Street also run over this T-1 line.
\$235	Laptop Encryption Software	\$14.70 per year maintenance for each PHEP designated laptop (16). Encryption enhances security of these laptops and protects sensitive emergency planning and/or client information (e.g., PODs, Clinics)
\$2,880	Air Cards	Recurring costs of air cards and/or MiFis for laptops to ensure remote and wireless access to Internet and HIN after hours and during PODs, Flu Clinics and other public health emergency activities (approx \$40 per month X 6 cards x 12 months)
\$3,000	Refreshments	Food/Refreshment Costs (not to exceed 15.00 per person). Refreshments for emergency planning and community engagement meetings and for staff/volunteers at emergency response events including PODs and mass vaccination clinics
\$6,300	Advertising & Marketing	PHEP marketing and advertising costs for emergency preparedness education and awareness (e.g. radio, television, newspaper, billboard, bus advertising)
\$3,000	Printing	In house and professional printing of signs, posters, and other PHEP educational materials for community distribution, handouts, and meeting materials at Clinics, PODs, CHERP (County Health Emergency Response and Preparedness) meetings and community engagement activities.
\$2,700	Flu Pre-registration Software	Renewal fee for flu registration software license for pre-planning for mass vaccinations. \$1,500 for the licensing fee and \$1,200 for the hosting for the year
\$120	Texting capability	Texting capability for 2 on cal/after hour cell phones for Clinical Services Division (approx \$5 per month)

Name of Consultant: Susan Blatt, MD

\$3,060

Organizational Affiliation: Private Practice

Period of Performance: August 10, 2011 – August 9, 2012

Nature of Services to be Rendered: Medical consultation regarding emergency response and preparedness planning and implementation. This includes assisting in the development and/or review of PHEP documents with a medical component, developing materials for the medical community, participating in presentations to health care providers, attending monthly CHERP (County Health Emergency Response & Preparedness) Meetings, and departmental PHEP planning meetings.

Relevance of Service to the Project: OCHD does not employ any physicians. Dr. Blatt's services will provide medical input from a physician's perspective for H1N1 and all other PHEP planning activities including communications and collaborations with other medical providers and health care agencies, and for community and provider presentations.

Number of Days of Consultation: 3 hours per month

Expected Rate of Compensation: \$85.00/hr

Method of Accountability: Contractor will document the particular PHEP -related activities to the Director of Health and upon approval compensated on a monthly basis.

Administrative Costs **

\$0

Federally approved administrative cost rate:

Organizations that have a federally approved indirect costs rate MUST attach the approved indirect cost agreement (all pages) and need only delineate the calculation used to determine the amount of administrative costs being requested. These organizations will be allowed up to a maximum of 10% of total direct costs or the approved rate, whichever is less, for indirect costs. The rate must be multiplied by the same base (i.e. total direct costs, modified direct costs . . .) as used in the federally approved agreement to result in the amount requested.

Rate Approved:	%
Rate Requested:	%
Amount Requested:	\$ _____

Without a federally approved administrative cost rate:

For those agencies that do NOT have a federally approved indirect cost rate, administrative costs will be allowed up to a maximum of 10% of total direct costs. Attach a copy of the financial page(s) from the most recent audited financial statements, which support the amounts listed below.

Most recently audited financial statements

Date: _____

Total Agency Budget	\$xxx,xxx
(Total Agency Administrative Costs)	- \$xx,xxx
Total Agency Direct Costs	\$xx,xxx
Total Agency Administrative Costs divided by Total Agency Direct Costs	xx.xx%

Requested rate and amount for administrative costs:	Rate Requested: %
	Amount Requested: \$ _____

****No portion of administrative costs can be directly billed.**

Attachment A
General Terms and Conditions - Health Research Incorporated Contracts

1. Term - This Agreement shall be effective and allowable costs may be incurred by the Contractor from the Contract Start Date through the Contract End Date, (hereinafter, the Term) unless terminated sooner as hereinafter provided.

2. Allowable Costs/Contract Amount -

a) In consideration of the Contractor's performance under this Agreement, HRI shall reimburse the Contractor for allowable costs incurred in performing the Scope of Work, which is attached hereto as Exhibit A, in accordance with the terms and subject to the limits of this Agreement.

b) It is expressly understood and agreed that the aggregate of all allowable costs under this reimbursement contract shall in no event exceed the Total Contract Amount, except upon formal amendment of this Agreement as provided herein below.

c) The allowable cost of performing the work under this contract shall be the costs approved in the Budget attached hereto as Exhibit B and actually incurred by the Contractor, either directly incident or properly allocable (as reasonably determined by HRI) to the contract, in the performance of the Scope of Work. To be allowable, a cost must be consistent (as reasonably determined by HRI) with policies and procedures that apply uniformly to both the activities funded under this Agreement and other activities of the Contractor. Contractor shall supply documentation of such policies and procedures to HRI when requested.

d) Irrespective of whether the "Audit Requirements" specified in paragraph 3(a) are applicable to this Agreement, all accounts and records of cost relating to this Agreement shall be subject to inspection by HRI or its duly authorized representative(s) and/or the Project Sponsor during the Term and for seven years thereafter. Any reimbursement made by HRI under this Agreement shall be subject to retroactive correction and adjustment upon such audits. The Contractor agrees to repay HRI promptly any amount(s) determined on audit to have been incorrectly paid. HRI retains the right, to the extent not prohibited by law or its agreements with the applicable Project Sponsor(s) to recoup any amounts required to be repaid by the Contractor to HRI by offsetting those amounts against amounts due to the Contractor from HRI pursuant to this or other agreements. The Contractor shall maintain appropriate and complete accounts, records, documents, and other evidence showing the support for all costs incurred under this Agreement.

3. Administrative, Financial and Audit Regulations –

a) This Agreement shall be audited, administered, and allowable costs shall be determined in accordance with the terms of this Agreement and the requirements and principles applicable to the Contractor as noted below. The federal regulations specified below apply to the Contractor (excepting the "Audit Requirements," which apply to federally funded projects only), regardless of the source of the funding specified (federal/non federal) on the face page of this Agreement. For non-federally funded projects any right granted by the regulation to the federal sponsor shall be deemed granted to the Project Sponsor. It is understood that a Project Sponsor may impose restrictions/requirements beyond those noted below in which case such restrictions/requirements will be noted in Attachment B Program Specific Requirements.

Contractor Type	Administrative Requirements	Cost Principles	Audit Requirements Federally Funded Only
College or University	2 CFR Part 215	2 CFR Part 220	OMB Circular A-133
Non Profit	2 CFR Part 215	2 CFR Part 230	OMB Circular A-133
State, Local Gov. or Indian Tribe	OMB Circular A-102	2 CFR Part 225	OMB Circular A-133
Private Agencies	45 CFR Part 74	48 CFR Part 31.2	OMB Circular A-133
Hospitals	2 CFR Part 215	45 CFR Part 74	OMB Circular A-133

b) If this Contract is federally funded, the Contractor will provide copies of audit reports required under any of the above audit requirements to HRI within 30 days after completion of the audit.

termination, such right of termination shall be in addition to any other rights or remedies which HRI may have against Contractor by reason of such default.

6. Indemnity - Contractor agrees to indemnify, defend and hold harmless, HRI, its officers, directors, agents, servants, employees and representatives, the New York State Department of Health, and the State of New York from and against any and all claims, actions, judgments, settlements, loss or damage, together with all costs associated therewith, including reasonable attorneys' fees arising from, growing out of, or related to the Contractor or its agents, employees, representatives or subcontractor's performance or failure to perform during and pursuant to this Agreement. In all subcontracts entered into by the Contractor, the Contractor will include a provision requiring the subcontractor to provide the same indemnity and hold harmless to the indemnified parties specified in this paragraph.

7. Amendments/Budget Changes –

- a) This Agreement may be changed, amended, modified or extended only by mutual consent of the parties provided that such consent shall be in writing and executed by the parties hereto prior to the time such change shall take effect.
- b) In no event shall there be expenses charged to a restricted budget category without prior written consent of HRI.
- c) The Budget Flexibility Percentage indicates the percent change allowable in each category of the Budget, with the exception of a restricted budget category. As with any desired change to this Agreement, budget category deviations exceeding the Budget Flexibility Percentage in any category of the Budget are not permitted unless approved in writing by HRI. In no way shall the Budget Flexibility Percentage be construed to allow the Contractor to exceed the Total Contract Amount less the restricted budget line, nor shall it be construed to permit charging of any unallowable expense to any budget category. An otherwise allowable charge is disallowed if the charge amount plus any Budget Flexibility Percentage exceeds the amount of the budget category for that cost.

8. Insurance -

a) The Contractor shall maintain or cause to be maintained, throughout the Term, insurance or self-insurance equivalents of the types and in the amounts specified in section b) below. Certificates of Insurance shall evidence all such insurance. It is expressly understood that the coverage's and limits referred to herein shall not in any way limit the liability of the Contractor. The Contractor shall include a provision in all subcontracts requiring the subcontractor to maintain the same types and amounts of insurance specified in b) below.

b) Types of Insurance--the types of insurance required to be maintained throughout the Term are as follows:

- 1) Workers Compensation for all employees of the Contractor and Subcontractors engaged in performing this Agreement, as required by applicable laws.
- 2) Disability insurance for all employees of the Contractor engaged in performing this Agreement, as required by applicable laws.
- 3) Employer's liability or similar insurance for damages arising from bodily injury, by accident or disease, including death at any time resulting therefrom, sustained by employees of the Contractor or subcontractors while engaged in performing this Agreement.
- 4) Commercial General Liability insurance for bodily injury, sickness or disease, including death, property damage liability and personal injury liability with limits as follows:

Each Occurrence - \$1,000,000

Personal and Advertising Injury - \$1,000,000

12. Non-Discrimination -

a) The Contractor will not discriminate in the terms, conditions and privileges of employment, against any employee, or against any applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status. The Contractor has an affirmative duty to take prompt, effective, investigative and remedial action where it has actual or constructive notice of discrimination in the terms, conditions or privileges of employment against (including harassment of) any of its employees by any of its other employees, including, but not limited to managerial personnel, based on any of the factors listed above.

b) The Contractor shall not discriminate on the basis of race, creed, color, sex national origin, age, disability or marital status against any person seeking services for which the Contractor may receive reimbursement or payment under this Agreement.

c) The Contractor shall comply with all applicable Federal, State and local civil rights and human rights laws with reference to equal employment opportunities and the provision of service.

13. Use of Names - Unless otherwise specifically provided for in Attachment B, Program Specific Clauses, and excepting the acknowledgment of sponsorship of this work as required in paragraph 9 hereof (Publications), the Contractor will not use the names of Health Research, Inc. the New York State Department of Health, the State of New York or any employees or officials of these entities without the expressed written approval of HRI.

14. Site Visits and Reporting Requirements -

a) HRI and the Project Sponsor or their designee(s) shall have the right to conduct site visits where services are performed and observe the services being performed by the Contractor and any subcontractor. The Contractor shall render all assistance and cooperation to HRI and the Project Sponsor in connection with such visits. The surveyors shall have the authority, to the extent designated by HRI, for determining contract compliance as well as the quality of services being provided.

b) The Contractor agrees to provide the HRI Project Director, or his or her designee complete reports, including but not limited to, narrative and statistical reports relating to the project's activities and progress at the Reporting Frequency specified in Exhibit C. The format of such reports will be determined by the HRI Project Director and conveyed in writing to the Contractor.

15. Miscellaneous -

a) Contractor and any subcontractor are independent contractors, not partners, joint venturers, or agents of HRI, the New York State Department of Health or the Project Sponsor; nor are the Contractor's or subcontractor's employees considered employees of HRI, the New York State Department of Health or the Project Sponsor for any reason. Contractor shall pay employee compensation, fringe benefits, disability benefits, workers compensation and/or withholding and other applicable taxes (collectively the "Employers Obligations") when due. The contractor shall include in all subcontracts a provision requiring the subcontractor to pay its Employer Obligations when due.

b) This Contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet, subjected to any security interest or encumbrance of any type, or disposed of without the previous consent, in writing, of HRI.

c) This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

d) Regardless of the place of physical execution or performance, this Agreement shall be construed according to the laws of the State of New York and shall be deemed to have been executed in the State of New York. Any action to enforce, arising out of or relating in any way to any of the provisions of this Agreement may only be brought and prosecuted in such court or courts located in the State of New York as provided by law; and the parties' consent to the jurisdiction of said court or courts located in the State of New York and to venue in and for the County of Albany to the exclusion of all other court(s) and to service of process by certified or registered

17. Federal Regulations/Requirements Applicable to Federally Funded Agreements through HRI -

The following clauses are applicable only for Agreements that are specified as federally funded on the Agreement face page:

a) If the Project Sponsor is an agency of the Department of Health and Human Services: The Contractor must be in compliance with the following Department of Health and Human Services and Public Health Service regulations implementing the statutes referenced below and assures that, where applicable, it has a valid assurance (HHS-690) concerning the following on file with the Office of Civil Rights, Office of the Secretary, HHS.

- 1) Title VI of the Civil Rights Act of 1964 as implemented in 45 CFR Part 80.
- 2) Section 504 of the Rehabilitation Act of 1973, as amended, as implemented by 45 CFR Part 84.
- 3) The Age Discrimination Act of 1975 (P.L. 94-135) as amended, as implemented by 45 CFR 1.
- 4) Title IX of the Education Amendments of 1972, in particular section 901 as implemented at 45 CFR Part 86 (elimination of sex discrimination)
- 5) Sections 522 and 526 of the PHS Act as amended, implemented at 45 CFR Part 84 (non discrimination for drug/alcohol abusers in admission or treatment)
- 6) Section 543 of the PHS Act as amended as implemented at 42 CFR Part 2 (confidentiality of records of substance abuse patients)

b) Student Unrest If the Project Sponsor is an agency of the Department of Health and Human Services, the Contractor shall be responsible for carrying out the provisions of any applicable statutes relating to remuneration of funds provided by this Agreement to any individual who has been engaged or involved in activities describe as "student unrest" as defined in the Public Health Service Grants Policy Statement.

c) Notice as Required Under Public Law 103-333 If the Project Sponsor is an agency of the Department of Health and Human Services, the Contractor is hereby notified of the following statement made by the Congress at Section 507(a) of Public Law 103-333 (The DHHS Appropriations Act, 1995, hereinafter the "Act"): It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

d) Contractor agrees that if the Project Sponsor is other than an agency of the DHHS, items 1, 2, 3 and 4 in a) above shall be complied with as implemented by the Project Sponsor.

The Contractor agrees that the Standard Patent Rights Clauses (37 CFR 401.14) are hereby incorporated by reference.

e) Medicare and Medicaid Anti-Kickback Statute - Recipients and sub-recipients of Federal funds are subject to the strictures of the Medicare and Medicaid anti-kickback statute (42 U.S.C. 1320a-7b(b) and should be cognizant of the risk of criminal and administrative liability under this statute, specially under 42 U.S.C. 1320 7b(b) "Illegal remunerations" which states, in part, that whoever knowingly and willfully;

- (1) solicits or receives (or offers or pays) any remuneration (including kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, in return for referred (or induce such person to refer) and individual to a person for the furnishing or arrangement for the furnishing of any item or service, OR
- (2) in return for purchasing, leasing, ordering, or recommendation purchasing, leasing, or ordering, purchase, lease, or order any good, facility, service or item.

For which payment may be made in whole or in part under subchapter XIII of this chapter or a State health care program, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

Anti-Kickback Act Compliance - If this subject contract or any subcontract hereunder is in excess of \$2,000 and is for construction or repair, Contractor agrees to comply and to require all subcontractors to comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The Contractor shall report all suspected or reported violations to the Federal-awarding agency.

Davis-Bacon Act Compliance - If required by Federal programs legislation, and if this subject contract or any subcontract hereunder is a construction contract in excess of \$2,000, Contractor agrees to comply and/or to require all subcontractors hereunder to comply with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The contractor shall report all suspected or reported violations to the Federal-awarding agency.

Contract Work Hours and Safety Standards Act Compliance - Contractor agrees that, if this subject contract is a construction contract in excess of \$2,000 or a non-construction contract in excess of \$2,500 and involves the employment of mechanics or laborers, Contractor shall comply, and shall require all subcontractors to comply, with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each Contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation or transmission of intelligence. Contractor agrees that this clause shall be included in all lower tier contracts hereunder as appropriate.

Clean Air Act Compliance - If this subject contract is in excess of \$100,000, Contractor agrees to comply and to require that all subcontractors have complied, where applicable, with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Americans With Disabilities Act - This agreement is subject to the provisions of Subtitle A of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12132 ("ADA") and regulations promulgated pursuant thereto, see 28 CFR Part 35. The Contractor shall not discriminate against an individual with a disability, as defined in the ADA, in providing services, programs or activities pursuant to this Agreement.

Attachment "B" Program Specific Clauses

1. Maximum Reimbursable Amount: In the event that a Maximum Reimbursable Amount has been specified on the face page of this Agreement, it is understood and accepted by the Contractor that while the Budget attached hereto as Exhibit B is equal to the Total Contract Amount specified on the face page of this Agreement, the aggregate of all allowable costs reimbursed under this reimbursement contract will not exceed the Maximum Reimbursable Amount. The Contractor may incur allowable costs in all categories as noted in the Budget Exhibit B; however, the aggregate amount reimbursed by HRI under this Agreement shall not exceed the Maximum Reimbursable Amount. In the event the Maximum Reimbursable Amount is increased by HRI, the Contractor will be notified in writing by HRI.
2. Progress report template and instructions will be provided under separate cover.
3. Budget Flexibility Percentage – Re-budgets/transfers among total cost categories are allowed up to 30% of the total contract budget, or \$1,000,000 whichever is less, without prior approval. Budget increases or changes to contract personnel, new equipment and new or increased costs of contractual/consultant agreements require prior approval.
4. All subcontracts entered into must be executed as line item cost reimbursable. All of the requirements listed in Attachment A "General Terms and Conditions" and Attachment B "Program Specific Clauses" must be flowed down to all subcontractors as defined in the contract executed between Health Research, Incorporated and the County.
5. The following replaces the last sentence in Attachment A, Paragraph 4 b). Payments. "Contractor shall submit a final voucher designated by the Contractor as the "Completion Voucher" no later than Thirty (30) days from termination of the Agreement."
6. Prohibition on Supplanting of Funds – Per Centers for Disease Control and Prevention (CDC) guidance "Cooperative agreement funds under this program may not be used to replace or supplant any current state or local expenditures of the Public Health Service Act."
7. Laboratory capacity building costs are limited to designated Regional Level B Laboratories.
8. Construction, vehicles, rent/leases, pharmaceuticals, incentive items, and laboratory testing are not allowable direct costs on this contract.
9. The New York State Department of Health (NYSDOH) Communications Directory and Health Alert Network (HAN) are the official directory and alerting system for emergencies for healthcare organizations and local health departments. Hospital Emergency Reporting Data System (HERDS) is the official response system.
 - The NYSDOH will not support systems that alter the established reporting procedures/privileges for public health and health systems management.
 - Local (hospital/Regional Resource Centers/Consortium) systems developed with any HRI funding are not proprietary to the jurisdiction. Systems developed with HRI grant funds are the property of HRI.
 - NYSDOH will not support the development of local stand-alone systems that compete with NYSDOH systems on the HIN/HPN.
 - The contract will not support locally developed electronic systems to be used instead of reporting through the Health Information Network and Health Provider Network (HIN/HPN) web systems, including Electronic Clinical Laboratory Reporting System (ECLRS), HERDS, Emergency Department Surveillance and disease reporting.
10. All systems development will follow Public Health Information Network (PHIN) and National Health Information Infrastructure (NHII) standards as implemented on NYSDOH HIN/HPN. In line with this there are three methods of PHIN compliant data exchange with NYSDOH HIN/HPN:
 - Secure Web based manual data entry on the HIN/HPN
 - Secure file upload (manual uploading of data in standardized formats in batch/bulk)
 - Automated file submission using PHIN messaging system.

This system is the national standard and required of HRI funded projects. The PHIN is free of charge and easy to install. It provides multiple layers of strong encryption and protection of information in transport. Technical support is provided by Regional HAN Information Technology staff. The system is used by multiple New York City hospitals and large commercial clinical laboratories. PHIN is the NYSDOH strategic architecture being positioned for all large scale batch data submission activities to NYSDOH on the HPN by health care facilities. Other methodologies are not within the required standards and are not supported by these contract funds.

**Attachment "B" Program Specific Clauses
Subcontract Confidentiality Language**

Dear Commissioner/Public Health Director:

The following language was developed to help ensure the confidentiality of patient data accessed by sub-contractors to local health departments. The language was developed by a workgroup consisting of representatives from the New York State Department of Health and the New York State Association of County Health Officials. The confidentiality language must be included as part of any subcontract, involving confidential patient data, between a local health department and an outside entity (University of Rochester, Tobin Associates, etc.). In addition, this language must be a part of any further assignment or subcontract between the subcontractor (e.g. University of Rochester) and another entity (e.g. Tobin Associates) when confidential patient data is involved. The name of the County for which services are ultimately being performed must be specified in such subcontracts and assignments whenever the term "County" is used in this language. These confidentiality provisions must flow to all subcontractors.

If you have questions about this matter, please contact one of the individuals listed below. Thank you.

Legal Issues:

Justin Pfeiffer
518-473-1403
jdp10@health.state.ny.us

- or -

Holly Dellenbaugh
518-473-1403
hmd01@health.state.ny.us

Contract Issues:

Joe Leathem
518-408-2063
jml13@health.state.ny.us

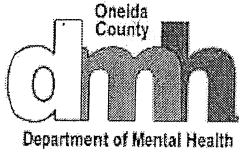
- or -

Marie Desrosiers
518-408-2063
mjf12@health.state.ny.us



Anthony J. Picente, Jr., County Executive

Linda M. Nelson, Commissioner



Phone: (315) 798-5903
Fax: (315) 798-6445

235 Elizabeth Street
Utica, New York 13501

FN 20 11-301

October 13, 2011

PUBLIC HEALTH

The Honorable Anthony J. Picente, Jr.
Oneida County
800 Park Avenue
Utica, New York 13501

WAYS & MEANS

Dear Mr. Picente:

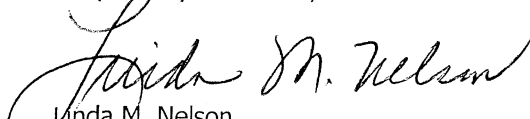
The following Department of Mental Health account has federal aid funds in excess of the budgeted 2011 amounts. These funds were awarded subsequent to the passing of the 2011 County Budget and are Granted to the HMIS HUD Revenue Account, and need to be transferred to the Appropriations Accounts.

We request that this revenue increase adjustment be made to the following Appropriation Account **for the 2011 supplemental appropriations:**

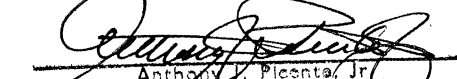
AA# A4311.495 – Mental Health – Federal HUD Program \$6,410.00

There will be no additional cost to the County required in support of this request. All funds are paid by the U.S. Department of Housing and Urban Development.

Respectfully submitted,


Linda M. Nelson
Commissioner of Mental Health

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by


Anthony J. Picente, Jr.
County Executive

Date 10/21/11

CC: Tom Keeler, Budget Director

Attachment



U.S. Department of Housing and Urban Development
Office of Community Planning and Development
465 Main Street
2nd Floor
Buffalo, NY 14203

Grant Number: NY0171B2C181003
Project Name: NY-518 - REN - Homeless Management Information System Phase II
Total Award Amount: \$37,483
Component: HMIS
Recipient: Oneida County Department of Mental Health
Official Contact Person and Title: Linda NELSON, Commissioner
Telephone Number: (315) 798-5903
Fax Number: (315) 798-6445
E-mail Address: lnelson@ocgov.net
EIN/Tax ID Number: 15-6000460
DUNS Number: 075814186
Effective Date: 09/01/2011
Project Location(s): Oneida County

RECEIVED
DEPT. OF H.U.D.

JUN 23 2011

AREA OFFICE
BUFFALO, N.Y.

2010 SUPPORTIVE HOUSING PROGRAM RENEWAL GRANT AGREEMENT

This Grant Agreement is made by and between the United States Department of Housing and Urban Development (HUD) and the Recipient, which is described in section 1 of Attachment A, attached hereto and made a part hereof.

The assistance which is the subject of this Grant Agreement is authorized by the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11381 (hereafter "the Act"). The term "grant" or "grant funds" means the assistance provided under this Agreement. This grant agreement will be governed by the Act, the Supportive Housing rule codified at 24 CFR 583, which is attached hereto and made a part hereof as Attachment B, and the Notice of Funding Availability (NOFA), that was published in two parts. The first part was the Policy Requirements and General Section of the NOFA, which was published June 11, 2010, at 75 FR 33323, and the second part was the Continuum of Care Homeless Assistance Programs section of the NOFA, which is located at <http://www.hud.gov/offices/adm/grants/nofa10/grpcoc.cfm>. The term "Application" means the application submission on the basis of which HUD, including the certifications and assurances and any information or documentation required to meet any grant award conditions, on the basis of which HUD approved a grant. The Application is incorporated herein as part of this Agreement, however, in the event of a conflict between any part of the Application and any part of the Grant Agreement, the latter shall control. The Secretary agrees, subject to the terms of the Grant Agreement, to provide the grant funds in the amount specified at section 2 of Attachment A for the approved project described in the application. The Recipient agrees, subject to the terms of the Grant Agreement, to use the grant funds for eligible activities during the term specified at section 3 of Attachment A.



U.S. Department of Housing and Urban Development
Office of Community Planning and Development
465 Main Street
2nd Floor
Buffalo, NY 14203

Grant Number: NY0170B2C181003
Project Name: NY-518 - REN - Homeless Management Information System Phase I
Total Award Amount: \$14,927
Component: HMIS
Recipient: Oneida County Department of Mental Health
Official Contact Person and Title: Linda NELSON, Commissioner
Telephone Number: (315) 798-5903
Fax Number: (315) 798-6445
E-mail Address: lnelson@ocgov.net
EIN/Tax ID Number: 15-6000460
DUNS Number: 075814186
Effective Date: 05/01/2011
Project Location(s): Oneida County

RECEIVED
DEPT. OF H.U.D.

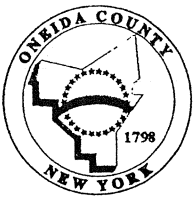
JUN 23 2011

AREA OFFICE
BUFFALO, N.Y.

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COUNTY OF ONEIDA
OFFICE OF THE COUNTY EXECUTIVE

ANTHONY J. PICENTE JR.

County Executive
 ce@ocgov.net

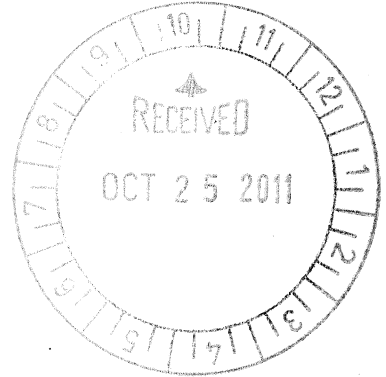
ONEIDA COUNTY OFFICE BUILDING
 800 PARK AVENUE
 UTICA, NEW YORK 13501
 (315) 798-5800
 FAX: (315) 798-2390
 www.ocgov.net

October 24, 2011

Oneida County
 Board of Legislators.
 800 Park Avenue
 Utica, New York 13501

FN 20 11-302

EDUCATION, YOUTH



Honorable Members:

WAYS & MEANS

MVCC needs to amend Capital Project H-336 which has been building the new Athletic Center on the Utica Campus. The original budget does not include enough funding to complete the project as originally envisioned. MVCC Foundation has been able to secure \$100,000 in donations which will be used to receive matching funding from New York State. This additional funding will be used to complete some of the projects at the Athletic Center which were not included in the original budget. This amendment does not have any cost to Oneida County.

I therefore request your Board approval for an amendment to **Capital Project H-336 – Athletic & Physical Ed. Facilities Master Plan**, as follows:

	<u>CURRENT</u>	<u>CHANGE</u>	<u>PROPOSED</u>
State Aid	\$ 8,225,688	+ \$100,000	\$ 8,325,688.
Bonds	7,725,688	+ 0.00	7,725,688
Misc Revenue	500,000	+ 100,000	600,000
TOTALS	\$16,451,376	+\$ 200,000	\$16,651,376

Respectfully submitted,

Anthony J. Picente, Jr.
 Oneida County Executive

AJP:tbk

Attach.

CC: County Attorney
 Comptroller
 Budget Director
 President of MVCC

ANTHONY R. CARVELLI
COMMISSIONER

ONEIDA COUNTY

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE



DEPARTMENT OF FINANCE

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501

(315) 798-5750 ♦ Fax: (315) 735-8371 ♦ www.ocgov.net

October 20, 2011

FN 20 11 - 303

INTERNAL AFFAIRS

WAYS & MEANS



Mr. Anthony J. Picente, Jr.
Oneida County Executive
800 Park Avenue
Utica, New York 13501

Dear Mr. Picente:

Enclosed, please find a proposed resolution regarding the semi-annual report on Mortgage Tax Receipts.

Please submit this to the Board of Legislators for their approval.

Very truly yours,

Anthony Carvelli
Commissioner of Finance

AC/bad

Enclosure

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive

Date 10/21/11

cc: Mikale Billard, Clerk of the Board

MORTGAGE TAX RECEIPTS AND DISTRIBUTION
FOR THE PERIOD ENDING SEPTEMBER 2011

WHEREAS: The Oneida County Clerk and the Commissioner of Finance
Have prepared and submitted to the Board of County Legislators their joint
Semi-annual report on the Mortgage Tax Receipts, and:

WHEREAS: This report shows the credit statement to the sum of \$1,142,467.43 to be
Distributed to the various towns, cities and villages pursuant to
Section 261 of the Tax Law, now therefore, be it hereby

RESOLVED: That the Oneida County Commissioner of Finance be, and hereby is
Authorized and directed to remit payments in the amount shown in
Said semi-annual report on the Mortgage Tax Receipts.

APPROVED:

RECEIVED

OC 12 2011

COUNTY OF Oneida County FOR THE PERIOD OF April 2011 THROUGH September 2011
 CASH STATEMENT FOR TAXES COLLECTED PURSUANT TO ARTICLE 11

ONEIDA COUNTY COMMISSIONER OF FINANCE
 TAX RATE: 0.9089656451

Months	BASIC TAX DISTRIBUTED							ALL OTHER TAXES DISTRIBUTED				
	1 Basic tax collected	2 Interest received by recording officer	3 Recording Officer's expense	4 Refunds or adjustments	5 Amount paid treasurer (Col 1 + Col 2 - Col 3 - Col 4)	6 Interest received by Treasurer	7 Treasurer's expense	8 Tax districts share (Col 5 + Col 6 - Col 7)	9 Local Tax	10 Additional Tax CNY	11 Special assistance fund	12 Special additional tax SONYMA
Oct												
Nov												
Dec												
Jan												
Feb												
Mar												
Apr	189,281.00	5.98	18,867.39	0.00	170,419.59	0.00	0.00	170,419.59		77,128.00		62,601.26
May	197,891.67	7.46	19,095.73	0.00	178,803.40	0.00	0.00	178,803.40		79,520.04		63,192.14
Jun	177,048.50	7.67	18,933.72	0.00	158,122.45	0.00	0.00	158,122.45		70,706.23		57,932.43
Jul	187,482.63	6.73	19,540.34	-117.82	167,831.20	0.00	0.00	167,831.20		73,729.32		53,447.92
Aug	213,495.00	7.29	19,216.78	0.00	194,285.51	0.00	0.00	194,285.51		86,095.07		66,773.68
Sep	291,924.20	11.11	18,812.21	-117.82	273,005.28	0.00	0.00	273,005.28		121,908.54		101,398.86
Totals	1,257,123.00	46.24	114,466.17	-235.64	1,142,467.43	0.00	0.00	1,142,467.43		509,087.20		405,346.29

James S. Cusack Recording Officer

James Cusack Treasurer

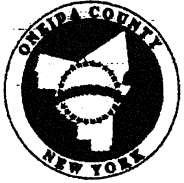
* Distribution Statement (Columns 1 through 5) The "taxes collected" shown in column 2 were produced by mortgages covering real property in the respective tax districts. Additions and deductions to make adjustments and correct errors are recorded in column 3 and 4, respectively. Authority for these additions and deductions is given by the orders of the Taxation Department noted on the bottom of this part.

PART II

Credit Statement (Column 6) This column is the net amount due to each tax district for which the Board of Supervisors shall issue its warrant or warrants.

	2	3	4	5	6
	Taxes Collected	*Additions	*Deductions	Taxes Adj. Corr	Amount Due Tax District
MUNICIPALITY					
ANNSVILLE	9,028.00	0.00	0.00	9,028.00	8,206.14
AUGUSTA	7,915.50	0.00	0.00	7,915.50	7,194.92
AVA	4,441.00	0.00	0.00	4,441.00	4,036.72
BOONVILLE	20,393.57	0.00	0.00	20,393.57	18,537.05
BRIDGEWATER	4,460.90	0.00	0.00	4,460.90	4,054.80
CAMDEN	18,210.50	0.00	0.00	18,210.50	16,552.72
DEERFIELD	31,587.00	0.00	0.00	31,587.00	28,711.50
FLORENCE	6,605.00	0.00	0.00	6,605.00	6,003.72
FLOYD	18,985.50	0.00	0.00	18,985.50	17,257.17
FORESTPORT	17,774.50	0.00	0.00	17,774.50	16,156.40
KIRKLAND	85,284.92	0.00	0.00	85,284.92	77,521.06
LEE	39,406.50	0.00	0.00	39,406.50	35,819.15
MARCY	39,738.99	0.00	0.00	39,738.99	36,121.38
MARSHALL	10,879.00	0.00	0.00	10,879.00	9,888.64
NEW HARTFORD	198,333.39	0.00	0.00	198,333.39	180,278.24
PARIS	23,483.38	0.00	0.00	23,483.38	21,345.59
REMSEN	11,709.73	0.00	0.00	11,709.73	10,643.74
ROME	130,753.19	0.00	0.00	130,753.19	118,850.16
SANGERFIELD	14,786.50	0.00	0.00	14,786.50	13,440.42
STEUBEN	7,923.00	0.00	0.00	7,923.00	7,201.73
TRENTON	28,282.19	0.00	0.00	28,282.19	25,707.54
UTICA	206,689.56	0.00	-235.64	206,453.92	187,659.52
VERNON	63,605.31	0.00	0.00	63,605.31	57,815.04
VERONA	38,891.19	0.00	0.00	38,891.19	35,350.76
VIENNA	33,609.00	0.00	0.00	33,609.00	30,549.43
WESTERN	22,436.02	0.00	0.00	22,436.02	20,393.57
WESTMORELAND	46,363.47	0.00	0.00	46,363.47	42,142.80
WHITESTOWN	115,546.19	0.00	0.00	115,546.19	105,027.52
Total Tax Districts	28	0.00	-235.64	1,256,887.36	1,142,467.43

*See refund, adjustment and special adjustment orders of Commissioner of Taxation and Finance, case numbers



ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ fax (315) 798-5603

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE

LINDA M.H. DILLON
COUNTY ATTORNEY

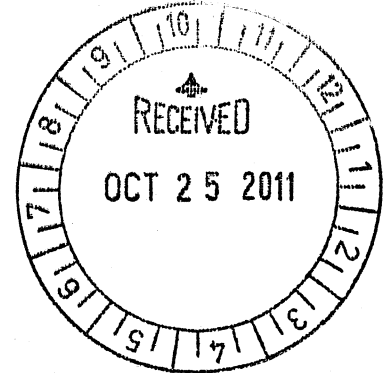
October 21, 2011

FN 20 11-304

Hon. Gerald J. Fiorini
Chairman
Board of Legislators
Oneida County
800 Park Avenue
Utica, New York, 13501

COURTS, LAWS & RULES

WAYS & MEANS



RE: Final Amendments to Oneida County Charter
and Administrative Code

Dear Chairman Fiorini:

I enclose herewith the final version of the amendments to the Oneida County Charter and Oneida County Administrative Code.

The previously submitted version did not contain certain revisions that were recommended by the citizen committee and had been approved for inclusion by the ad hoc committee of the Board that reviewed same, to wit:

- **Article II, Section 201**, (Legislative Branch) the words “and shall apply same irregardless of municipal boundaries” have been added.
- **Article IV** (Department of Audit & Control) has been changed as recommended to “Office of the County Comptroller.” All subsequent references to the department name found within that chapter have been changed as well.
- **Article VI** (Financial Procedures). As recommended, there is added Section 615 “Audit Advisory Committee” using the language found within the Commission’s written recommendation itself.
- **Article XXIII** (Application of Charter/Code). As recommended and using the language provided by the Commission’s report, there is added a paragraph in Section 2302 to allow for the Charter/Code to be reviewed by and updated through the actions of an independent Charter Review Commission every 5 years.

In addition and since such time as the first version of the amended Code and Charter were submitted, there has been a requested change in the designation of divisions under the control of the Administrative Branch in Article III, to wit: the duties and obligations of the Office of Traffic Safety have been placed under the Division of Emergency Services along with the title and duties of the Administrator of STOP-DWI. These changes appear as underlined as added and in parentheses as deleted.

The documents are now ready to be placed before the full Board for consideration.

Thank you for the Board's patience in this regard.

Very truly yours,



Linda M.H. Dillon
County Attorney

Cc: Hon. Anthony J. Picente, Jr.
Harry Hertline

*INTRODUCTORY
NO.*

F.N.

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

*INTRODUCED BY:
2ND BY:*

**RE: LOCAL LAW ENACTING CERTAIN TECHNICAL, GRAMMATICAL AND
PROCEDURAL AMENDMENTS TO THE ONEIDA COUNTY CHARTER AND THE
ONEIDA COUNTY ADMINISTRATIVE CODE**

Legislative Intent: It is the intent of the Board of Legislators that certain technical, grammatical and procedural amendments be made to the Oneida County Charter and the Oneida County Administrative Code in order to update and revise the language, statutory references and administrative designations and functions of the government of Oneida County as provided for in such Charter and Code.

**BE IT ENACTED by the Board of County Legislators of the County of Oneida,
State of New York, as follows:**

1. That the Oneida County Charter shall be amended by the deletion of all matters in (parentheses) and the addition of all matters underscored as set forth below:

(Remainder of page intentionally left blank)

ONEIDA COUNTY
CHARTER



ARTICLE I
ONEIDA COUNTY AND ITS GOVERNMENT

- Section 101. Title and Purpose
- Section 102. County Status, Powers and Duties
- Section 103. Effect on State Laws
- Section 104. Effect on Local Laws, Ordinances and Resolutions
- Section 105. Definitions
- Section 106. Gender Clause

Section 101. Title and Purpose. This charter, together with any and all amendments hereto, if any, shall provide for and constitute the form of government for Oneida County and shall be known and may be cited as the "Oneida County Charter". Among other purposes of this charter are the following: (S)separation of County Legislative and Executive functions and responsibilities; the securing of the greatest possible County Home Rule and the accomplishment of an increased efficiency, economy and responsibility in the Oneida County Government.

In furtherance hereof, there shall be convened once every five years beginning on January 1, 2012 a Charter Review Committee to formulate and recommend any amendments to the Oneida County Charter and Oneida County Administrative Code and to make such recommendations to the Board of County Legislators. The membership of such committee shall be as determined by the Chair of the Board of Legislators.

Section 102. County Status, Powers and Duties. Oneida County, upon adoption of this charter, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all of the rights, privileges, functions and powers conferred upon it by this charter, code or any other applicable statute not inconsistent with such charter or code. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent herewith, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

Section 103. Charter Effect on State Laws. This charter provides a form and structure of county government in accordance with the provisions of (Article 6A) Article 4 of the (County Law) Municipal Home Rule Law of the State of New York, and all special laws relating to Oneida County and all general laws except to the extent that such laws have been repealed, amended, modified, or superseded in their application to Oneida County by enactment and adoption of this charter and code. Within the limitations

prescribed in said (Article 6A of the County Law) Municipal Home Rule Law, wherever and whenever any state law, general, special or local in effect, conflicts with this charter or the code or is inconsistent therewith, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by the charter and code insofar as the County of Oneida and its government are affected.

Section 104. Charter Effect on Local Laws, Ordinances and Resolutions.

All local laws, ordinances and resolutions of the Board of County Legislators of the County of Oneida heretofore adopted, and all of the laws of the State relating to towns, cities, villages or districts of the County of Oneida, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Oneida County by the enactment and adoption of this charter and code.

Section 105. Definitions. Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- (a) "County" shall mean the County of Oneida
- (b) "Charter" and "County Charter" shall mean the Oneida County Charter and all amendments thereto
- (c) "Code" shall mean the Oneida County Administrative Code and all amendments thereto
- (d) "Board of County Legislators" shall mean the elective legislative body of the County of Oneida *
- (e) "Administrative unit" shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing
- (f) "Administrative head" shall mean the head of any administrative unit
- (g) "Authorized agency" shall mean any agency authorized by this charter, administrative code, or applicable law, including but not limited to those authorized by Section 224 of the County Law, to receive and expend county funds for a county purpose
- (h) "Executive division" shall include but not be limited to the divisions of the budget, purchase, central services (research), traffic safety, (recreation) youth bureau and such other divisions of the executive department as may be hereinafter authorized
- (i) "Quorum" shall mean a majority of the whole number of the membership of the board, commission, body or other group of persons or officers

charged with any county public power, authority or duty to be performed or exercised by them jointly, and not less than a majority of the whole number may perform and exercise such power, authority or duty. "Whole number" shall mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and (were) none of the persons or officers were absent or disqualified from acting for county purposes.

Section 106 Gender Clause: Wherever in this Charter the masculine gender is used, the feminine and neuter gender shall be deemed to be included, if otherwise applicable or appropriate.

* *Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to Legislative Districts" in place of "Supervisory Districts"; for change of name to "County Legislator" in place of "Supervisor".*

**ARTICLE II
LEGISLATIVE BRANCH**

- Section 201. The Board of County Legislators
- Section 202. Powers and Duties
- Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal;
Effect on Legislative Acts
- Section 204. Form and Procedure
- Section 205. Filing and Publication of Local Laws; Judicial Notice
- Section 206. Referendum
- Section 207. Effective Date
- Section 208. Ordinances

Section 201. The Board of County Legislators. There shall be a Board of County Legislators to be elected one from each of the following legislative districts and sitting together they shall constitute the Oneida County Board Legislators:

LEGISLATIVE DISTRICT	TOWNS/CITY	ELECTION DISTRICT
1	ROME	4-1
		4-2
		5-1
		5-2
		5-3
		5-4
		7-1
2	VERNON	2
		3
		4
		5
	VERONA	5
3	AUGUSTA	1
		2

	MARSHALL	1
		2
	SANGERFIELD	1
		2
	VERNON	1
4	ANNSVILLE	3
	VERONA	3
		4
		6
	VIENNA	1
		2
		3
		4
5	ANNSVILLE	1
		2
	CAMDEN	1
		2
		3
	FLORENCE	1
6	BOONVILLE	1
		2
		3
		4
	FORESTPORT	1
		2
	REMSEN	1
	STEUBEN	1
7	ROME	1-1
		3-1
		3-2
		3-3
		3-5
		4-3
		4-4
		4-5

8	MARCY	1 2 3 4
9	DEERFIELD	1 2 3
	TRENTON	1 2 3 4
10	KIRKLAND	1 3
	WESTMORELAND	1 2
	WHITESTOWN	15
11	WHITESTOWN	13 4 5 6 7 8 9
12	FLOYD	2
	ROME	1-4 2-2 3-4
	VERONA	1 2
13	WHITESTOWN	1 10 11 12 14

		16
		2
		3
14	NEW HARTFORD	1-3
		2-1
		2-2
		3-2
		4-1
		4-2
		4-3
15	NEW HARTFORD	1-1
		1-5
		2-3
		2-4
		3-1
		3-3
		3-4
16	BRIDGEWATER	1
	NEW HARTFORD	1-2
		1-4
	PARIS	1
		2
		3
17	AVA	1
	LEE	1
		2
		3
		4
	WESTERN	1
		2
		3
18	KIRKLAND	10
		2
		4
		5
		6
		7

		8
		9
	NEW HARTFORD	4-4
19	UTICA	2-3 3-1 3-10 3-2 3-3 3-4 3-9
20	LEE	5
	ROME	6-1 6-2 6-3 6-4 7-3 7-5
21	UTICA	2-7 3-5 3-6 3-7 3-8 5-2 5-3
22	UTICA	2-1 2-2 2-4 2-5 2-6 5-7
23	UTICA	1-1 1-2 1-3 1-4 1-5 1-8 2-8

24	UTICA	6-1 6-2 6-3 6-4 6-5 6-6 6-7
25	UTICA	4-1 5-1 5-4 5-5 5-6
26	UTICA	4-2 4-3 4-4 4-5 4-8 4-9 6-8
27	UTICA	1-6 1-7 4-6 4-7 6-9
28	ROME	2-1 2-3
	WESTMORELAND	3 4
29	FLOYD	1 3
	ROME	1-2 1-3 6-5 7-2 7-4

That all references to towns apply to that territory wholly contained in each of the towns of Oneida County as of January 1, 2000. All references to election districts apply

to that territory wholly contained in each of the election districts enumerated on the official maps kept by the Oneida County Board of Elections as of August 1, (2002) 2006.

That the above described districts are enumerated and set forth on maps filed with the Clerk of the Board of County Legislators of Oneida County, which maps shall remain on file and shall be considered and hereby are made a part of (this amendment to) the Oneida County Charter and the Oneida County Administrative Code.

The Chairman of the Board of County Legislators of Oneida County shall have the power to appoint after consultation with the Legislative body either (1) a bi-partisan committee of six Board members or (2) a five member non-partisan commission comprised of qualified individuals, that are not elected to the Board of Legislators or otherwise prescribed by State Law, for the purpose of reapportioning legislative districts as set forth under this provision. The Majority and Minority Leaders shall recommend two members each for appointment, and the Chairman of the Board of County Legislators shall appoint one member who will serve as chairman of the commission.

The appointed committee or commission shall (to) evaluate the existing county legislative districts for equity and representation in relation to population within a reasonable time period after the publication of the results of the regular federal census taken in Oneida County in the year Two Thousand and Ten, or within a reasonable period of time after the publication of the results of any federal population census taken in Oneida County or within a reasonable period of time after the publication of the results of any federal or special population census taken pursuant to Section Twenty of the General Municipal Law and held not more than once every five years; or, after any annexation which has the effect of increasing or decreasing the population of any county legislative district by more than ten percent.

The committee shall study the population data and, within six months after its appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of the county legislative districts. In their deliberations to redesign the legislative districts, the committee shall consider the application of the "one person, one vote" concept of previous federal court decisions and compliance with the Equal Protection Clause of the 14th amendment of the United States Constitution and Article (1) I, Sections 1 and 11 of the New York State Constitution and shall apply same irregardless of municipal boundaries.

Within seven months after the submission of the report of the committee, which shall be submitted to the County Board of Legislators in the form of a local law, the Board of County Legislators shall conduct a public hearing on the proposed changes, if any, and shall then enact a local law setting forth revised district boundaries subject to a (permissive referendum) referendum on petition pursuant to Section 24 of the Municipal Home Rule Law.

If at any time a local law setting forth revised district boundaries is defeated in a referendum, within ninety days of such defeat of referendum, the legislative district

revision committee shall be reactivated to study and prepare a new proposed local law for submission to the Board of County Legislators, subject to the same procedures and requirements as provided for above.

Section 202. Powers and Duties. The Board of County Legislators shall be the governing body of the County and shall be the legislative, appropriating and policy determining body of the County, and shall have and exercise all powers and duties of the County, now or hereafter conferred or imposed on said Board by applicable law, and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in this charter and the administrative code. In addition to all powers conferred by the foregoing or other provisions of this charter and the administrative code, the Board of County Legislators shall have the power among others:

- (a) To make appropriations, levy taxes, incur indebtedness and adopt a budget;
- (b) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the County Executive in only such instances as are specifically provided in this charter, in the code or by other applicable law;
- (c) By local law, to adopt, amend and/or repeal an administrative code which shall set forth the details of the administration of the county government consistent with the provisions of this charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter (or) and any amendments thereto;
- (d) By local law, create, alter, combine or abolish county administrative units not headed by elective officials;
- (e) To adopt by resolution all necessary rules and regulations for its own conduct and procedure;
- (f) Subject to the constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of county officers and employees and grant to the employing officer or board the power to stagger working hours;
- (g) To fix compensation of all officers and employees paid from county funds except members of the judiciary and of such other officers and employees when specifically authorized by statute;
- (h) To fix the amount of bonds of officers and employees paid from County funds;
- (i) To make such studies and investigations as it deems to be in the best interests of the county and in connection therewith to obtain and employ professional and technical

advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such study or inquiry;

(j) To legalize and validate any act had and taken in connection with a lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer, or agency of a municipality, wholly within the county, in the manner provided by Section 227 of the County Law;

(k) To create and establish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive county officer with the power vested in such deputy to act generally for and in place of his principal;

(l) To determine and make provision for any matter of county government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this charter form of government;

(m) To convey or lease any county real property which the Board has determined is not necessary for public use, directly to the Economic Development and Growth Enterprise, successor in interest to the Oneida County Industrial Development Corporation, the Oneida County Industrial Development Agency or the Mohawk Valley Community College Dormitory Corporation for adequate and reasonable consideration, without public advertisement and without bidding, public or private, upon such terms and conditions as may be prescribed by the Board in the same manner and with the same rights and privileges as if owned by an individual;

(n) To employ such legal, financial or other technical advisers as may be necessary from time to time in relation to the performance of any of the functions of county government.

Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts. A local law is a law adopted pursuant to this charter within the power granted by the Constitution, act of the legislature or provision of this charter, and shall not include a resolution, ordinance, or legalizing act.

The county may adopt, amend and repeal a local law. A local law shall be passed by not less than a majority vote of the whole number of the members of the Board of County Legislators and may relate to the property, affairs or government of the county, or any other subject matter of county concern. In the exercise of such power, and within the limitations provided by (Article 6A of the County) the Municipal Home Rule Law or other applicable law, the county may change, supersede, or amend any act of the New York State Legislature. Such power shall include, but shall not be limited to, a power or powers vested in any county in the State of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charters, administrative codes, special acts or local laws. The provisions of

(Article 6A of County) the Municipal Home Rule Law are hereby made applicable except as the same may be inconsistent with any provisions of this charter or code.

Section 204. Form and Procedure. Every local law shall be entitled, "Local Law No. _____, (Year _____)"(amending, etc. or otherwise as the case may be). If a local law amends a specific state statute or specific local law, the matter to be eliminated shall be enclosed in brackets or parenthesis and the new matter underscored or italicized.

Except as otherwise provided in this charter, the procedure for adoption of a local law, including referendum, mandatory or permissive, shall be as provided in the code and, in the absence thereof, by applicable law.

Section 205. Filing and Publication of Local Laws; Judicial Notice. The publication of local laws shall be as provided by Municipal Home Rule Law and County Law, except that the Clerk of the Board of County Legislators shall cause to be published in the official newspapers a notice of adoption of each local law with a summary thereof and a notice that the full text of the law may be examined at the office of the Clerk of the Board during normal business hours. Such notice shall be published at least once within ten days after such local law has become effective, provided however, that a notice of a local law which is subject to a permissive referendum shall be published within ten days after such local law is adopted. Every court shall take judicial notice of all local laws and of rules, regulations, and codes adopted pursuant thereto.

Section 206. Referendum. A local law shall be subject to mandatory or permissive referendum when required by this charter, the code or applicable law. Where no mandatory or permissive referendum is so required, the Board of County Legislators may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 207. Effective Date. After adoption, every local law shall become effective when filed in the office of the Secretary of State of New York, or on such later date thereafter as may be provided in said local law.

Section 208. Ordinances. Ordinances may be adopted by the Board of County Legislators and the procedure shall be the same as herein provided for the adoption of local laws except that an ordinance shall not be subject to referendum, mandatory or permissive. An ordinance may provide for any subject matter of county concern not required to be provided by local law, legalizing act, or resolution of the Board of County Legislators.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment for violations by civil penalty or by fine or imprisonment, or by two or more such penalties or punishments. Ordinances and their application, particular subjects and form, may be further provided in the code.

Section 201 amended as a whole by Local Law No. 3 of 1966 and inserted provision for a new 37 member Board effective January 1, 1968; Local Law No. 1 of 1975 and Local Law No. 5 of 1981 providing a procedure whereby necessary changes to the boundaries of Legislative Districts shall be acted upon as provided in these amendments. Local Law No. 4 of 1983 provided for necessary changes in the Legislative boundaries; Local Law No. 12 of 1984 corrected errors in Local Law No. 4 of 1983.

Section 202 was amended by Local Law No. 1 of 1964 and Local Law No. 1 of 1965 by adding a new sub-division (m) and by Local Law No. 3 of 1977 by adding a new sub-division (n).

Section 203 was amended by Local Law No. 2 of 1964 - second paragraph in the sentence beginning "A local law shall", substituted "majority" for "2/3".

Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to "Legislative Districts" in place of "supervisory districts"; for change of name to "County Legislator" in place of "Supervisor".

Section 205 was amended by Local Law No. 6 of 1984 which changed the procedure for publication of local laws.

Section 201 was amended by Local Law No. 2 of 1986 by deletion of the whole thereof and the addition of a new section pursuant to §4 -100 (3) (a) of the Election Law of the State of New York.

Article II, Section 201. The last two paragraphs of Section 201 were amended by enactment of Local Law No. 9 of 1991.

Article II, Section 201(a) was enacted by Local Law No. 2 of 1993 and reduced the number of County Legislative Districts to twenty-nine.

Article II, Section 201 was amended by Local Law No. 5 of 1994 by the deletion of the whole of the description of legislative districts and insertion of new descriptions of legislative districts to comply with Section 201(a).

Article II, Section 201 was amended by Local Law No. 2 of 1996 to correct the number of wards and districts in County Legislative Districts within the City of Utica.

Article II, Section 201 was amended by Local Law 1 of 2003 setting forth a Plan of Reapportionment.

Article II, Section 201 was amended by Local Law No. 3 of 2006 amending the election districts in certain towns and cities

ARTICLE III EXECUTIVE BRANCH

Section 301.	County Executive; Election; Qualifications and Compensation
Section 302.	Powers and Duties
Section 303.	Removal of County Executive
Section 304.	Acting County Executive; How Designated; When to Act
Section 305.	Division of Budget
Section 306.	Division of Purchase; (Purchasing Agent Office Abolished)
<u>Section 306.1</u>	<u>Bureau of Weights and Measures</u>
Section 307.	Division of Central Services
(Section 308.	Division of Research)
Section 308(9).	Office of Emergency Services
(Section 309.	Office of Traffic Safety)
Section 309.	Division <u>for</u> (of Recreation and Related Programs) <u>Youth</u>
Section 310.	Administrative Heads; Term; Interim Appointments; Appointment of Other Officers and Employees
Section 311.	Confirmation by Board of County Legislators
Section 312.	Division of Consumer Affairs; Consumer Affairs Board

Section 301. County Executive; Election; Qualifications and Compensation.

There shall be a county executive who shall be elected from the county at large and who shall at all times be a qualified elector of the county. He shall hold no other public office except as otherwise herein provided; he shall give his whole time to the duties of the office, and shall receive therefore compensation as fixed by the Board of County Legislators. His term of office shall begin with the first day of January, next following his election and shall be for four years, (except that the term of the county executive elected in 1962, shall be for five years, commencing January 1, 1963 and every county executive elected thereafter shall have a term of four years.)

Section 302. Powers and Duties. It shall be the duty of the County Executive, subject to the provisions of this charter and code, to supervise, direct and control the administration of all departments of the county government. Except as may otherwise be provided in this charter and subject to confirmation by the Board of County Legislators where provided, he shall appoint the head of every county department and office and members of county boards and commissions. The county executive must appoint, or reappoint, the head of every county department, subject to confirmation by the Board of County Legislators where provided, upon his commencement of a four (4) year term of office, except where the term of any department head is otherwise provided by law.

In addition to any other powers and duties provided by this charter or code, the county executive shall:

- (a) Supervise and direct the internal structure and organization of each department or other administrative unit, the head of which he has power to appoint
- (b) Determine and fix real property equalization rates among the various county taxing districts for county purposes and file same with the Board of County Legislators on or before the first day of (November) December in each year
- (c) Be chief budget officer of the county
- (d) Have authority to appoint and terminate, except as hereinafter provided, one or more temporary advisory boards of citizens of the county who shall, without compensation other than such necessary expenses as may otherwise be provided in the budget, assist in the consideration of county administrative policies and programs. Such executive, however, shall not have the power to terminate an advisory board appointed by the Board of County Legislators
- (e) Designate one or several depositories located within the county for deposit of county funds
- (f) Approve or disapprove sufficiency of sureties on official bonds and undertakings
- (g) Report to the Board of County Legislators annually at the close of the fiscal year, or as soon thereafter as practicable but in no event later than the first day of March, and at such other times as the Board of County Legislators shall direct, the activities of the several administrative units and departments of the county during the preceding fiscal or current year in such detail as the Board of County Legislators shall require and direct
- (h) Appoint a member of the Board of County Legislators to serve as chairman of such board: (1) for the remainder of the calendar year in case the Board of County Legislators has failed to select a chairman on or before February 1, or (2) for the unexpired term of the previous chairman in case the Board of County Legislators has

failed to select a Chairman within 30 days after a vacancy has occurred in the office of the Chairman.

(i) Perform such other duties and have such other powers as may be prescribed for him by law, code, ordinance or resolution of the Board of County Legislators.

(j) Have such necessary, implied and incidental powers to perform and exercise the duties and functions specified above or lawfully delegated to him.

Section 303. Removal of County Executive. The County Executive may be removed in the manner provided in the Public Officers Law for the removal of other county officers.

Section 304. Acting County Executive; How Designated; When to Act. The County Executive shall designate in writing one or more appointive department or executive division heads to perform the duties of the County Executive during the (latter's) County Executive's temporary inability to perform by reason of absence from the county or disability. Such appointment, with the order of succession specified, shall be filed with the Clerk of the Board of County Legislators and any such designation may be revoked at any time by the County Executive by filing a new designation with the Clerk of the Board of County Legislators. If a vacancy occurs in the office of the County Executive, the designated acting County Executive shall serve until the vacancy is filled pursuant to this charter.

In the event that no acting County Executive has been designated or is able to serve, the Board of County Legislators shall designate an appointive department or executive division head to perform the duties of the office during the inability of the County Executive to perform by reason of absence from the county or disability.

Section 305. Division of the Budget. There shall be, in the o(O)ffice of the County Executive, a division of budget, the head of which shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The head of the division of budget shall be designated the Budget Director and he or she shall assist the County Executive in the preparation and administration of the operating and capital budgets and programs and in the study of administrative efficiency and economy.

Section 306. Division of Purchase; (Purchasing Agent Office Abolished.) There shall be in the office of the County Executive, a division of purchase, the head of which shall be a P(p)urchasing D(d)irector who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The P(p)urchasing D(d)irector shall, in accordance with the requirements as to advertising and competitive bidding, make purchases and sales of all materials, supplies and equipment and contract for the rental or servicing of equipment for the

county, except as otherwise provided in this charter or the code. He shall not contract for or furnish any services, equipment or other articles except upon the receipt of authorized requisitions and the certification(s) as to availability of funds. (The Oneida County Purchasing Agent Office, created by Resolution No. 12 of the Board of county Legislators, adopted May 11, 1921, as amended, is hereby abolished as of January 1, 1963.)

Section 306.1 Bureau of Weights and Measures. The Bureau of Weights and Measures shall be headed by the County Director of Weights and Measures. He shall possess all of the qualifications required for, and shall have all the powers and duties of, a county director of weights and measures now or hereafter granted or imposed by Article 16 of the Agriculture and Markets Law of the State of New York, local law, ordinance or resolution of the Board of Legislators, order or direction of the County Executive, or purchasing director, and any applicable provision of any act of the legislature not inconsistent with the charter or code.

Whenever the county director of weights and measures is required by any state law to make a report, he shall, at the same time, file a written copy thereof with the purchasing director and the Board of Legislators.

The county director of weights and measures shall be appointed by the County Executive, subject to confirmation by the Board of Legislators.

(**Section 307. Division of Central Services.** There shall be in the office of the County Executive a Division of Central Services headed by a central services director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. Such director shall have such powers and perform such duties in relation to and including but not limited to storage of the supplies and material, printing and mimeographing, mailing and data processing as shall be prescribed in the administrative code.)

Section 307. Division of Central Services. There shall be in the office of the County Executive a division of Central Services headed by a C(c)entral S(s)ervies D(d)irector who shall be appointed by and serve at the pleasure of the County Executive, subject to (the) confirmation by the Board of Legislators. Such director shall have the powers and perform such duties in relation to and including but not limited to establishing and implementing an information technology infrastructure comprised of an integrated, secure, scalable and modernized system which serves to promote the efficient and cost effective delivery of services, to, from, and between the citizens of the County, our departments and allied agencies, both public and private; maintaining a central repository of commonly used goods and materials for departmental use; and printing and mail delivery services as shall be prescribed in the administrative code.

(**Section 308. Division of Research.** If and when the Board of County Legislators shall establish and create such division, there shall be in the office of the County Executive, a division of research, headed by a director who shall appointed by and serve

at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The director of research shall initiate such studies relating to county government, business and affairs as the County Executive, the Board of County Legislators or he himself may deem necessary. The director of research shall also cooperate with organizations and individuals in the industrial and commercial development of Oneida County, and his office shall act as a clearing house for such information concerning the county.)

Section 308(9). Office of Emergency Services.

(a) There shall be in the Office of the County Executive an Office of Emergency Services headed by a D(d)irector who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The Office of Emergency Services shall assume the duties and obligations heretofore performed by the Divisions of Emergency Management and Mutual Aid.

(b) The D(d)irector of Emergency Services shall be subject to all obligations and liabilities heretofore and hereafter granted or imposed by charter, code, local law, ordinance or resolution of the Board of Legislators, order or direction of the County Executive or any applicable provision or act of the legislature not inconsistent with the Charter or Code. The D(d)irector of Emergency Services shall have all of the rights, obligations and liabilities previously conferred upon the director of Emergency Management and the director of Mutual Aid.

(c) There shall be in the Office of Emergency Services an Administrator of the Oneida County STOP-DWI program who shall act as Coordinator and assume the duties and obligations of the program in accordance with Section 1197 of the New York State Vehicle and Traffic Law and he or she shall be subject to all obligations and liabilities heretofore or hereafter granted or imposed by Charter, Administrative Code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature.

(Section 309. Office of Traffic Safety.

(a) There shall be in the Office of the County Executive an Office of Traffic Safety headed by the (Coordinator) Administrator of the Oneida County STOP-DWI program who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The Office of Traffic Safety shall assume the duties and obligations heretofore performed by the Division of Traffic Safety (under Section 309 of the Oneida County Charter and Administrative Code) in addition to the administrative duties and obligations of the Oneida County STOP-DWI Program.

(b) The (Coordinator) Administrator of the Oneida County STOP-DWI program as director of the office of Traffic Safety shall be subject to all obligations and liabilities heretofore or hereafter granted or imposed by charter, code, local law,

ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature provided that such provision or act is not inconsistent with the Oneida County Charter or Administrative Code. The Oneida County STOP-DWI (Coordinator) Administrator shall have all of the rights, obligations and liabilities previously conferred upon the director of Emergency Service only as same related to the former Division of Traffic Safety (under Section 309 of the Oneida County Charter and Administrative Code.))

Section 310. Division (of Recreation and related Programs) for Youth. (If and when the Board of County Legislators shall establish and create such division,) T(t)here shall be in the office of the County Executive, a division (of recreation and related programs) for youth headed by a director who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of Legislators. The director shall have such powers and perform such duties relating to county (recreation) youth (and related) programs (and facilities) and initiatives as shall be prescribed in the code or hereafter granted or imposed by charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature. (and/or delegated to him by the County Executive or Board of County Legislators. Such powers and duties may include, among other thing: county parks and recreation facilities therein, beaches, zoological gardens, forest lands, golf courses, and auditoria, if any, together with buildings, structures, roads, utilities, equipment and appurtenances.)

Section 311. Administrative Heads; Term; Interim Appointment; Appointment of Other Officers and Employees. Except as otherwise provided by law or by this charter, and subject to the approval and confirmation of the Board of County Legislators where provided, the County Executive shall appoint the heads of every county department and office and the members of county boards and commissions not administered by any elected official. The County Executive may appoint one head for two or more departments or other administrative units, subject to any and all requirements as to qualification and confirmation, or may himself so serve without such confirmation.

All appointments by the County Executive shall be in writing and filed in the Office of the Clerk of the Board of County Legislators and the County Clerk within ten days after the date of such appointment. No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made except as otherwise provided by this charter and except that, unless removed, he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

Upon confirmation by the Board of County Legislators and upon qualifying for the office, an appointee to the position of a head of a department or any administrative unit shall enter upon the duties thereof. In the event the Board of County Legislators has neither confirmed nor rejected an appointment within a period of forty days after the filing thereof with the Clerk of the Board, such appointment shall be deemed to be confirmed. Awaiting action by the Board of County Legislators, the County Executive may designate a qualified person to serve as such head for a period not to exceed forty days in any calendar year.

All other officers and employees of each department or other administrative unit, shall be appointed by the head thereof and within appropriations made therefore. (.) (the)The County Executive shall appoint, without the approval of the Board of County Legislators, such officers and employees in his own office as may be necessary for the full discharge and performance of his duties.

Section 312. Confirmation by Board of County Legislators. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of the members of the Board of County Legislators taken at a regular or special meeting.

Section 302 was amended by the enactment of Local Law No. 8 of 1984 which pertains to the powers of the county executive to appoint department heads.

Section 307 and Section 313 were amended by Local No. No. 3 of 1980 which transferred the County Sealer of Weights and Measures from the Division of Central Services to the Division of Consumer Affairs.

Section 313 – Division of Consumer Affairs and Consumer Board established by Local Law No. 1 of 1977.

Section 305 was deleted by Local Law No. 4 of 1985. Local Law No. 4 of 1985 is repealed by Local Law No. 2 of 1998.

Section 313 is repealed by Local Law No. 1 of 1986.

Section 306 is amended by Local Law No. 1 of 1986, which transferred the Bureau of Weights and Measures to the Division of Purchase.

Section 309 was amended in its entirety by Local Law No. 2 of 1992 to create the Office of Emergency Services.

Section 305 is added by Local Law No. 2 of 1998 transferring the Division of Budget from the Finance Department to the Office of the County Executive in order to assist the County Executive with the timely preparation and submission of annual county budgets.

Section 309 was amended by Local Law No. 6 of 1996 by the deletion there from of any references to the inclusion or function of the Division of Traffic Safety.

Section 309-A was added by Local Law No. 6 of 1996 to create the Office of Traffic Safety and thereby separate its function from the Office of Emergency Services as previously merged by Local Law No. 2 of 1992.

ARTICLE IV

(DEPARTMENT OF AUDIT AND CONTROL) OFFICE OF THE COUNTY COMPTROLLER

Section 401. (Department of Audit and Control,) Office of the County Comptroller

Section 402. Powers and Duties

Section 401. (Department of Audit and Control;) Office of the County Comptroller; Election; Comptroller's Act Repealed. There shall be an (department of audit and control) office of the County Comptroller headed by a comptroller who shall be elected from the county at large. His term of office shall be for four years beginning with the first day of January next following his election, (except that the provisions of this section with respect to such election shall not take effect until the general election of 1964 at which a comptroller shall be elected for a three year term to commence January 1, 1965), and every comptroller elected thereafter shall have a term of four years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office. The Oneida County Comptroller's Act, being chapter 446 of the Laws of 1909, as amended, is hereby repealed as of January 1, 1963.

Section 402. Powers and Duties. The County Comptroller shall:

- a) Except as otherwise expressly provided in this charter or code, have all the powers and perform all the duties conferred or imposed upon a county comptroller under the county law or any applicable state or local law, rule or ordinance;
- b) Be the chief fiscal officer of the county;
- c) Examine, audit and verify all books, records and accounts of the various administrative units, departments, offices or officials paid from county funds, institutions and other agencies of the county, including bond and note registers and trust accounts, and the accrual and collection of all county revenues and receipts, and for this purpose have access to all such books, records and accounts at any time;
- d) Prescribe the form of receipts, vouchers, bills or claims to be filed by all administrative units, departments, offices or officials, institutions, and other agencies of the county;
- e) Examine and approve for payment all contracts, purchase orders, and other documents by which the county incurs financial obligations, having ascertained before approval that such monies(eys) have been duly appropriated or provided for and allotted to meet such obligations and that such monies will be available when such obligations shall have become due and payable, and shall record such

obligations and encumbrances of the respective appropriations accounts from which such obligations are to be paid;

- f) Audit and approve all bills, invoices, payrolls and other evidences of claims, demands, or charges paid from county funds or by any county agency or payment for which the county, its officers or agents are responsible, except when payment shall be ordered by a court of competent jurisdiction, and determine the regularity, legality and correctness of same;
- g) Submit reports to the Board of County Legislators in such form and detail and at such times as may be prescribed by the Board of County Legislators;
- h) Be the chief accounting and auditing authority of the county;
- i) Prescribe such methods of accounting for the county and its administrative units and agencies as he may deem necessary, provided the same shall have been approved by the County Executive and the state comptroller;
- j) Perform such other duties pertaining to the financial affairs of the county as may be directed by the Board of County Legislators, the County Executive or by any law or by any officer of the state authorized (so to do)to so direct by law.

ARTICLE V
DEPARTMENT OF FINANCE

Section 501. Department of Finance; Commissioner, Board of Equalization and Elective Office of Treasurer Abolished.

Section 502. Powers and Duties.

Section 501. Department of Finance; Commissioner; Board of Equalization and Elective Office of Treasurer Abolished. There shall be a department of finance headed by a commissioner. He shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office, by the County Executive subject to confirmation by the Board of County Legislators and shall serve at the pleasure of the County Executive. The Oneida County Equalization Board Act, being chapter 202 of the Laws of 1897, as amended, is hereby repealed, and the elective office of county treasurer shall be abolished, as of January 1, 1963.

Section 502. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of finance shall:

(a) Collect, receive, have custody of, deposit and disburse all fees, revenues and other funds of the county or for which the county is responsible;

(b) Submit to the Board of County Legislators annually on or before the first day of April, or at such other times as the board may require, a complete financial statement containing a general balance sheet for the county;

(c) Perform all duties now performed by a county treasurer or other county officer in relation to the collection of taxes;

(d) Perform all duties in relation to the extension of taxes and such other and related duties in connection therewith as shall be prescribed by the County Executive or Board of County Legislators;

(e) Keep a record of the transfer of title to real property and immediately notify the town clerk or the city assessors of all such transfers in each town or city, as the case may be;

(f) Make available a consultation and advisory service to assist local assessors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment records and practices;

(g) Submit annually to the County Executive on or before the 1st day of ~~(September)~~ December, proposed county tax equalization rates consistent with standards prescribed by the legislature of the State of New York;

(h) Work in conjunction with the budget director in the preparation of the annual operations budget and capital budget of Oneida County.

(h) (i) Perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

Section 502(h) is renumbered to 502(i) and a new section 502(h) is added by enactment of Local Law No. 4 of 1985.

Section 502(h) is deleted in its entirety by Local Law No. 2 of 1998 and Section 502 is amended by renumbering Article V, Section 502 subdivision (i) to Section 502 Subdivision (h).

ARTICLE VI
FINANCIAL PROCEDURES

- Section 601. Fiscal Year
- Section 602. Preparation of Proposed Budget and Capital Program
- Section 603. Proposed Budget and Capital Program by County Executive
- Section 604. Budget Message
- Section 605. Review of Proposed Budget; Capital Program and Message
- Section 606. Public Hearing
- Section 607. Adoption of Budget
- Section 608. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes
- Section 609. Appropriations; Supplemental and Emergency
- Section 610. Appropriations; Reduction and Transfer After Budget Adoption
- Section 611. Certain Resolutions of the Board of County Legislators Require a Two-Thirds Vote
- Section 612. Certain Obligations and Payments Prohibited
- Section 613. Performance of Acts; Scheduling
- Section 614. Compensation of Elected Officials
- Section 615. Audit Advisory Committee

Section 601. Fiscal Year. The fiscal year of the county shall begin with the first day of January and end with the last day of December of each year.

Section 602. Preparation of Proposed Budget and Capital Program. The budget director and the commissioner of finance shall prepare a proposed budget and capital program for submission to the County Executive in such manner and form as shall be prescribed by this charter or the code.

Section 603. Proposed Budget and Capital Program by County Executive. The County Executive shall submit to the clerk of the Board of County Legislators, on or

before the 5th day of October of each year, for consideration by such board, a proposed budget for the ensuing fiscal year, and a capital program for the next six fiscal years.

Upon its submission, the proposed budget and capital program and budget message hereinafter provided for shall become a public record in the office of the clerk of the Board of County Legislators, and copies of the same shall be made available by such clerk for distribution.

The proposed budget shall present a complete financial plan for the county and its administrative units for the ensuing fiscal year setting forth proposed expenditures and anticipated revenues, and shall include: (1) an operation and maintenance expense budget and (2) a capital budget covering debt service, down payments and other current capital financing, and proposed borrowing, if any. Unencumbered balances at the end of each completed fiscal year, unless otherwise prescribed by statute and except where appropriated for a capital improvement or other authorized continuing project, shall be treated as revenues in(for) the county budget of the ensuing fiscal year.

Section 604. Budget Message. The county executive shall also submit with the proposed budget(,) a message explaining the main features of the budget including among other things, a general summary thereof with such supporting schedules as he may deem desirable or as the Board of County Legislators may, by resolution, require. Such schedules shall exhibit the aggregate figures of the proposed budget in such manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. Such budget message shall also outline the existing and any proposed financial policies of the county relating to the capital program describing each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost, the pending or proposed method of financing it and the projected operation and maintenance expense. The budget message shall contain such additional information or comments as are deemed advisable by the county executive.

Section 605. Review of Proposed Budget; Capital Program and Message. The Board of County Legislators or a committee designated by such Board shall review the proposed budget, the capital program and the budget message as submitted by the County Executive and shall, not later than one week prior to the first(last) regular Board meeting in (October)November of each year, file with the Clerk of the Board of County Legislators its report including any recommendations proposed therein. Such report shall become a public record in the office of the Clerk of the Board of County Legislators, and copies thereof shall be made available by such Clerk for distribution.

Section 606. Public Hearing. The Board of County Legislators shall hold a public hearing on the proposed budget and capital program submitted by the County Executive no later than seven days from the date of the County Executive's Budget Message and shall thereafter hold public hearings related to the budget and the report submitted by the Ways and Means Committee on the Monday and Tuesday immediately

preceding the first Board meeting in November of each year. The Clerk of the Board of County Legislators shall cause to be published in the official newspaper or newspapers and such other newspapers as may be designated by the Board of County Legislators, a notice of the place and time of such hearings. Said notice shall be published not later than five days prior to the date of such hearings.

Section 607. Adoption of Budget.

(a) After the conclusion of the public hearings, the Board of County Legislators may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The board may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval nor be subject to executive veto.

(b) If the budget as submitted by the county executive is adopted by the resolution of the Board of County Legislators with no changes thereto at the first Board of Legislators meeting in November, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the Board of County Legislators contains any additions or increases, the same shall be presented by the clerk of the board to the County Executive, not later than the Friday following the first Board of Legislators meeting in November, for his examination and consideration. If the County Executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget together with such statement to the clerk of the board, and the budget including the additions and increases as part thereof, shall then be deemed adopted.

(c) If a budget with additions or increases is not returned by the County Executive to the clerk of the Board with his objections on or before 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November, then the budget with such additions and increases shall be deemed adopted

(d) If the County Executive objects to any one or more of such added or increased items, he shall append to the budget a statement of the added or increased items to which he objects setting forth his reasons therefor and shall, not later than 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November return the budget with his objections to the clerk of the board who shall present the same to the Board of County Legislators at the second Board of Legislator's meeting in November. The Board of County Legislators shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases to which objection is made by the County Executive. If upon such reconsideration two-thirds of all members of the Board of County Legislators vote to approve such additions and increases, or any of them, the budget with the additions and increases so approved, together with any additions and increases not so objected to by the County Executive shall be deemed adopted. If the board fails to act on or override such objections by a two-thirds vote, at the second Board of Legislators meeting in November, the objections shall become final

and the budget shall become final and deemed adopted without the increases objected to by the County Executive.

(e) If a budget has not been adopted, as herein provided, at the second Board of Legislators meeting in November of each year, then the proposed budget as submitted by the County Executive, plus all additions and increases as to which he has failed to object, shall be the budget for the ensuing fiscal year.

(f) Four copies of the budget as adopted shall be certified by the County Executive and by the clerk of the Board of County Legislators, and one each of such copies shall be filed in the office of the County Executive, the offices of the comptroller, the commissioner of finance and the clerk of the Board of County Legislators. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

(g) The Board of County Legislators reserves the right to make adjustments to the dates set forth herein for the filing of the report of the Ways and Means Committee, the conduct of public hearings, the submission of additions and increases to the County Executive and the filing of objections to such additions and increases by the County Executive and to convene special meetings of the Board only in those years where the dates provided for herein fall on days which do not accommodate the time frames necessary for the consideration of the annual budget.

Section 608. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes.

The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the Board of County Legislators on the taxable real property of the several tax districts of the county. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be a county charge. The Board of County Legislators shall fix the amount of such a sum as they may deem sufficient to produce, in cash from the collection of taxes and other revenues during the year, the monies(eys) required to meet the estimated expenditures of such year, provided, however, that such reserve for uncollected taxes shall be not less than the face amount of unpaid taxes for the preceding completed fiscal year.

The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the Board of County Legislators shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

Section 609. Appropriations: Supplemental and Emergency. If, during any fiscal year, there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year, or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the Board of County Legislators may make supplemental appropriations for the year not in excess, however, of such additional revenues.

To meet a public emergency affecting life, health or property, the Board of County Legislators may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of County Legislators may authorize the issuance of obligations pursuant to the local finance law.

Section 610. Appropriations: Reduction and Transfer After Budget Adoption. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the Board of County Legislators without delay the estimated amount of the deficit; remedial action taken by him, and his recommendations as to further action. The Board of County Legislators shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose, it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The board may also, if it so desires, borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

The County Executive may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the Board of County Legislators shall be required if the proposed transfer (1) would result in a(n) cumulative increase exceeding five thousand dollars annually, (or such larger amount as the fiscal year in any one line item in the budget as adopted,) or (2) would affect any salary rate or salary total except as expressly permitted in this charter or code. If the County Executive requests in writing, the Board of County Legislators, by resolution effective immediately, may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 611. Certain Resolutions of the Board of County Legislators Requiring a Two-Thirds vote. A resolution of the Board of County Legislators for any of the following specified purposes shall be passed by not less than a 2/3 vote of the whole number of the members of the Board of County Legislators: (a) a supplemental or emergency appropriation, (b) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues, (c) the issuance of bonds, bond anticipation notes or capital notes and (d) any amendment offered to any of the above.

Section 612. Certain Obligations and Payments Prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local finance law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

Section 613. Performance of Acts; Scheduling. Whenever the scheduling of the performance of an act shall be fixed by this article, the same may be changed by the code or an amendment thereof.

Section 614. Compensation of Elected Officials.

(a) All elected offices filled by the electors of the County of Oneida whose compensation is established in the county budget may be increased during their term of office in the manner set forth herein: in the case of the members of the County Board of Legislators, the salary fixed and paid during a fiscal year shall not exceed the salary specified in the notice of public hearing on the tentative budget prepared for such fiscal year and published pursuant to Section 606 of this charter; in the case of the other elected County officials, with the exception of the District Attorney, whose salary is fixed by Section 183-a of the Judiciary Law, such salaries may be increased during the term of such elected official by enactment of a local law subject to a referendum on petition, except that a cost of living adjustment or other yearly increment in salary may be allowed at the beginning of any year during the term of office, provided that a schedule of cost of living adjustments and/or yearly increments was in existence prior to the commencement of such term of office; these offices shall include the County Executive, the Comptroller, the County Clerk, the Sheriff and the County Coroners.

(b) There shall be a bipartisan subcommittee of the Board of Legislators, convened at the request of the Chairman of the Board of Legislators, to research and recommend to the full Board increases in the compensation paid to County elected officials. Such subcommittee shall consist of seven members who shall be appointed by the Chairman of the Board from the then current membership of the Board. The subcommittee shall be chaired by the Majority Leader and Minority Leader of the Board.

(c) The subcommittee shall, not less one month prior to the date of the County Executive's submission of a budget to the Board of Legislators, have made its recommendations to the County Executive and the Board of Legislators regarding any increase in compensation for those elected offices, other than the District Attorney, and the Board of Legislators may take the necessary procedural steps to include such increases in the budget and/or may take the necessary procedural steps to enact a local law to increase such salaries.

(d) The County Executive shall include such increases in compensation in his or her annual budget submitted to the Board of Legislators.

Section 615. Audit Advisory Committee. There shall be an independent Audit Advisory Committee consisting of qualified private citizens with financial and related accounting backgrounds to review County financial procedures/policies, the budgetary process, State and independent audit results and to make recommendations to update, correct and address any deficiencies found to be required. The members of this committee will be appointed by the Board of Legislators and shall establish within their mission statement that they remain an independent committee to be accountable directly to the Board.

Section 614 was added by enactment of Local Law No. 1 of 1982.

Section 611 was amended by Local Law No. 2 of 1987.

Section 614(a) was amended by Local Law No. 3 of 1987.

Section 605 and 606 were amended by enactment of Local Law No. 7 of 1991.

Section 610 was amended by enactment of Local Law No. 3 of 1994 raising the County Executive transfer of funds limit to five thousand dollars.

Section 614 was amended by Local Law #1 of 2004 changing the method by which compensation of elected officials of the County may be increased during their terms of office.

Sections 606 and 607 were amended by Local Law No. 4 of 2006 changing the designated date requirement for adoption of the annual county budget.

ARTICLE VII

DEPARTMENT OF PUBLIC WORKS

Section 701. Department of Public Works; Commissioner; Qualifications

Section 702. Powers and Duties

Section 703. Divisions of the Department

Section 701. Department of Public Works; Commissioner; (Qualifications)

There shall be a department of public works, the head of which shall be the commissioner of public works, who shall be appointed on the basis of his or her experience and qualifications for the duties of such office. Such commissioner shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. (Upon the effective date of this charter, the office of county superintendent of highways and of county engineer, if any, shall be abolished and the powers and duties of such office shall devolve upon the department of public works.)

Section 702. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of public works shall:

- (a) Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law.
- (b) Have charge and supervision of the design, construction and alteration of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserves, beaches, erosion projects, and such other structures and facilities in the nature of public works under the jurisdiction of the county.
- (c) Have charge and supervision of maintenance, repair and alterations of buildings owned or leased by the county, parking fields, drives, walks, docks, marinas, parks, recreational facilities, preserves, beaches, and other structures and facilities in the nature of public works under the jurisdiction of the county, including custodial care, unless otherwise provided in the code.
- (d) Have such powers and duties in relation to county facilities for drainage, flood control, sanitation, or water supply as may be prescribed in this charter, code or other applicable law.
- (e) Furnish engineering and other services to the Board of County Legislators, the County Executive, the Department of Planning and other county departments except as otherwise provided in this charter or code.

- (f) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the Board of County Legislators or the County Executive may from time to time direct.

Section 703. Divisions of the Department. There shall be the following divisions within the Department of Public Works: division of highways, bridges and structures; division of buildings and grounds; division of engineering; division of reforestation; (division of the airport ;) and such other divisions as may be created within the department by local law or resolution of the Board of County Legislators. The commissioner shall appoint and assign a deputy to each division who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head, while holding such position, to carry out the function of such division as provided by the charter, code, local law or by the directive of the commissioner. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

Section 702 was amended by Local Law No. 11 of 1984 which transferred the Airport from a separate department to a division of the Department of Public Works.

Section 702(d) was amended by Local Law No. 13 of 1984.

Section 703 was amended by Local Law No. 1 of 1966 which added the Division of Water Pollution Control; Local Law No. 11 of 1984 which added the Division of Airport; and Local Law No. 13 of 1984 which added the Division of Solid Waste Management.

Section 704 was added by Local Law No. 1 of 1966 and was amended by Local Law No. 5 of 1982.

Section 705 was added by Local Law No. 13 of 1984.

Sections 702(d) and 703 were amended by Local Law No. 1 of 1987 which established a department of solid waste management and eliminated the division of solid waste management in the department of public works.

Section 705 was deleted by Local Law No. 1 of 1987.

Section 702(d) and Section 702 were amended by Local Law No. 6 of 1989 which established the Department of Water Quality and Water Pollution Control and eliminated the Division of Water Pollution Control in the Department of Public Works.

Section 704 was deleted by Local Law No. 6 of 1989.

Section 702(b) and (c) and Section 703 were amended by Local Law No. 2 of 1990 which created the Department of the Airport and abolished the division of the airport in the Department of Public Works.

Section 703 was amended by adding "division of the airport" by Local Law No. 1 of 1997 which eliminates Art. IX, the Department of the Airport, and creates a division of the airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.

Section 703 was amended by Local Law No. 3 of 2007 deleting the reference to “division of the airport therein and re-establishing the division of the airport as the Department of Aviation in Article IX of the charter and code.”

ARTICLE VIII BOARD OF ACQUISITION AND CONTRACT

Section 801. Board Created; Powers and Duties

Section 802. Execution of Contracts

Section 803. Prequalification of Bidders

Section 801. Board Created; Powers and Duties. There shall be a board of acquisition and contract which shall consist of the County Executive, Commissioner of Public Works, and the Chairman of the Board of County Legislators. The board of acquisition and contract (shall contract for and acquire by purchase or condemnation, all lands, buildings and other real property, the acquisition of which has be authorized by the Board of County Legislators, and) shall award all contracts for the construction, reconstruction, repair or alteration of all public works or improvements in accordance with all general, special and local law, rules and regulations governing same.

Section 802. Execution of Contracts. All contracts, (except for the purchase of supplies, material, equipment and services incidental thereto) shall be executed on behalf of the county by the County Executive in accordance with the provisions of this Article. Whenever a contract for public works involves the expenditure of the amount set forth in Section 103, sub-division (1) of the General Municipal Law of the State of New York, as amended, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with the (public)legal notice published at least once in an official newspaper or newspapers designated by the (board of acquisition and contract) by the Board of Legislators at least 10 days prior to the day on which such sealed proposals are to be opened. The bids or proposals shall be opened publicly in the presence of (at) the Director of Purchasing or his designee. (least two members of the board of acquisition and contract or their representatives.) The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the (board of acquisition and contract) Director of Purchasing or his designee. No contract shall be executed by the County Executive on behalf of the county until the same has been approved as to form by the County Attorney. A copy of each contract, when executed, shall be filed with the (Commissioner of Finance) County Law Department and the County Comptroller, together with a copy of any resolution (act), other than the annual appropriation resolution (act), upon which the right to make such contract rests.

Any and all leases of equipment, professional service contracts and personal service contracts, which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which are in excess of \$50,000.00, shall be subject to the approval of a majority of members of the Oneida County Board of Legislators (after first being approved by the Board of Acquisition and

Contract.) Any and all leases of equipment, professional service contracts and personal service contracts, which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which do not exceed \$50,000.00 shall be approved by the Board of Acquisition and Contract.

The Board of Acquisition and Contract shall also have approval authority for settlements of claims against the County which do not exceed \$10,000.

(Section 803. Prequalification of Bidders The Board of Acquisition and Contract may require the prequalification of bidders on any contract, subject to such conditions or procedure as shall be established by resolution of the Board of County Legislators.)

Section 802 was amended by Local Law No. 1 of 1981 to conform to State Law which sets forth minimum standards for competitive bidding for purchase contracts and public works contracts.

Section 802 was amended by Local Law No. 3 of 1991 to add paragraph 2 in order to improve efficiency in county Government and to give the Oneida County Board of Legislators final approval over awarding of certain personal service contracts.

Section 802 was amended by Local Law No. 3 of 2001 by replacing paragraph 3 of Article VIII Section 802 to increase the level of legislative review and oversight by granting the Board of County Legislators final approval authority over certain County leases of equipment, professional service contracts and personal service contracts in excess of \$50,000.00.

ARTICLE IX
DEPARTMENT OF AVIATION

Section 901. Department of the Aviation; Commissioner; Appointment

Section 902. Powers and Duties

Section 903 Accounting for Fees

Section 901. Department of Aviation; Commissioner; Appointment. There shall be a department of aviation, headed by a commissioner who shall be appointed on the basis of his or her administrative experience and his or her qualifications for the duties of the office by the County Executive, subject to confirmation by the Board of County Legislators.

Section 902. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of aviation shall:

- a. have charge and supervision of the County Airport including any and all buildings, structures, hangars, runways and all other County owned facilities located upon or used in connection with the County Airport;
- b. have charge and supervision of the maintenance, repair and alterations of buildings, structures, hangars, runways and other County owned facilities upon or used in connection with the County Airport;
- c. have all of the powers and duties in relation to the operation of the Airport facilities, subject to any rules, regulations, statutes or conditions of the federal and state aviation oversight agencies, as may be applicable;
- d. have the charge and duty of performing such other duties related to the operation and maintenance of the County Airport facilities and property and other aviation related matters as the Board of Legislators and the County Executive may from time to time direct;
- e. work in conjunction with all relevant federal, state and local economic development corporations and agencies to promote, market and develop the resources of the County Airport.
- f. make an annual report at the close of each fiscal year detailing the work of the department of aviation for the preceding year. Such report shall be filed with the Board of Legislators and the County Executive not later than the first day of March. The commissioner shall make such other reports as may be required by the Board of Legislators or the County Executive or as may be required by the administrative code or other applicable law.

- g. when such positions are authorized by the County Executive and the Board of Legislators and within the limits of the appropriations provided therefore, have the power to appoint a deputy commissioner of aviation and such other assistants and employees as he or she may deem necessary for the performance of his or her duties. The deputy commissioner shall act for and on behalf of the commissioner and shall perform such duties as the commissioner prescribes.

Section 903. Accounting for Fees. All moneys to which the County may be entitled under and by virtue of the laws of the State of New York, or which the department of aviation may receive for aviation related services rendered, shall apply to and be for the benefit of the County Airport and shall be collected by the aviation commissioner, accounted for and paid over to the Commissioner of Finance within five days after the last day of each month of the fiscal year. Each statement shall have attached to it a certification by the aviation commissioner to the effect that the same is, in all respects, a full and true accounting of all monies received by the aviation commissioner for the preceding month. At the time of rendering any such statement, the aviation commissioner shall pay to the Commissioner of Finance, for the benefit of the County Airport, all monies received by the aviation commissioner during the preceding month. All other funds or fees collected or received by the aviation commissioner shall be collected, paid over, deposited and reported as set forth herein, except as otherwise specifically provided by law.

Section 902(b) was amended by Local Law No. 2 of 1995 to relieve the County of the burden of fulfilling unnecessary public notice and public hearing requirements for airport leases which procedures serve no legitimate public purpose.

Article IX is eliminated by Local Law No. 1 of 1997 in order to create a Division of the Airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.

Article IX- Department of Aviation was re-established by Local Law No. 3 of 2007

ARTICLE X
DEPARTMENT OF SOCIAL SERVICES

- Section 1001. Department of Social Services; Commissioner
Section 1002. Powers and Duties of the Commissioner

Section 1001. Department of Social Services; Commissioner. There shall be a department of social services headed by a commissioner who shall be appointed on the basis of his or her administrative experience and his or her qualifications for the duties of the office by the County Executive subject to confirmation by the Board of County Legislators (and shall serve at the pleasure of the County Executive, except that the person serving as commissioner of social services at the time immediately prior to this charter taking effect, shall continue to serve as the commissioner of Department of Social Services until December 31, 1963;) and thereafter, the Commissioner of the Department of Social Services shall be appointed as provided herein for the term as set forth in Section 116 of the Social Services Law.

Section 1002. Powers and Duties of the Commissioner. Except as otherwise provided in this charter and code, the commissioner of social services shall:

- (a) Have all the powers and perform all the duties conferred on or required of a county commissioner of social services under the social services law or other applicable law.
- (b) Manage and supervise the (Oneida County Home and any other) social services (institutions) programs or agencies of the county when authorized by the County Executive and approved by resolution of the Board of County Legislators.
- (c) Perform such other related duties as shall be required or delegated to him or her by the County Executive or Board of County Legislators.

Sections 1001, 1002(a)(b) were amended by Local Law No. 2 of 1968 changing the name from the Department of Social Welfare to the Department of Social Services.

ARTICLE XI
DEPARTMENT OF HEALTH

(Section 1101.	Application of Article XI)
Section 1101(2).	Department of Health; Commissioner or Public Health Director; Appointment; Term; Qualifications
Section 1102(3).	Powers and Duties of the Commissioner or Director
Section 1103(4).	Health Advisory Board
Section 1104(5).	Sanitary Code
Section 1105(6).	Organization of the Department
Section 1106(7).	Continuation of Program

(Section 1101. Application of Article XI. In the event that the Oneida County Board of County Legislators shall establish a county or part county health district, then Article XI of this charter shall become effective.)

Section 1101(1102). Department of Health; Commissioner or Public Health Director; Appointment; Term; Qualifications. There shall be a department of health headed by a commissioner of health or public health director, who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators, to serve at the pleasure of the County Executive except as otherwise provided by law. (The A health advisory board, if so appointed as set for the herein, shall make recommendations in relation to the appointment of such commissioner or director.

If a commissioner of health is appointed, the appointee shall be a physician licensed to practice medicine in the State of New York, shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

If a public health director is appointed, the appointee shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

Section 1102(1103). Powers and Duties of the Commissioner or Director. Except as otherwise provided in this charter, the commissioner of health or public health director shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners and/or public health directors, and/or county or part-county boards of health by law. In addition thereto, the commissioner or director shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

Section 1103(1104). Health Advisory Board. There may (shall) be in the department a health an advisory board, the members of which shall be appointed by the County Executive. The composition of such advisory board in relation to the number of members and the professional, governmental, or other representation, and terms of such members, shall be as provided in the public health law for a county or part-county board of health. The health advisory board shall at the request of the commissioner or director and may on its own initiative, advise on matters relating to the preservation and improvement of the public health, and shall be advisory only, except as hereinafter provided.

Section 1104(1105). Sanitary Code. The (health advisory board) commissioner or director may, (subject to the approval of the commissioner or director,) recommend and submit to the Board of County Legislators for adoption, amendment or repeal thereof, such rules, regulations, orders and directions relating to health in the county or part-county health district, in such manner and form provided in and not inconsistent with the public health law or the state sanitary code. Any such rules, regulations, orders and directions so adopted, amended or repealed, by the Board of County Legislators shall be known as the Oneida County or part-county sanitary code. The Board of County Legislators shall have no power to adopt, amend or repeal the same, except pursuant to such recommendations of the commissioner or director. The County Sanitary Code and any amendments thereto must be approved by the New York State Department of Health prior to any approval or adoption by the Board of Legislators.

The provisions of such sanitary code shall have the force and effect of law, and shall be published as provided by the public health laws. Penalties for violation of or non-conformance with such code shall be as provided by such code or other applicable law. Certified copies shall be filed with the with the New York State Department of Health, the commissioner of health or public health director, the Clerk of the Board of County Legislators and the County Clerk and shall be received in evidence in all courts and proceedings in the state.

Section 1105(1106). Organization of the Department. The department of health shall be organized into such divisions and bureaus as shall be prescribed in the code.

(Section 1107. Continuation of Program. Pending the creation and establishment of a county or part county health district as herein provided, the present health program and department as it exists at the time this charter becomes effective shall continue except as otherwise provided in the code.)

NOTE: A part-county health district was established by Resolutions Nos. 82, 91 and 92 adopted by the Board of County Legislators on March 14, 1973.

Sections: 1102, 1103, 1104, 1105, were amended by the enactment of Local Law No. 9 of 1984 which provided for appointment of either a commissioner of health or a public health director.

ARTICLE X II
DEPARTMENT OF MENTAL HEALTH

- Section 1201. Department of Mental Health; Commissioner; Appointment
Section 1202. Powers and Duties
Section 1203. Community Services Board

Section 1201. Department of Mental Health; Commissioner; Appointment. There shall be a department of mental health headed by a commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive, subject to confirmation by the Board of County Legislators. Such qualifications shall meet the standards fixed by the state commissioner of mental hygiene.

Section 1202. Powers and Duties. Except as otherwise provided in this charter, the commissioner of mental health shall have all the powers and perform all the duties now or hereafter conferred or imposed upon a director of community mental health and/or community mental health boards by law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

Section 1203. Community Services Board. The County Executive shall appoint a community services board which shall make recommendations and suggestions to the County Executive relative to the qualifications and appointment of the commissioner of the department of mental health and relative to the qualifications and duties of the deputy commissioner, officers or employees of the department of mental health. The community services board shall recommend and suggest to the County Executive a program of community mental health services and facilities and rules and regulations concerning the rendition or operation of services and facilities in the community mental health program.

Section 1203 was amended by Local Law No. 3 of 1981 to conform the Charter to the Mental Hygiene Law of New York State, (Part 102)

ARTICLE XIII
DEPARTMENT OF PLANNING

- Section 1301. Application of Article XIII
Section 1302. Department of Planning; Commissioner
Section 1303. Planning Advisory Board

(**Section 1301. Application of Article XIII.** In the event that the Oneida County Board of Legislators shall create and establish a planning department, then Article XIII of this charter shall become effective, except as otherwise herein provided.)

Section 1301(1302). Department of Planning; Commissioner. There shall be a county planning department headed by a commissioner who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. The planning commissioner shall be a person qualified by professional training and experience in the field of metropolitan, regional, county and(or) municipal planning; shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law, and shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

Section 1302(1303). Planning Advisory Board. There may be in the department a planning advisory board, the members of which shall be appointed by the County Executive. Such board shall be advisory to the planning commissioner in matters related to comprehensive metropolitan, regional, county and municipal planning.

NOTE: The Department of Planning was established by Resolution No. 10 adopted by the Board of County Legislators on January 16, 1963.

ARTICLE XIV
DEPARTMENT OF PERSONNEL

- Section 1401. Application of Article XIV; Oneida County Civil Service Commission Abolished
- Section 1402. Department of Personnel; Commissioner of Personnel
- Section 1403. Powers and Duties

(Section 1401. Application of Article XIV; Oneida County Civil Service Commission Abolished. This article shall become effective January 1, 1963 and on such date the Oneida County Civil Service Commission shall be abolished.)

Section 1401(2). Department of Personnel; Commissioner of Personnel. There shall be a department of personnel headed by a commissioner of personnel, who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive subject to confirmation by the Board of County Legislators, for a term of six (6) years as provided in (the) section 15b of the Civil Service law.

Section 1403. Powers and Duties.

(a) The commissioner of personnel shall have, with reference to the civil service of the county, the powers and duties of a county personnel officer as provided by the civil service law, and he shall be subject to such supervision and control by the State Civil Service Commission as are county personnel officers. The commissioner shall perform such other and related personnel duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

(b) The commissioner may, when such positions are authorized by the Board of Legislators and within the appropriations provided therefore, appoint such deputies as he may deem necessary for the performance of his civil service and personnel duties. Such deputies shall act for or on behalf of the commissioner and shall perform such duties as the commissioner may prescribe.

ARTICLE XV
DEPARTMENT OF LAW

- Section 1501. Department of Law; County Attorney
Section 1502. Powers and Duties
Section 1503. (Deputy and) Assistant County Attorneys

Section 1501. Department of Law; County Attorney. There shall be a department of law headed by the County Attorney who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. He shall be duly admitted to the practice of law in the State of New York and a resident of the County of Oneida. He shall serve at the pleasure of the County Executive.

Section 1502. Powers and Duties. Except as otherwise provided in this charter or code, the county attorney shall be the sole legal advisor for the county and every agency and office thereof on civil matters, and on its behalf in county matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a civil nature brought by or against the county; (on request) prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the Board of County Legislators, together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

Section 1503. (Deputy and) Assistant County Attorneys. The county attorney shall have the power to appoint such (confidential deputy county attorneys,) assistant county attorneys, (officers) and employees of his department as shall be authorized by the Board of County Legislators and within the appropriations made therefor. All (deputy and) assistant county attorneys shall be in the exempt class of the civil service(,) and shall serve at the pleasure of the county attorney.

ARTICLE X V I
DEPARTMENT OF RECORDS

Section 1601. Department of Records; County Clerk; Election
Section 1602. Powers and Duties

Section 1601. Department of Records; County Clerk; Election. There shall be a department of records headed by the county clerk, who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election, (except that the provisions of this section with respect to such election, shall not take effect until the general election on 1963, at which a county clerk shall be elected for a four year term to commence on January 1, 1964,) and every county clerk elected thereafter shall have a term of four years. At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1602. Powers and Duties. Except where inconsistent with this charter, the county clerk shall appoint such deputies, officers and employees of the department as may be authorized by resolution of the Board of County Legislators and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required or delegated to him by the County Executive or the Board of County Legislators.

ARTICLE XVII
DISTRICT ATTORNEY

Section 1701.	Election
Section 1702.	Powers and Duties
Section 1703.	Assistant District Attorneys and Confidential Criminal Investigators

Section 1701. Election. There shall be a district attorney who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election, (except that the provisions of this section with respect to such election, shall not take effect until the general election of 1963, at which a district attorney shall be elected for a four year term to commence on January 1, 1964, and every district attorney elected thereafter shall have a term of four years.) At the time of his election and throughout his term of office, he shall be a qualified elector of the county and duly admitted to the practice of law in the State of New York. He shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1702. Powers and Duties. The district attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. He shall perform such other and related duties as shall be required of or delegated to him by the County Executive or the Board of County Legislators in accordance with applicable law.

Section 1703. Assistant District Attorneys and Confidential Criminal Investigators. Within the appropriations provided therefor, the District Attorney may appoint such number of assistant district attorneys and confidential criminal investigators as shall be determined and fixed by resolution of the Board of County Legislators. Every such appointment shall be in writing and filed with the department of records, and copies thereof with the Board of County Legislators and the County Executive. Any such appointment may be revoked by the District Attorney at any time by filing a written revocation with the department of records, and copies thereof with the Board of County Legislators and the County Executive. All such assistant district attorneys so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. The District Attorney may designate, in writing, filed with the department of records, the order in which such assistant district attorneys shall exercise the powers and duties of the office in the event of the absence or temporary inability of such District Attorney to perform the duties of his office. Such designation may be revoked or changed by the District Attorney in writing filed with the department of records, Board of County Legislators and County Executive.

The (deputy) assistant district attorney or (deputy) assistant district attorney as designated in such writing shall, in case of vacancy in the Office of District Attorney,

perform the duties of the District Attorney until a successor is elected or appointed and has qualified.

All such assistant district attorneys shall be duly admitted to the practice of law in the State of New York and residents of the County of Oneida or any adjoining county. Due to the confidential relationship between the district attorneys and confidential criminal investigators, the latter shall be in the exempt class of the civil service, and shall serve at the pleasure of the District Attorney.

The Oneida County Charter was amended by the addition of Section 1703 to Article XVII, by Local Law No. 4 of 1991, to provide and describe certain procedures and qualifications for the appointment of Assistant District Attorneys and Confidential Criminal Investigators to the staff of the District Attorney.

ARTICLE XVIII
OFFICE OF THE SHERIFF

Section 1801.	Election
Section 1802.	Powers and Duties
Section 1803.	(Jail) <u>Correctional</u> and Criminal Justice System Advisory Board

Section 1801. Election. There shall be a sheriff who shall be elected from the county at large. His term of office shall be for four years, beginning with the first day of January next following his election, (except that the provision of this section with respect to such election shall not take effect until the general election of 1963, at which a sheriff shall be elected for a four year term to commence on January 1, 1964, and every sheriff elected thereafter shall have a term of four years.) At the time of his election and throughout his term of office, he shall be a qualified elector of the county, shall devote his whole time to the duties of his office and shall hold no other public office.

Section 1802. Powers and Duties. The sheriff shall exercise such duties and appoint such personnel of the (department) office as may be authorized by resolution of the Board of County Legislators and shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law. All positions in the Sheriff's (Department) office which have been classified under Civil Service Law will be filled according to the Civil Service Law.

Section 1803. (Jail)Correctional and Criminal Justice System Advisory Board.

(a) The County Executive shall appoint a (jail) correctional and criminal justice system advisory board, subject to confirmation of the Board of Legislators, consisting of fifteen members, all of whom shall be residents of Oneida County. The County Executive shall appoint annually, on or before the 15th day of January each year, a chairman and vice-chairman of the Advisory Board. Said board shall (will) have the power to appoint (name) a secretary from its membership.

Meetings of said Advisory Board shall be held at the call of the Advisory Board Chairman or the County Executive on at least three days' written notice mailed to the last known address of said advisory board members.

(b) The composition of the (Jail) Correctional and Criminal Justice System Advisory Board shall be as follows: one representative of the Oneida County Court System, the Oneida County District Attorney or his designee, the Oneida County Public Defender Criminal or his designee, the Director of Oneida County Probation Department or his designee, the Oneida County Sheriff or his designee, two representatives of the education community, versed in law-related subjects, one representative of the Oneida County Bar Association, one representative of the news media, and six citizens not affiliated with the criminal justice system.

(c) Members of the (Jail) Correctional and Criminal Justice System Advisory Board shall be appointed for a term of four years, (, except that of those first appointed, three shall be appointed for a one year term, four shall be appointed for a two year term, four shall be appointed for a three year term, and four shall be appointed for a four year term.)

(d) The purpose of said Advisory Board is to monitor the operations of the Oneida County jail and the county-financed criminal justice defense system for the purpose of developing recommendations that would result in the most efficient operation of the jail and criminal justice system in Oneida County.

(e) The members of said Advisory Board shall receive no salary or compensation for their services but shall, within appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Section 1802 was amended by Local Law No. 2 of 1970, and Local Law No. 1 of 1973 to provide civil service status for certain employees.

Section 1803 was added by enactment of Local Law No. 4 of 1982.

ARTICLE XIX
MEDICAL EXAMINER

Section 1901.	Application of Article XIX
Section 1902.	Medical Examiner; Appointment and Qualifications
Section 1903.	Powers and Duties

Section 1901. Application of Article XIX. The Board of County Legislators shall have the power by local law, to abolish the office of coroner and create the office of appointed (appointive) medical examiner. Such local law shall not be subject to mandatory referendum, but must be adopted and filed in the office of the Secretary of State of New York at least 150 days prior to any general election. The terms of office of all coroners elected or appointed and holding office in the county at the time such local law is adopted and filed as hereinbefore provided, shall expire on December 31st following the adoption of such local law(, and) at the general election to be held in such year and thereafter no coroner shall be elected and Article XIX of this charter and applicable provisions of the code shall become and be effective on and after January 1, next succeeding such general election.

Section 1902. Medical Examiner; Appointment and Qualifications. There shall be a medical examiner who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. He shall be a physician duly licensed to practice in the State of New York, and shall have such other qualifications as may be prescribed in the code or any applicable law.

Section 1903. Powers and Duties. The medical examiner shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by any applicable law and shall perform such other related duties as shall be required or delegated to him by the County Executive or the Board of County Legislators.

ARTICLE XX
OTHER COUNTY BOARDS, OFFICES
INSTITUTIONS AND FUNCTIONS

Section 2001.	Board of Elections
(Section 2002.	Probation Office; Director- this section moves to Article XXVIII)
(Section 2003.	County Hospitals; Superintendants; Advisory Boards)
Section 2002.	Other Boards; How Appointed
Section 2003(5).	Additional Appointments by County Executive
Section 2004.	Miscellaneous Administrative Functions

Section 2001. Board of Elections. The Board of Elections, its powers and duties and the method of appointment of the members thereof by the Board of County Legislators shall continue as provided (by law) for by New York State Election Law.

(Section 2002. Probation Office; Director. There shall be an office of probation headed by a probation director, who shall be appointed in the manner provided by Section 938 b of the code of criminal procedure of the State of New York, and shall have such powers and duties as are provided by law.)Now Article XXVIII of the Oneida County Charter and Code.

(Section 2003. County Hospitals; Superintendants; Advisory Boards. The Oneida County Hospital Act being Chapter 218 of the Laws of 1912, as amended, to the extent inconsistent with this charter or code, is hereby repealed as of January 1, 1963.)(There shall be a county hospital superintendant for each of the county hospitals, at Rome and Broadacres. Each such superintendant shall be appointed by the County Executive on the basis of his training and experience in hospital administration, subject to confirmation by the Board of County Legislators. The term of each such appointee shall be for the term or balance there of the County Executive making such appointment. Except as otherwise provided in this charter or code, such superintendant shall have charge and supervision of his respective hospital; shall exercise all powers and duties of a hospital board managers; and shall perform such additional and related duties as may be prescribed by the County Executive and/or Board of County Legislators.)

(There may be a hospital advisory board for each of such hospitals, comprised each of 9 members appointed by the County Executive for five year staggered terms, subject to confirmation by the Board of County Legislators. At least two members of each board shall be physicians duly licensed to practice in the State of New York. Such boards shall at the request of the superintendant, and may on its own, advise on matters relating to county hospital operation, administration and improvement.)

Section 2002(4). Other Boards; How Appointed. The board of trustees of the Mohawk Valley Community College, the Alcoholic Beverage Control Board and the Fire Advisory Board shall continue as provided by law except that the power of appointment residing in the Board of County Legislators or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised on and after January 1, 1963, by the County Executive, subject to confirmation by the Board of County Legislators. The appointment of any head, board or agency in relation to a county sewer, water, drainage or watershed protection district, if any, or to any other county district of a similar nature shall be by the County Executive, subject to confirmation by the Board of County Legislators.

Except as otherwise provided in this charter or code, other appointments to boards and like units shall be made by the County Executive, subject to confirmation by the Board of County Legislators. The Director of Workmen's compensation, however, shall continue to be appointed as now provided by local law and the laws of the State of New York applicable thereto.

Section 2003(5). Additional Appointments by County Executive. Subject to confirmation by the Board of County Legislators and except as otherwise provided in this charter and code, the County Executive shall appoint the head of any other or additional administrative unit of the county, including among others, the director of the emergency management office, director of veteran's service(,) and fire coordinators, county historian, (veterinarian, meat inspector, tax agent, veteran's headstone inspector, dog warden), subject to confirmation by the Board of Legislators.

Section 2004. Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by this charter or code shall be assigned by the County Executive to an administrative unit.

Section 2002 was amended by Local Law No. 2 of 1968, changing the name from Mohawk Valley Technical Institute to Mohawk Valley Community College.

Section 2003 was amended by Local Law No. 3 of 1980, deleting "Sealer of Weights and Measures".

Section 2003 was amended by Local Law No. 1 of 1985, changing the "director of civil defense" to the "director of emergency management office".

ARTICLE X X I
SERVICE RELATIONSHIPS

Section 2101. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired

Section 2102. Contracts with Public Corporations and Public Authorities

Section 2101. Local Government Functions, Facilities and Powers Not Transferred, Altered or Impaired. No function, facility, duty or power of any city, town, village, school district or other district, or of any officer thereof is or shall be transferred, altered or impaired by this charter or code.

Section 2102. Contract with Public Corporations and Public Authorities.

The County of Oneida shall have power to contract with any public corporation including but not limited to a municipal district or a public benefit corporation as defined in Section 3 of the General Corporation Law or with any public authority or combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

ARTICLE X X I I

GENERAL PROVISIONS

Section 2201.	Administrative and Advisory Boards
Section 2202.	Approval of Contracts
Section 2203.	Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed
Section 2204.	Classified Service, Exemptions
Section 2205.	Filling Vacancy in Elective Office of County Executive
Section 2206.	Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney or Sheriff
Section 2207.	Filling Other Vacancies
Section 2208.	Power to Administer Oaths and Issue Subpoenas

Section 2201. Administrative and Advisory Boards. (Resolution #108 adopted by the Oneida County Board of Legislators May 10, 1961, is hereby repealed.) The board of trustees of Mohawk Valley Community College shall have such powers and only such powers as those specified in the Education Law of the State of New York. Except as provided in such Education Law, such board shall be advisory and subject to the provisions of this charter and code.

Except as otherwise provided in this charter or code, every other board, the members of which are appointed, shall be an advisory board consisting of such members, and the members thereof shall be appointed for such terms as are or may be provided in this charter or code. Wherever provision is made in this charter or code for the appointment of an advisory board, the members so appointed, unless otherwise provided, shall serve at the pleasure of the appointing authority.

Section 2202. Approval of Contracts. Except as otherwise provided in this charter or code, every contract to which the county is a party shall require approval by the Board of County Legislators, if said contract is for (a) the sale or purchase or lease of real property; (b) the erection, alteration or demolition of a building or other structure; (b)((c)) the providing of facilities or the rendering of services by, for or with any other public corporation; (c) the lease of equipment, professional service contracts and personal service contracts in excess of fifty thousand dollars. All such contracts shall be executed by the County Executive, except as otherwise provided in this charter or the code.

Section 2203. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed. The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter or code. (Except as otherwise provided by this charter or code, the terms of all county officers whose appointment under this charter

is vested in the County Executive shall terminate on December 31, 1962, provided that any such officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made. Any county officer appointed by the County Executive for a definite term or whose appointment is subject to confirmation by the board of County Legislators may be removed prior to the end of such term, after receipt of written notice from the County Executive. A copy of such notice shall be filed in the office of the clerk of the Board of Legislators. Such county officer, by written request filed with the Clerk, shall be given an opportunity to be heard by a bipartisan board of review consisting of five members of the Board of County Legislators appointed by the chairman thereof. Upon such hearing, removal shall be effected only by a majority vote of such board review.)

Section 2204. Classified Service, Exemptions. All positions in all departments, offices, institutions, and agencies of the county, shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; ((3) members of all boards, commissions and committees; (4)) (3) the medical examiner; and (5)) (4) the commissioner of jurors; (5) all officers and employees of the Board of County Legislators; (6) all members, officers and employees of the Board of Elections; and (7) all other persons as specifically prescribed by statute. For the purpose of this section, the heads of the divisions within the executive branch, including but not limited to budget, purchase, central services, (research, and) traffic safety (and recreation) and the youth bureau, shall be deemed to be the heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) calendar clerk, personnel officer; (4) assistant district attorneys; (5) (deputy and) assistant county attorneys; and(6) deputy and assistant public defenders, (and (7) contractors engaged to perform specific services and their employees.)

Section 2205. Filling Vacancy in Elective Office of County Executive. A vacancy, otherwise than by expiration of term in the office of County Executive, shall be filled by appointment by the Board of County Legislators of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a County Executive shall be elected for the balance of the unexpired term, if any.

Section 2206. Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney or Sheriff, Coroner and County Legislator. A vacancy, otherwise than by expiration of term in any elective county office, including but not limited to the office of comptroller, county legislator and coroner (county clerk, district attorney or sheriff,) shall be filled by appointment by the County Executive, subject to confirmation by the Board of County Legislators, of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election, a comptroller, (county clerk, district attorney or sheriff,)

county legislator or coroner as the case may be, shall be elected for the balance of the term, if any.

Vacancies in the offices of the county clerk, sheriff and district attorney shall be filled in accordance with section 400 of County Law.

Section 2207. Filling Other Vacancies. Except as otherwise provided in this charter or code, a vacancy in the office of the head of any administrative unit, the head of which, by virtue of this charter, the County Executive shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of his administrative experience and his qualifications for the duties of such office by the County Executive subject to confirmation by the Board of County Legislators where provided. Except as otherwise provided in this charter or code, the (head of any administrative unit) County Executive shall have the power to fill vacancies occurring within such administrative unit upon recommendation of the department head and pursuant to the civil service law.

Section 2208. Power to Administer Oaths and Issue Subpoenas. The Chairman of the Board of County Legislators, the County Executive, the Comptroller and such other county officers as may be authorized by this charter, code or other applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers, as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations, subpoena witnesses and compel attendance of witnesses in connection therewith.

Section 2201 was amended by Local Law No. 2 of 1968 which changed the name of Mohawk Valley Technical Institute to Mohawk Valley Community College.

ARTICLE XXIII
APPLICATION OF CHARTER

Section 2301.	Adoption of Charter; When Effective
Section 2302.	Amendment of Charter
Section 2303.	Terms of Certain Elective County Officers
Section 2304.	Continuity of Authority, Completion of Unfinished Business
Section 2305.	Separability
Section 2306.	Charter to be Liberally Construed

Section 2301. Adoption of Charter; When Effective. This charter shall become and be effective on or after January 1, 1963, upon approval by public referendum in the manner provided by law. The administrative code may be adopted and amended by local law at any time subsequent to the approval and adoption of this charter. (The first county executive shall be elected at the general election in 1962 and shall take office on January 1, 1963. The comptroller shall be first elected at the general election in 1964 and the person then elected shall, upon qualifying, take office on January 1, 1965 for a three year term and every comptroller elected thereafter shall have a term of four years. Pending election and qualifying for office, the incumbent county comptroller, county clerk, district attorney, and sheriff shall have the powers to perform the duties prescribed in this charter and code for the elective office of comptroller, county clerk, district attorney and sheriff respectively.)

Section 2302. Amendment of Charter. This charter may be amended in the manner provided by law. Except as otherwise provided by this charter, any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective or change the powers of an elective county officer shall be subject to mandatory referendum. (No local law which would abolish or change an administrative unit prescribed in this charter or the power of an appointive county officer in the executive branch shall be enacted before January 1, 1963.)

The County Attorney shall have the authority and be charged with the responsibility to advise the Board of Legislators on an annual basis of any changes in New York State Law that would require amending the Charter by Local Law. Every five (5) years, the Board of Legislators shall appoint an independent non-partisan Charter Reform Commission to review and make recommendations of any and all additional changes needed to the Charter and Administrative Code.

Section 2303. Terms of Certain Elective County Officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four (4) years except as otherwise provided in this charter. The terms of office for county legislators shall be two (2) years.

Section 2304. Continuity of Authority; Completion of Unfinished Business.

The performance of functions pursuant to the provisions of this charter shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefor under this charter or code.

This charter shall not be deemed to invalidate any obligations heretofore issued by the County of Oneida or by any of its commissions, boards or agencies and such obligations shall be and remain binding obligations of the county. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the county or by any of its commissions, boards or agencies, the county is hereby empowered to issue such bonds as legal and binding obligations of the county.

For the purpose of this section, a public authority shall not be deemed a county commission, board or agency.

Section 2305. Separability. If any clause, sentence, paragraph, section or article of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2306. Charter to be Liberally Construed. This charter shall be liberally construed to effectuate its objectives and purposes.

ARTICLE XXIV
PUBLIC DEFENDER

- Section 2401. Establishment of Office; Appointments
Section 2402. Powers and Duties
Section 2403. Assistant Public Defenders and Confidential Investigators

Section 2401. Establishment of Office; Appointments. There shall be a Public Defender's office (with two divisions of the same designated as Public Defender – Criminal Division and Public Defender – Civil Division) and (T)the County Executive shall appoint a Public Defender to administer (each division)such department, which (such) appointment(s) to shall be subject to (the) confirmation by(of) the Board of County Legislators. Such Public Defender(s) shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. Such Public Defender(s) shall be a resident(s) of the County of Oneida and shall devote (their)his entire time to the duties of (their) his office and shall not engage in any other practice of law. See Article XXIX for new department of Civil Defender

Section 2402. Powers and Duties. The Public Defender (- Criminal Division and the Public Defender – Civil Division) shall have and exercise all powers and duties now or hereafter conferred upon him (or her) by Section 717(1) of the County Law of the State of New York or any applicable law. The Public Defender(s) shall perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

Section 2403. Assistant Public Defenders and Confidential Investigators. The Public Defender (- Criminal Division and the Public Defender – Civil Division) shall have the power to appoint such assistant public defenders, confidential investigators, secretaries and other employees of his or her department as authorized by the County Executive and within the appropriations made therefor by the Board of County Legislators.

Article XXIV was added to the Charter by enactment of Local Law No. 3 of 1965.

Section 2401 amended by enactment of Local Law No. 5 of 1984 pertaining to term of office.

Sections 2401, 2402 and 2403 were amended by enactment of Local Law No. 3 of 1996 to create a civil division of the Public Defender's Office.

ARTICLE XXV
(DEPARTMENT OF) OFFICE FOR (OF) THE AGING AND CONTINUING
CARE

Section 2501. (Department of) Office for(of) the Aging and Continuing Care;
Director

Section 2502. Powers and Duties

Section 2501. Department of Office of the Aging; Director. There shall be an (department of) office (of)for the aging and continuing care, the head of which shall be the director of office for (of) the aging and continuing care, who shall be appointed by the County Executive, subject to the confirmation of the Board of County Legislators. The director so appointed shall serve at the pleasure of the County Executive.

Section 2502. Powers and Duties. The director of the office of the aging shall have the following powers and duties:

- (a) To advise and assist the County Executive in developing policies designed to help meet the needs of the aging and disabled and to encourage the full participation of the aging in society.
- (b) To coordinate programs and activities relating to the aging and community based long term care.
- (c) To cooperate with and (assist political subdivisions) other municipalities in the development of local programs for the (aging) elderly, disabled and family caregivers.
- (d) To annually (render each year) submit to the County Executive a written report of the activities and recommendations of the office for (of) the aging and continuing care.
- (e) To participate in and cooperate with an advisory council known as the OFA/OCC Advisory/Long Term Care Council, whose members are appointed by the County Executive, subject to confirmation by the Board of Legislators.

Article XXV was added to the Charter by the enactment of Local Law No. 1 of 1974.

ARTICLE XXVI

DEPARTMENT OF SOLID WASTE MANAGEMENT

The Department of Solid Waste Management was deleted per
Public Authorities Law, Article 8, Section 2049-yy

ARTICLE XXVII
DEPARTMENT OF WATER QUALITY AND
WATER POLLUTION CONTROL

- Section 2701. Department of Water Quality and Water Pollution Control;
Commissioner; Qualifications
- Section 2702. Powers and Duties
- Section 2703. Water Quality and Water Pollution Control Advisory Board

Section 2701. Department of Water Quality and Water Pollution Control; Commissioner; Qualifications. There shall be a Department of Water Quality and Water Pollution Control, the head of which shall be appointed on the basis of his or her experience and qualifications for the duties of such office. The Commissioner shall be a person with professional experience in the planning and management of water quality and water pollution control activities, organization and facilities, and shall be appointed by and serve at the pleasure of the County Executive, subject to the confirmation by the Board of County Legislators.

Section 2702. Powers and Duties. Except as otherwise provided in this charter or code, the Commissioner of Water Quality and Water Pollution Control shall:

- (a) Be responsible for the administration and operation of the Water Quality and Water Pollution Control Facility and County interceptor lines, and
- (b) Be responsible for the development of proposals for County owned water pollution control facilities and activities, and
- (c) Be responsible for the administration of planning, studies, development and operation of the County owned water facilities and Water Pollution Control facilities, including advising and supervising (of) with regard to the design and construction of all capital projects for any and all County owned Water Pollution Control facilities, and
- (d) Be responsible for coordinating (on) with local governments (of) the (all) planning, development and operation of the County owned water facilities and Water Pollution Control facilities, and coordination (also) with any other participating counties, and
- (e) Be responsible for negotiation with appropriate private, not-for-profit, and public agencies involved with (in) the County owned Water Pollution Control facilities, and
- (f) Assist the municipalities within the County in the planning and development of water facilities and water pollution control facilities, and
- (g) Develop, with the participation of the County Executive and the County Legislature, long term plans for water quality and sewage and sludge disposal.

Section 2703. Water Quality and Water Pollution Control Advisory Board.

There shall be a Water Quality and Water Pollution Control Advisory Board composed of the chief executive officer or his or her designee of each (contractually involved) municipality (party) which is involved in or has contracted with (to) the Water Pollution Control facility. The advisory board shall advise the Commissioner of Water Pollution Control in matters relating to the Water Pollution facility and water pollution activities. This board shall be chaired by a Chairperson and Vice-Chairperson appointed by the membership.

Article XXVII was added by the enactment of Local Law No. 6 of 1989 which created the Department of Water Quality and Water Pollution Control and abolished the Division of Water Pollution Control in the Department of Public Works.

ARTICLE XXVIII

PROBATION DEPARTMENT

Section 2801. Department of Probation; Appointment of Director; Qualifications

Section 2802. Powers and Duties

Section 2801 Department of Probation; Appointment of Director; Qualifications

There shall be a department of probation headed by a Probation Director who shall be appointed by the County Executive, subject to confirmation by the Board of Legislators after such director shall have qualified for such position under the New York State Civil Service regulations applicable thereto.

Section 2802 Powers and Duties The Probation Director shall have the power to appoint all deputies, supervisors, probation officers and other employees within the approved appropriations therefor.

The Probation Department shall perform probation related services including, but not limited to, intake, investigation, pre-sentence reporting, supervision, conciliation, social treatment and such other functions and services as may be assigned to the department pursuant to and in compliance with Section 256 of the New York State Executive Law.

This section is being added to properly reflect departmental changes.

ARTICLE XXIX

OFFICE OF THE CIVIL DEFENDER

Section 2901. Establishment of Office; Appointments

Section 2902 Powers and Duties

Section 2903. Assistant Civil Defenders

Section 2901. Establishment of Office; Appointments. There shall be an office of the Civil Defender. The County Executive shall appoint a Civil Defender to administer such office, such appointment shall be subject to the confirmation of the Board of County Legislators. Such Civil Defender shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. The Civil Defender shall be a resident of Oneida County and shall devote their entire time to the duties of their office and shall not engage in any other practice of law.

Section 2903. Powers and Duties. The Civil Defender shall have and exercise all of the powers and duties now or hereafter conferred upon him by Section 717, subdivision 2 of the County Law of the State of New York or any applicable law. The Civil Defender shall perform such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

Section 2903. Assistant Civil Defenders. The Civil Defender shall have the power to appoint such assistant civil defenders, paralegals, confidential secretary or other employees of his department as authorized by the County Executive and within the appropriations made therefore by the Board of County Legislators.

This section is being added to reflect changes within the Section XXIV – Public Defender.

2. That the Oneida County Administrative Code shall be amended by the deletion of all matters in (parentheses) and the addition of all matters underscored as set forth below:

(Remainder of page intentionally left blank)

**ONEIDA COUNTY
ADMINISTRATIVE
CODE**

**Adopted By
Local Law No. 5 of 1962
on
December 19th, 1962
Resolution No. 369**

LOCAL LAW NO. 5 ----- 1962

TO BECOME EFFECTIVE JANUARY 1, 1963

(A LOCAL LAW IN RELATION TO THIS ADOPTION OF AN ADMINISTRATIVE CODE FOR THE COUNTY OF ONEIDA, STATE OF NEW YORK, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 6 AND 6A OF THE COUNTY LAW OF THE STATE OF NEW YORK.)

(BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ONEIDA AS FOLLOWS:)

ONEIDA COUNTY ADMINISTRATIVE CODE

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ARTICLE XXIV	Public Defender
ARTICLE XXV	(Department of)Office (of) <u>for the Aging and Continuing Care</u>
(ARTICLE XXVI	Department of Solid Waste Management - Deleted by Public Authorities Law Art. 8, Sec. 2049-yy)
ARTICLE XXVII	Department of Water Quality and Water Pollution Control
<u>ARTICLE XXVIII</u>	<u>Probation Department</u>
<u>ARTICLE XXIV</u>	<u>Office of the Civil Defender</u>

ARTICLE I

ONEIDA COUNTY AND ITS GOVERNMENT

Section 101.	Title and Purpose
Section 102.	County Status, Powers and Duties
Section 103.	Effect on State Laws
Section 104.	Effect on Local Laws, Ordinances and Resolutions
Section 105.	Definitions
Section 106.	<u>Gender Clause</u>
<u>Section 107</u>	<u>County Seal</u>

Section 101. Title and Purpose. This code, together with any and all amendments hereto, if any, shall be known and may be cited as the “Oneida County Administrative Code”. The purpose of this code is to set forth the details of administration of the Oneida County government consistent and in harmony with the purposes, intent and provisions of the Oneida County Charter.

In furtherance hereof, there shall be convened once every five years beginning on January 1, 2012 a Charter Review Committee to formulate and recommend any amendments to the Oneida County Charter and Oneida County Administrative Code and to make such recommendations to the Board of County Legislators. The membership of such committee shall be as determined by the Chair of the Board of Legislators.

Section 102. County Status, Powers and Duties. Oneida County, upon adoption of this code, as hereinafter provided, shall be and remain a municipal corporation under its then name and shall exercise all of the rights, privileges, functions and powers conferred upon it by the charter, code or any other applicable statute not inconsistent with such charter or code. It shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with the charter or code, including all powers necessarily incidental to or which may be fairly implied from the powers specifically conferred upon such County.

Section 103. Effect on State Laws. The charter and code provide(s) a form and structure of county government in accordance with the provisions of Article (6A)4 of the (County) Municipal Home Rule Law of the State of New York, and all special laws relating to Oneida County and all general Laws of the State of New York, shall continue in full force and effect except to the extent that such laws have been repealed, amended,

modified, or superseded in their application to Oneida County by enactment and adoption of the charter and code. Within the limitations prescribed in said Municipal Home Rule Law, (Article 6A of the County Law) wherever and whenever any state law, general, special or local in effect, conflicts with the charter or code or is inconsistent therewith, such law shall be deemed to the extent of such conflict or inconsistency, to be superseded by the charter and code insofar as the County of Oneida and its government are affected.

Section 104. Effect on Local Laws, Ordinances and Resolutions. All local laws, ordinances and resolutions of the Board of County Legislators of the County of Oneida heretofore adopted, shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Oneida County by the enactment and adoption of the charter and code.

Section 105. Definitions. Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires:

- (a) “County” shall mean the County of Oneida
- (b) “Charter” and “County Charter” shall mean the Oneida County Charter and all amendments thereto
- (c) “Code” shall mean the Oneida County Administrative code and all amendments thereto
- (d) “Board of County Legislators” shall mean the elective legislative body of the County of Oneida
- (e) “Administrative unit” shall mean any department, executive division, institution, office or other agency of county government except a bureau, division, section or other subordinate part of any of the foregoing
- (f) “Administrative head” shall mean the head of any administrative unit
- (g) “Authorized agency” shall mean any agency authorized by the charter, code, or applicable law, including but not limited to those authorized by Section 224 of the County Law, to receive and expend county funds for a county purpose
- (h) “Executive division” shall include but not be limited to the divisions of the budget, purchase, central services, (research), traffic safety, (recreation)youth bureau and related programs and such other divisions of the executive department as may be hereinafter authorized
- (i) “Quorum” shall mean a majority of the whole number of the membership of the board, commission, body or other group of persons or officers

charged with any county public power, authority or duty to be performed or exercised by them jointly, and not less than a majority of the whole number may perform and exercise such power, authority or duty. "Whole number" shall mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers absent or disqualified from acting

- (j) "Legislature" shall mean the legislature of the State of New York

Section 106 Gender Clause Wherever in this Charter the masculine gender is used, the feminine and neuter gender shall be deemed to be included, if otherwise applicable or appropriate.

Section 107(6). County Seal.

- (a) The following design is hereby adopted as the official and standard design of the seal of the County of Oneida.



- (b) Such seal shall be used for all authorized and requisite purposes

Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to Legislative Districts" in place of "Supervisory Districts"; for change of name to "County Legislator" in place of "Supervisor".

ARTICLE II
LEGISLATIVE BRANCH

- Section 201. The Board of County Legislators
- Section 202. Powers and Duties
- Section 203. Local Law; Definitions; Power to Adopt; Amend and Repeal;
Effect on Legislative Acts
- Section 204. Form and Procedure; Referral to Advisory Board
- Section 205. Filing and Publication of Local Laws; Judicial Notice
- Section 206. Referendum
- Section 207. Effective Date
- Section 208. Ordinances
- Section 209. Conference Expenses
- Section 210. Petty Cash Funds

Section 201. The Board of County Legislators. There shall be a Board of County Legislators to be elected one from each of the following legislative districts and sitting together they shall constitute the Oneida County Board Legislators:

LEGISLATIVE DISTRICT	TOWNS/CITY	ELECTION DISTRICT
1	ROME	4-1 4-2 5-1 5-2 5-3 5-4 7-1
2	VERNON	2 3 4 5

	VERONA	5
3	AUGUSTA	1 2
	MARSHALL	1 2
	SANGERFIELD	1 2
	VERNON	1
4	ANNSVILLE	3
	VERONA	3 4 6
	VIENNA	1 2 3 4
5	ANNSVILLE	1 2
	CAMDEN	1 2 3
	FLORENCE	1
6	BOONVILLE	1 2 3 4
	FORESTPORT	1 2
	REMSEN	1
	STEUBEN	1

7	ROME	1-1 3-1 3-2 3-3 3-5 4-3 4-4 4-5
8	MARCY	1 2 3 4
9	DEERFIELD	1 2 3
	TRENTON	1 2 3 4
10	KIRKLAND	1 3
	WESTMORELAND	1 2
	WHITESTOWN	15
11	WHITESTOWN	13 4 5 6 7 8 9
12	FLOYD	2
	ROME	1-4 2-2 3-4
	VERONA	1

		2
13	WHITESTOWN	1 10 11 12 14 16 2 3
14	NEW HARTFORD	1-3 2-1 2-2 3-2 4-1 4-2 4-3
15	NEW HARTFORD	1-1 1-5 2-3 2-4 3-1 3-3 3-4
16	BRIDGEWATER	1
	NEW HARTFORD	1-4 1-2
	PARIS	1 2 3
17	AVA	1
	LEE	1 2 3 4
	WESTERN	1 2 3
18	KIRKLAND	10

		2
		4
		5
		6
		7
		8
		9
	NEW HARTFORD	4-4
19	UTICA	2-3
		3-1
		3-10
		3-2
		3-3
		3-4
		3-9
20	LEE	5
	ROME	6-1
		6-2
		6-3
		6-4
		7-3
		7-5
21	UTICA	3-5
		3-6
		3-7
		3-8
		5-2
		5-3
22	UTICA	2-1
		2-2
		2-4
		2-5
		2-6
		5-7
23	UTICA	1-1
		1-5
		1-2
		1-3
		1-4

		1-8 2-8
24	UTICA	6-1 6-2 6-3 6-4 6-5 6-6 6-7
25	UTICA	4-1 5-1 5-4 5-5 5-6
26	UTICA	4-2 4-3 4-4 4-5 4-8 4-9 6-8
27	UTICA	1-6 1-7 4-6 4-7 6-9
28	ROME	2-1 2-3
	WESTMORELAND	3 4
29	FLOYD	1 3
	ROME	1-2 1-3 6-5 7-2 7-4

That all reference to towns apply to that territory wholly contained in each of the towns of Oneida County as of January 1, 2000. All references to election districts apply to that territory wholly contained in each of the election districts enumerated on the official maps kept by the Oneida County Board of Elections as of August 1, (2002) 2006.

That the above described districts are enumerated and set forth on maps filed with the Clerk of the Board of County Legislators of Oneida County, which maps shall remain on file and shall be considered and hereby are made a part of this (amendment to the) Oneida County Charter and (to the)Oneida County Administrative Code.

The Chairman of the Board of County Legislators of Oneida County shall have the power to appoint after consultation with the Legislative body either (1) a bi-partisan committee of six Board members or (2) a five member nonpartisan commission comprised of qualified individuals, that are not elected to the Board of Legislators or otherwise prescribed by State Law, for the purpose of reapportioning legislative districts as set forth under this provision. The Majority and Minority Leaders shall recommend two members each for appointment, and the Chairman of the Board of County Legislators shall appoint one member who will serve as chairman of the commission.

The appointed committee or commission shall (to) evaluate the existing county legislative districts for equity and representation in relation to population within a reasonable time period after the publication of the results of the regular federal population census taken in Oneida County in the year Two Thousand and Ten, or within a reasonable period of time after the publication of the results of any federal census taken in Oneida County or within a reasonable period of time after the publication of the results of any federal or special population census, taken pursuant to Section Twenty of the General Municipal Law and held not more than once every five years; or, after any annexation which has the effect of increasing or decreasing the population of any county legislative district by more than ten percent.

The committee shall study the population data and, within six months after its appointment, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of the county legislative districts. In their deliberations to redesign the legislative districts, the committee shall consider the application of the “one person, one vote” concept of previous federal court decisions and compliance with the Equal Protection Clause of the 14th amendment of the United States Constitution and Article, Sections 1 and 11 of the New York State Constitution and shall apply same irregardless of municipal boundaries.

Within seven months after the submission of the report of the committee, which shall be submitted to the County Board of Legislators in the form of a local law, the Board of County Legislators shall conduct a public hearing on the proposed changes, if any, and shall then enact a local law setting forth revised district boundaries subject to a (permissive referendum) referendum on petition pursuant to Section 24 of the Municipal Home Rule Law.

If at any time a local law setting forth revised district boundaries is defeated in a referendum, within ninety days of such defeat of referendum, the legislative district revision committee shall be reactivated to study and prepare a new proposed local law for submission to the Board of County Legislators, subject to the same procedures and requirements as provided for above.

Section 202. Powers and Duties. The Board of County Legislators shall be the governing body of the County and shall be the legislative, appropriating and policy determining body of the County, and shall have and exercise all powers and duties of the County, now or hereafter conferred or imposed on said Board by applicable law, and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in the charter and this administrative code. In addition to all powers conferred by the foregoing or other provisions of the (is) charter and this administrative code, the Board of County Legislators shall have the power among others:

- a) To make appropriations, levy taxes, incur indebtedness and adopt a budget
- b) To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions, subject to veto by the County Executive in only such instances as are specifically provided in this charter, code or by other applicable law not inconsistent with the charter or code
- c) By local law to adopt, amend and/or repeal the administrative code which sets forth the details of administration of the county government consistent with the provisions of the charter, and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with the charter (or) and any amendments thereto
- d) By local law create, alter, combine or abolish county administrative units not headed by elective officials
- e) To adopt by resolution all necessary rules and regulations for its own conduct and procedure, including the election of a chairman, clerk, and appointment of all necessary employees in the legislative branch, not inconsistent with the charter or code
- f) Subject to the constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of county officers and employees and grant to the employing officer or board the power to stagger working hours
- g) To fix compensation of all officers and employees including vacations and sick leave paid from county funds except members of the judiciary and of such other officers and employees when specifically authorized by statute

- h) To require and direct the giving of a surety bond conditioned upon the faithful performance by any county officer or employee paid from county funds. To fix the amount of all such bonds whether required by law or resolution of the board. Costs of same shall be a county charge
- i) To make such studies and investigations as it deems to be in the best interests of the county and in connection therewith to obtain and employ professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such study or inquiry
- j) To legalize and validate any act had and taken in connection with a lawful municipal object or purpose by the governing board or other local body, officer, or agency of the county or of a municipality, wholly within the county, in the manner provided by Section 227 of the County Law
- k) To create and establish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive county officer with power vested in such deputy to act generally for and in place of his principal
- l) To determine and make provision for any matter of county government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to the charter form of government
- m) The rules and regulations for the conduct and procedure of the Board of County Legislators in effect at the time of the adoption of this code shall, to the extent that such rules and regulations are not inconsistent with the charter or code, remain in full force and effect until rescinded, altered or amended by resolution of the Board of County Legislators
- n) To employ such legal, financial or other technical advisors as may be necessary from time to time in relation to the performance of any of the functions of county government.
- o) To convey or lease any county real property which the Board has determined is not necessary for public use, directly to the Economic Development and Growth Enterprise, successor in interest to the Oneida County Industrial Development Corporation, the Oneida County Industrial Development Agency or the Mohawk Valley Community College Dormitory Corporation for adequate and reasonable consideration, without public advertisement and without bidding, public or private, upon such terms and conditions as may be prescribed by the Board in the same manner and with the same rights and privileges as if owned by an individual.

Section 203. Local Law; Definitions; Power to Adopt, Amend and Repeal; Effect on Legislative Acts. A local law is a law adopted pursuant to the charter within

the power granted by the constitution, act of the legislature or provision of the code, and shall not include a resolution, ordinance, or legalizing act.

The county may adopt, amend and repeal a local law. A local law shall be passed by not less than a majority vote of the whole number of the members of the Board of County Legislators and may relate to property, affairs or government of the county, or any other subject matter of county concern. In the exercise of such power, and within the limitations provided by Article 6-A of the county law, the county may change, supersede, or amend any act of the New York State Legislature. Such power shall include but shall not be limited to a power or powers vested in any county in the State of New York or the elective governing body thereof to adopt, amend and repeal local laws granted by any provisions of general laws, special laws, charter, administrative codes, special acts or local laws. The provisions of Article 6 of the county law are hereby made applicable.

Section 204. Form and Procedure; Referral to Advisory Board.

(a) Form and procedure. Except as otherwise provided in the charter or code, the form and procedure for adoption of a local law, including referendum, mandatory or permissive, shall be as provided in Articles 6 and 6-A of the county law

(b) Referral to advisory board. Before the Board of County Legislators acts to adopt any local law or ordinance specifying functions affected thereby of any administrative unit in which an advisory board has been appointed, the clerk of the Board of County Legislators shall, within at least three days after same had been introduced, transmit a duplicate certified copy of such proposed local law or ordinance to the chairman of such advisory board

(c) Unless the Chairman of the Board or the County Executive shall have certified as to the necessity for its immediate passage, a local law must be introduced in its final form at a regular or special meeting of the Board of County Legislators before it can be placed upon the desk or table of the members.

Section 205. Filing and Publication of Local Laws; Judicial Notice. The publication of local laws shall be as provided by Municipal Home Rule Law and County Law, except that the clerk of the Board of County Legislators shall cause to be published in the official newspapers a notice of adoption of each local law with a summary thereof and a notice that the full text of the law may be examined at the office of the clerk of the Board during normal business hours. Such notice shall be published at least once within ten days after such local law has become effective, provided however, that a notice of a local law which is subject to a permissive referendum shall be published within ten days after such local law is adopted. Every court shall take judicial notice of all local laws and of rules, regulations, and codes adopted pursuant thereto.

Section 206. Referendum. A local law shall be subject to mandatory or permissive referendum when required by the charter, code or applicable law not inconsistent with such charter or code. Where no mandatory or permissive referendum is

so required, the Board of County Legislators may nevertheless provide in a local law that a referendum shall be had or that it shall be subject to permissive referendum.

Section 207. Effective Date. After adoption, every local law shall become effective when filed in the office of the Secretary of State of New York, or on such later date thereafter as may be provided in said local law.

Section 208. Ordinances. Ordinances may be adopted by the Board of County Legislators and the procedure shall be the same as herein provided for the adoption of local laws except that an ordinance shall not be subject to referendum, mandatory or permissive. An ordinance may provide for any subject matter of county concern not required to be provided by local law, legalizing act, or resolution of the Board of County Legislators and may provide for a public hearing hereon.

Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment for violations by civil penalty or by fine or imprisonment, or by two or more such penalties or punishments.

Section 209. Conferences Expenses. The chairman of the Board of County Legislators shall have the power to designate and authorize any member, officer or employee of the legislative branch to attend an official or unofficial convention, conference or school for the betterment of county government.

Within the appropriations provided therefor and when so authorized, all necessary and actual expenses including but not limited to mileage and registration fees not exceeding the amount fixed by the General Municipal Law and as fixed by the Board of County Legislators shall be paid from county funds.

Section 210. Petty Cash Funds.

(a) The Board of County Legislators, upon the recommendation of the County Executive, may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amounts as it deems necessary. Any petty cash fund heretofore established by the Board of County Legislators shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the charter or code. The County Executive shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purpose of this section. The Board of County Legislators, upon the recommendation of the County Executive, may increase, decrease or abolish any petty cash fund established or continued pursuant to this section. Any petty cash fund shall otherwise continue in existence from year to year until abolished.

(b) Expenditures from a petty cash fund may be made only for payment, as authorized by the Board of County Legislators in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services other than regular employment, furnished to the county for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. Moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties. Moneys in any such fund established for the office of the Sheriff or District Attorney may also be used to advance travel funds to personnel of the Sheriff's or District Attorney's office when required to travel on official business.

(c) Upon audit of bills such petty cash fund shall be reimbursed from the appropriate budgetary item or items in the amount equal to the amount audited and allowed. The Comptroller immediately shall notify the Commissioner of Finance in writing of the disallowance of any such bills or any portion thereof, stating the amount in each case disallowed and the reason therefor. Any of such bills or any portion thereof as shall be disallowed upon audit shall be the personal liability of the official responsible for the use of the petty cash fund from which payment on account thereof was made. Such official shall forthwith reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such official after the disallowance of any such bill or any portion thereof, the amount of such disallowance shall be deducted from such salary payment, and, if necessary, subsequent salary payments, and paid into such petty cash fund until an amount equal to the amount of such disallowance has been repaid to such petty cash fund.

Section 201 amended as a whole by Local Law No. 3 of 1966 and inserted provision for a new 37 member Board effective January 1, 1968; Local Law No. 1 of 1975 and Local Law No. 5 of 1981 providing a procedure whereby necessary changes to the boundaries of Legislative Districts shall be acted upon as provided in these amendments. Local Law No. 4 of 1983 provided for necessary changes in the Legislative boundaries; Local Law No. 12 of 1984 corrected errors in Local Law No. 4 of 1983.

Section 202 was amended by Local Law No. 1 of 1964 and Local Law No. 1 of 1965 by adding a new sub-division (m) and by Local Law No. 3 of 1977 by adding a new sub-division (n).

Section 203 was amended by Local Law No. 2 of 1964 - second paragraph in the sentence beginning "A local law shall", substituted "majority" for "2/3".

Section 204 was amended by Local Law No. 3 of 1967 in regard to the procedure for the adoption of local laws.

Due to change in Oneida County Legislative Branch, Local Law No. 5 of 1967 was enacted to change name to "Board of County Legislators" in place of "Board of Supervisors"; also change of name to "Legislative Districts" in place of "supervisory districts"; for change of name to "County Legislator" in place of "Supervisor".

Section 205 was amended by Local Law No. 6 of 1984 which changed the procedure for publication of local laws.

Section 201 was amended by Local Law No. 2 of 1986 by deletion of the whole thereof and the addition of a new section pursuant to s4-100 (3) (a) of the Election Law of the State of New York.

Article II, Section 201. The last two paragraphs of Section 201 were amended by enactment of Local Law No. 9 of 1991.

Article II, Section 201(a) was enacted by Local Law No. 2 of 1993 and reduced the number of County Legislative Districts to twenty-nine.

Article II, Section 201 was amended by Local Law No. 5 of 1994 by the deletion of the whole of the description of legislative districts and insertion of new descriptions of legislative districts to comply with Section 201(a).

Article II, Section 201 was amended by Local Law No. 2 of 1996 to correct the number of wards and districts in County Legislative Districts within the City of Utica.

Article II, Section 201 was amended by Local Law 1 of 2003 setting forth a Plan of Reapportionment.

ARTICLE I I I
EXECUTIVE BRANCH

Section 301.	County Executive; Election; Qualifications and Compensation
Section 302.	Powers and Duties
Section 303.	Removal of County Executive
Section 304.	Acting County Executive; How Designated; When to Act
Section 305.	Division of Budget
Section 306.	Division of Purchase; Purchasing Agent Office Abolished
<u>Section 306.1</u>	<u>Bureau of Weights and Measures</u>
Section 307.	Division of Central Services
(Section 308.	Division of Research)
Section <u>308(9)</u>	Office of Emergency Services
(Section 309.	Office of Traffic Safety)
Section 309.	Division (of Recreation and Related Programs) <u>for Youth</u>
Section 310.	Administrative Heads; Term; Interim Appointments; Appointment of Other Officers and Employees
Section 311.	Confirmation by Board of County Legislators
Section 312.	Seal of County Executive
(Section 314.	Division of Consumer Affairs)
(Section 315.	Consumer Affairs Board)

Section 301. County Executive; Election; Qualifications and Compensation. There shall be a County Executive who shall be elected from the county at large and who shall at all times be a qualified elector of the county. He shall hold no other public office except as otherwise herein provided; shall give his whole time to the duties of the office, and shall receive (therefor) compensation as fixed by the Board of County Legislators. His term of office shall begin with the first day of January, next following his election and shall be for four years, (except that the term of the County Executive elected in 1962, shall be for five years, commencing January 1, 1963 and every County Executive elected thereafter shall be elected for a term of four years.)

Section 302. Powers and Duties. The County Executive shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code or any applicable provision of any act of the legislature, local law, ordinance or resolution of the Board of County Legislators, not inconsistent with the charter or code.

In addition to any other powers and duties, the County Executive shall have the following duties and functions:

(a) The County Executive to the extent to which organization of his office, or of any administrative unit, the head of which he has the power to appoint, is not prescribed by law, may organize or supervise and direct the organization of any such administrative unit into such divisions, bureaus, sections or other subordinate parts and make such assignments of powers and duties among them, and from time to time change or supervise and direct the changes in such organizations or assignments, as he may consider advisable.

(b) On or before the first day of (November) December in each year, after reviewing the proposed county tax equalization rates submitted to him by the Commissioner of Finance, and after obtaining such additional information or holding such hearings thereon as he may deem necessary or advisable, the County Executive shall determine and fix the real property tax equalization rates among the various tax districts of the county for county purposes. He shall file the same together with an abstract of evidence upon which the rates are based, with the Board of County Legislators and the same shall be binding and conclusive on the Board of County Legislators, except where otherwise changed, altered or revised pursuant to a final determination in an appeal therefrom as provided by applicable law. The documentary evidence used in determining the county equalization rates shall be preserved by the County Executive and an abstract of the same shall be published with the county equalization rates in the proceedings of the Board of County Legislators.

(c) The County Executive shall not be an officer, director or stockholder of any depository or depositories designated by him pursuant to paragraph e of Section 302 of Article 3 of the charter.

(d) In addition to the annual report to the Board of County Legislators required by paragraph g of Section 302 of Article 3 of the charter, the County Executive shall present to the Board of County Legislators, from time to time, such information concerning the affairs of the county as he may deem necessary, or the Board by resolution may request and shall recommend such measures in connection therewith as he shall deem necessary.

(e) The County Executive shall have the power and authority to designate in writing, in connection with any study or investigation, any county officer who may administer oaths or affirmations, examine witnesses in any such hearing, receive evidence and preside at or conduct any such study or investigation and report the results of same to the County Executive, together with any recommendations or suggestions which the designated county officer may consider to be required or advisable as a result of such study or investigation. A copy of every such report, together with any recommendations or suggestions, shall be filed with the Board of County Legislators.

(f) The County Executive shall have the power and authority to subpoena and compel the attendance and the production of books, records and papers of any administrative unit, officer or employee under his jurisdiction, for the purpose of ascertaining facts in connection with any study or investigation of the affairs, functions, accounts, methods, personnel, or agency of any such administrative unit, officer or

employee. In case any person fails or refuses to obey any subpoena, or fails to appear, produce books, records or other evidence required by the subpoena or to testify, he shall be subject to the order of a court of record in contempt proceedings. The County Executive may, within the appropriations provided therefor, employ all personnel necessary to conduct such hearing.

(g) The County Executive shall have the power to designate and authorize any officer or employee paid from county funds, except members, officers and employees of the legislative branch, to attend an official or unofficial convention, conference or school for the betterment of the county government. Within the appropriations provided therefor and when so authorized, all necessary and actual expenses including but not limited to a registration fee, not exceeding the amount as fixed by the General Municipal Law and mileage as fixed by the Board of County Legislators shall be paid from county funds.

(h) The County Executive may make recommendations to the Board of County Legislators on any matter deemed material and advisable in relation to county government and affairs.

(i) The County Executive shall have the power to transfer employees temporarily between administrative units of the county.

(j) The County Executive shall have the power to determine what county officer shall perform a particular power or duty not otherwise clearly defined by the charter, code, local law, ordinance or resolution of the Board of County Legislators, or any applicable provision of any act of the legislature, not inconsistent with the charter or code.

(k) In the event of the occurrence of an emergency affecting the life, health or safety of inhabitants of Oneida County, the County Executive, except as otherwise provided by law, shall have the power to declare the same an emergency and to perform all acts which are necessary for the protection of such inhabitants and to sign all necessary papers to carry this authorization into effect.

(l) The County Executive shall have such implied and incidental powers as are necessary to perform and exercise the duties and functions of his office.

(m) That the County Executive, within ten (10) days of receipt by him, shall file with the Majority and Minority Leaders of the Board of County Legislators of the County of Oneida, a copy of all monthly and annual reports, audits, including tentative budget or budgets, required to be filed in his office by county officers and employees pursuant to the provisions of the Oneida County Charter and this code.

Section 303. Removal. The County Executive may be removed in the manner provided by Section 303 of Article III of the Charter.

Section 304. Acting County Executive. The acts performed by the acting County Executive pursuant to Section 304 of Article III of the charter shall have the same force and effect as if performed by the County Executive. Pursuant to Section 304 of Article III of the charter, the acting County Executive shall have and exercise all the powers of the County Executive, except the power of removal as provided in paragraph h of Section 311 of this code.

Section 305. Division of the Budget. The division of budget shall be headed by a Budget Director who shall perform all of the duties in relation to the preparation and submission of the proposed tentative budget and capital programs as set forth in Article VI of this Code. The Budget Director shall have the power to compel the attendance of witnesses and the production of books, papers and records, to administer oaths and affirmations and to hear proof and take testimony necessary to the performance of his or her duties.

Section 306. Division of Purchase.

(a) The purchasing director shall be the head of the division of purchase and shall have the powers and duties set forth in Section 306 of Article 3 of the charter. He shall, in addition to his powers and duties, set forth in the charter or code, perform such other and related duties as the County Executive may require.

(b) The purchasing director shall (1) establish and maintain a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment, and services; (3) inspect or supervise, or otherwise provide for the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to contract; (4) establish and maintain necessary contact and liaison with the division of central services, including but not limited to procedure for coordinating the controls as set forth relating to the disbursement and transfer of supplies, materials and equipment under the custody of the division of central services to any county administrative unit; (5) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by resolution of the Board of County Legislators; (6) upon the request of any city, town, village, school district or other unit of local government, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the Board of County Legislators; (7) except as otherwise provided in the charter or code, and subject to the approval of the County Executive, approve and execute all contracts on behalf of the county with respect to the buying, selling or leasing of any supplies, materials, equipment and services other than personal services for any amount not more than such sum set forth in sub-division (c) (1) of this section. The County Executive shall execute all other contracts on behalf of the county as provided by Section 2202 of Article 22 of the charter; (8) perform under the direction of the County Executive all other duties of a county purchasing agent under the laws of the State of New York, not inconsistent with the provisions of this code; (9) prepare procedural regulations to amplify the provisions of this section and submit such regulations to the County Executive for approval and upon such approval, promulgate and enforce compliance with such regulations.

(c) **Purchasing Procedure.**

(1) The division of purchase shall make all purchases of and contract for supplies, materials, equipment and services for the county, the Board of County Legislators or any administrative unit for the payment of which the county shall be liable. Any such purchase or contract of purchase involving an expenditure of the amount set forth in Section 103, sub-division (1) of the General Municipal Law of the State of New York, as amended, shall be made after advertisement in an

official daily newspaper printed in the English language and published in the County of Oneida, and having a general circulation in the County of Oneida, which advertisement shall invite sealed bids for the same. The purchase of perishable foodstuffs, drugs and medical supplies, may be made without public advertisement when expressly permitted by written order of the County Executive.

(2) Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids in the manner provided by this section. In cases where two or more responsible bidders furnishing the required security, if any, submit identical bid as to price, the purchasing director may award the contract to any of such bidders. The purchasing director may in his discretion reject all bids and re-advertise for new bids in the manner provided by this section.

(3) The purchasing director may purchase supplies, materials, equipment or services to be rendered by contract without the advertisement required by paragraphs 1 and 2 of this section in the following cases: (a) when the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health, or safety of inhabitants of the County of Oneida require immediate action which cannot await competitive bidding; (b) when, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Board of County Legislators has determined it to be impracticable to advertise for such bids; (c) when through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some cause due to explosion or fire or from generally unforeseeable events creating an emergency, and the administrative head in charge of such building shall certify in writing to the purchasing director such emergency and the necessity of immediate repair to the defect or defects, and such certificate of necessity is approved by the County Executive; or (d) whenever the machinery, equipment or other apparatus of the department of public works or of the department of solid waste management becomes disabled or worn and requires immediate repair, making necessary the immediate purchase of parts for repairs to the same, the Commissioner of Public Works or the commissioner of solid waste management, as the case may be, shall certify in writing to the director of purchasing of the necessity of such immediate repair and/or replacement, and such certificate of necessity is approved by the County Executive.

(4) Upon the adoption of a resolution by a vote of at least two-thirds (2/3) of the whole number of the Board of County Legislators stating that, for reasons of efficiency and economy, there is need for standardization, purchase contracts for a particular type of or kind of equipment, material or services in excess of the amount fixed by the Board of County Legislators pursuant to paragraph (c)(1) of this section may be awarded to the lowest responsible bidder furnishing the required security, if any, after advertisement for sealed bids therefor in the manner provided by this section. Such resolution shall contain a full explanation of the reasons for its adoption.

(5) All required supplies which can be furnished by the state department of correction, and all required products made by the blind which can be furnished by any appropriate charitable non-profit making agency for the blind, incorporated under the laws of the State of New York, shall, after such purchases have been authorized, be purchased from them without competitive bidding at prices established pursuant to Section 175-a of the State Finance Law. In addition, the purchasing director may, without the competitive bidding herein before required, make purchases of supplies, materials or equipment, except printed materials, through the state office of general services, subject to such rules and regulations as may be established pursuant to section one hundred sixty-three of the State Finance Law or other applicable law.

(6) Surplus and second-hand supplies, materials or equipment may be purchased without competitive bidding from the Federal government, the State of New York or from any other political subdivision or district.

(7) Except as otherwise specifically provided, no supplies, materials or equipment shall be delivered except as specifically ordered by the division of purchase. No supplies, materials or equipment shall be delivered by such division to any administrative unit, officer or employee except upon a requisition in writing.

(8) The Comptroller shall not audit any bill for supplies, materials, equipment or services unless it shall fully appear that such items or services were ordered by the purchasing director and the purchasing director has certified the prices at which he made the purchases. All requisitions received by the purchasing director shall be filed in his office and open to public inspection under reasonable regulations for their safety and preservation. The purchasing director shall make no purchases until he has first secured the certification of the Comptroller that there are unencumbered balances available for the purpose.

(9) No bid for materials, supplies, equipment or services may be accepted from or contract therefor awarded to any person who is in arrears in taxes or upon debt or contract to or with the county or who has defaulted as surety or otherwise upon a contract or obligation to the county, or who may be otherwise disqualified under any act of the legislature not inconsistent with the charter or code.

((d)) Section 306.1 Bureau of Weights and Measures. The Bureau of Weights and Measures shall be headed by the County Director of Weights and Measures. He shall possess all of the qualifications required for, and shall have all the powers and duties of, a county director of weights and measures now or hereafter granted or imposed by Article 16 of the Agriculture and Markets Law of the State of New York, local law, ordinance or resolution of the Board of Legislators, order or direction of the County Executive, or purchasing director, and any applicable provision of any act of the legislature not inconsistent with the charter or code.

Whenever the county director of weights and measures is required by any state law to make a report, he shall, at the same time, file a written copy thereof with the purchasing director and the Board of Legislators.

The county director of weights and measures shall be appointed by the County Executive, subject to confirmation by the Board of Legislators.

Section 307. Division of Central Services.

(a) The Director of Central Services (central services director) shall be the head of the division of C(c)entral S(s)ervices and shall have the powers and duties set forth in Section 307 of Article 3 of the charter. He shall, in addition to his powers and duties set forth in the charter or code, perform such other and related duties as the County Executive may require.

(b) The Director of Central Services (central services director) shall, under the supervision and direction of the County Executive, organize the divisions of Information Technology, Mail Services, Print Shop and Central Stores (into a bureau of central stores, mailing, printing, and reproduction) and such other divisions as may be authorized by the Board of Legislators. (The central services director may, subject to the approval of the County Executive, act as the head of the bureau of central stores and mailing.)

(c) The Central Services Director, and such deputies and other employees of the division of central services as are required by the County Executive shall each give a surety bond to the county in a sum fixed by the Board of County Legislators conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed with the Department of Records.

(d) The Central Services Director shall establish, maintain and supervise such facilities for information technology (central) mailing, printing and reproduction and central storage (and stockpiling) of materials, supplies and equipment as may be provided by the Board of County Legislators; establish, maintain and supervise such other central service facilities as may be established by direction of the County Executive, within the appropriations provided therefor.

(1) Information Technology (Bureau of central stores, mailing, printing and reproduction.)

(a) The Director of Central Services shall establish, maintain and support a secure and scalable County government wide area telecommunications network, providing network connectivity to all administrative units as well as providing data file storage, Internet, email access as well as access to any other shared data program or application required by that department in the performance of its official duties.

(2) Mail Services

(a) The Director of Central Services shall establish mailing services for all County Departments utilizing the services of the United State Postal Services and any other 3rd party carrier that can provide cost effective delivery services to administrative units. Additionally, the Mail Services shall process and deliver all inter-office mail by means of a dedicated County Mail Courier.

(3) Printing and Duplication Services

(a) The Director of Central Services shall establish and maintain printing, duplication and bindery services for all administrative units and can extend those services to other local government within Oneida County, as well as not-for-profit agencies within Oneida County.

(4) Central Stores

(a) The Director of Central Services shall establish and maintain the Bureau of Central Stores and shall disburse and transfer supplies, materials and equipment in his custody among the administrative units upon receipt of properly executed order from those administrative units. The accounts of Central Stores shall be audited by the Comptroller of Oneida County at any time deemed so appropriate by the Comptroller.

(b) No disbursement and transfer of supplies, materials and equipment under its custody shall be made by the Bureau of Central Stores, mailing, printing and reproduction to any administrative unit except upon receipt by such bureau of properly executed order from the division of purchase for such disbursement and transfer. For the purpose of this section, an order shall be deemed to be properly executed when a requisition signed by the administrative unit head or by such employees as he shall designate has been received by the division of purchase and such division has secured the certification of the Comptroller that there are unencumbered balances of said administrative unit available for the purchase of supplies, materials and equipment, mas the case may be. And such requisition and certification has been signed by the purchasing director or by an employee authorized to sign the same.

- ((a) The bureau of central stores, mailing, printing and reproduction shall be headed by a deputy director who shall
(1) maintain and operate the facilities for central mailing of mail from and

printing and reproduction of and for administrative units designated by the County Executive to use such facilities; (2) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon receipt of properly executed orders from the division of purchase for such disbursement and transfer; (3) make transfers of supplies, materials, and equipment between administrative units; (4) prepare annually an inventory of all property in his custody; and submit the same to the Board of County Legislators, Comptroller and Budget Director.

- (b) The County Executive with the advice of the purchasing director shall determine and specify the supplies, materials and equipment to be supplied by the bureau of central stores, mailing, printing and reproduction.
- (c) No disbursement and transfer of supplies, materials and equipment under its custody shall be made by the bureau of central stores, mailing, printing and reproduction to any administrative unit except upon receipt by such bureau of a properly executed order from the division of purchase for such disbursement and transfer. For the purpose of this section, an order shall be deemed to be properly executed when a requisition signed by the administrative unit head or by such employees as he shall designate has been received by the division of purchase and such division has secured the certification of the Comptroller that there are unencumbered balances of said administrative unit available for the purchase of supplies, materials and equipment, as the case may be, and such requisition and certification has been signed by the purchasing director or by an employee authorized to sign the same.)

(Section 308. **Division of Research.** The research director shall be the head of the division of research and shall perform all the duties prescribed by Section 308 Article 3 of the charter. He shall, in addition to his powers and duties set forth in the charter or code, perform such other and related duties as the County Executive and the Board of County Legislators may require.)

Section 308(9). Office of Emergency Services.

(a) The director of Emergency Services shall be the head of the Office of Emergency Services and shall have the powers and duties set forth in Section 309 of Article III of the Oneida County Charter. The director, in addition to the powers and duties set forth in the Charter or Code, shall perform such other and related duties as the County Executive and the Board of County Legislators may require.

(b) There shall be in the Office of Emergency Services an Administrator of the Oneida County STOP-DWI program who shall act as Coordinator and assume the duties and obligations of the program in accordance with Section 1197 of the New York State Vehicle and Traffic Law and he or she shall be subject to all obligations and liabilities heretofore or hereafter granted or imposed by Charter, Administrative Code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or act of the New York State Legislature.

(c) The County Executive may appoint as an adjunct to the Office of Traffic Safety a traffic safety advisory board of ten (fifteen) members, interested in traffic safety and related traffic problems, who shall serve at the pleasure of the County Executive. Each member shall be a qualified elector of Oneida County. The County Executive shall annually, on or before the fifteenth day of January, appoint a chairman and vice chairman of such board and such board shall annually elect a secretary from its membership. Meetings of the traffic safety advisory board shall be held at the call of the STOP-DWI (Coordinator) Administrator or the Chairman of such board on at least three days written notice mailed to the last known address of such board members. The traffic safety advisory board shall have and exercise the powers and duties conferred or imposed upon it by the charter or code. Such board shall be advisory only.

The members of the traffic safety advisory board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to the actual and necessary disbursements and expenses incurred in the performance of their duties

(Section 309. Office of Traffic Safety.

(a) The Coordinator of the Oneida County STOP-DWI program shall be the head of the Office of Traffic Safety and shall have the powers and duties set forth in Section 309-A of Article III of the Oneida County Charter. The Coordinator, in addition to the powers and duties set forth in the Charter or Code, shall perform such other and related duties as the County Executive and the Board of County Legislators may require.

(b) The County Executive may appoint as an adjunct to the Office of Traffic Safety a traffic safety advisory board of fifteen members, interested in traffic safety and related traffic problems, who shall serve at the pleasure of the County Executive. Each member shall be a qualified elector of Oneida County. The County Executive shall annually, on or before the fifteenth day of January, appoint a chairman and vice chairman of such board and such board shall annually elect a secretary from its membership. Meetings of the traffic safety advisory board shall be held at the call of the STOP-DWI Coordinator or the Chairman of such board on at least three days written notice mailed to the last known address of such board members. The traffic safety advisory board shall have and exercise the powers and duties conferred or imposed upon it by the charter or code. Such board shall be advisory only.

The members of the traffic safety advisory board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to the actual and necessary disbursements and expenses incurred in the performance of their duties).

Section 309. Division (of Recreation and Related Programs) for Youth.

(a) (If and when the Board of County Legislators shall establish and create such division, the recreation and related programs) There shall be a director (shall be the head) of the division (of recreation and related programs) for youth who (and) shall have the power and duties as set forth below (in Section 310 of Article III of the Charter). The director shall be appointed by the County Executive, subject to confirmation by the Oneida County Board of Legislators. He shall, in addition to his powers and duties set forth in the charter or code, perform such other and related duties as the County Executive may require.

(b) The (recreation and related) youth programs director shall: ((1) supervise, direct, manage, operate and control county recreation programs within such county recreation facilities as the County Executive shall designate;) (1)((2)) plan, organize, and direct county youth (recreation) programs; (2)((3)) with the consent of the County Executive, advise and assist any city, town, village, school, special or other district in the county in the planning of youth(recreation) programs; ((4) on or before the 10th day of each month deposit all cash receipts if any, for the preceding month with the Commissioner of Finance;) 3(5)) file with the County Executive at the close of each fiscal year and not later than the first day of March (February), and at such other times as requested by him a written report of the activities of the division for youth (of recreation and related programs). A copy of each such report shall be filed with the Board of County Legislators.

Section 310. Administrative Heads; Term; Interim Apointment; Appointment of Other Officers and Employees.

(a) As provided by the charter or code, or applicable law not inconsistent with the charter or code, and subject to the approval of the Board of County Legislators where expressly provided, the County Executive shall appoint the heads of every county department and office and the members of county boards and commissions, not

administered by any elected official. The County Executive may appoint one head for two or more departments or other administrative units, subject to any and all requirements as to qualifications and confirmation, or may him self so serve without such confirmation and without additional salary for so serving.

(b) All appointments by the County Executive shall be in writing and filed in the office of the Board of County Legislators and the department of records within ten days after the date of such appointment. No such appointee shall hold office beyond the term of the County Executive by whom the appointment was made except as otherwise provided by the charter or code, and except that unless removed he shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.

(c) Each appointment by the County Executive which is made in conformity with the requirements of the charter, code, or other applicable law not inconsistent with the charter or code, and which is subject to confirmation by the Board of County Legislators, shall be valid until such confirmation has been voted upon by such board, or until forty (40) days have expired after the filing of notice of such appointment. If a majority of the whole number of such board shall vote in favor of confirmation, the appointment shall be deemed confirmed immediately. If a majority of the whole number of such board shall not vote in favor of confirmation, such vote shall constitute a rejection, the term of the appointee shall be terminated and the office or position shall be deemed vacant as of the end of the day of such vote. A person who has thus been rejected may not be appointed to the same position within the same calendar year, except after a reconsideration and reversal by the Board of County Legislators of its vote to reject. If within forty (40) calendar days after the filing of written notice of appointment with the Board of County Legislators, no vote shall have been taken, the appointment shall be deemed to have been confirmed as of the fortieth day after such filing.

(d) If the charter or code prescribes specific or special qualifications for any appointment made by the County Executive pursuant to Section 311 of Article III of the charter, the written notice of such appointment required by Section 311 shall also contain a statement of such qualifications and a certification by the County Executive that the appointee has the required qualifications.

(e) Unless otherwise provided by the charter or code, each administrative head, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, and in accordance with the Civil Service Law, shall have the power to appoint all deputies, other officers and employees in his respective administrative unit. He shall designate, in writing, the relative rank of such deputies, including the order of temporary succession to the duties of the administrative head during absence or disability or in the event of a vacancy prior to the filling of such vacancy by the County Executive, and delegate among them such of his powers and duties as he may determine. A copy of all such designations and delegations shall be filed with the department of personnel, the County Executive and on request with the Board of County Legislators.

(f) If the County Executive appoints one head for two or more administrative units, such person shall receive the salary for one such position as the County Executive shall designate in the written appointment filed with the Board of County Legislators. The County Executive shall notify the Comptroller in writing of such salary designation.

(g) Within the appropriations provided therefor, the County Executive shall appoint without the approval of the Board of County Legislators, such officers and employees in his own office as may be necessary for the full discharge and performance of his duties.

(h) The County Executive, except as herein provided, may remove or suspend any officer or employee appointed by him under the authority of the charter or code by written notice of such suspension or removal and the effective date thereof, served on such officer or employee personally or by registered mail sent to his last known address. Whenever a person shall be suspended, such suspension shall be without pay unless otherwise determined by the board of review hereinafter provided. In case of those administrative heads or members of boards and commissions appointed for a definite term or balance thereof, or whose appointment is subject to confirmation by the Board of County Legislators, the effective date of removal shall not be earlier than ten days after service of such notice. Such notice shall contain a statement of the charges or reasons therefor, and no removal shall be made prior to the end of such ten day period until a hearing, if requested, has been held by the board of review as provided in Section 2203 of Article XXII of the charter and an order of removal has been signed by a majority of the members of such board. In the event a hearing shall have been requested, the County Executive shall give at least three days written notice served in the manner set forth in this paragraph of the time and place of such hearing. Unless a request for a hearing before such board shall have been made to the County Executive in writing within seven (7) calendar days after service of the notice of removal, the right to such hearing shall be deemed to have been waived. In case of a person holding a position by permanent appointment in the competitive class of civil service, removal or suspension procedures shall be as provided in the Civil Service Law.

Section 311. Confirmation by Board of County Legislators. Confirmation of appointment when required shall be by affirmative vote of a majority of the whole number of the members of the Board of County Legislators taken at a regular or special meeting.

Section 312. Seal of County Executive.

(a) The following design is hereby adopted as the official design of the seal of the County Executive:



(b) The County Executive shall affix or imprint such seal upon any and all instruments requiring the same.

Section 305(1)(d) was amended by Local Law No. 7 of 1984 changing the number of times the Board shall meet.

Section 306 was amended by Local Laws No. 1 of 1981 and No. 4 of 1981 in reference to purchasing.

Section 307 was amended by Local Law No. 3 of 1980 transferring Bureau of Weights and Measures to Consumer Affairs from Division of Central Services.

Section 314, Division of Consumer Affairs, and Section 315, were added by Local Law No. 1 of 1977.

Sections 314 and 315 amended by enactment of Local Law No. 3 of 1980.

Section 305 was deleted by Local Law No. 4 of 1985. Local Law No. 4 of 1985 is repealed by Local Law #2 of 1998.

Section 306 was amended to add (d) by Local Law No. 1 of 1986.

Sections 314 and 315 were repealed by Local Law No. 1 of 1986.

Section 306(c)(3)(d) was amended by Local Law No. 1 of 1987.

Section 309 was amended in its entirety by Local Law No. 2 of 1992 to create the Office of Emergency Services.

Section 305 is added by Local Law No. 2 of 1998 to transfer the Division of Budget from the Finance Department to the Office of the County Executive in order to assist the County Executive with the timely preparation and submission of annual county budgets.

Section 309 was amended by Local Law No. 6 of 1996 by the deletion therefrom of any references to the inclusion or function of the Division of Traffic Safety.

Section 309-A was added by Local Law No. 6 of 1996 to create the Office of Traffic Safety and thereby separate its function from the Office of Emergency Services as previously combined by Local Law No. 2 of 1992.

ARTICLE IV

(DEPARTMENT OF AUDIT AND CONTROL) OFFICE OF THE COUNTY COMPTROLLER

Section 401. (Department of Audit and Control,) Office of the County Comptroller

Section 402. Powers and Duties

Section 403. Seal of Comptroller

Section 401. (Department of Audit and Control;) Office of the County Comptroller. The department of (audit and control) the County Comptroller shall be headed by a Comptroller, who shall be elected and whose term of office shall be as provided in Section 401 of Article IV and Section 2301 of Article XXIII of the charter. No person elected as Comptroller pursuant to said sections during the term of his office, shall hold any other public office or public position.

Section 402. Powers and Duties. The Comptroller shall:

(a) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations or liabilities shall include but be not limited to any power, duty, obligation or liability heretofore or hereafter imposed upon the Comptroller under the county law or any other applicable statute, not inconsistent with the charter or code.

(b) Examine and audit all books, records and accounts of the various administrative units, authorized agents, officers or officials paid from county funds, institutions and other agencies of the county or for which the county, its officers or agents are responsible, including bond and note registers and trust accounts, and the accrual and collection of all county revenues and receipts, and for this purpose, shall have access to all books, records and accounts at any time.

(c) Audit all claims or payrolls for services rendered the county, or for salaries of any county employee or county officer (and furnish one certified transcript of such payrolls as approved to the Commissioner of Finance). All original payrolls and claims shall be certified and filed with the Comptroller.

Before such payrolls are presented to the Comptroller, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that each person named therein was employed and rendered the services described; that the services and duties specified were actually performed and that the compensation stated in such payroll is correct and true. Before such claims are presented to the

Comptroller, they shall be certified in writing by the head of the appropriate administrative unit or authorized agency to the effect that the merchandise, materials or articles enumerated have been received and/or the services described were necessary and have been performed. Such certificate shall be in the manner and form prescribed by the Comptroller.

(d) Prepare and sign all checks for the payment of the payroll and all other lawful claims or charges against the county or against funds for which the county, its officers and agents are responsible. Such checks shall be countersigned by the Commissioner of Finance. No fund or appropriation account shall be overdrawn nor shall any checks be drawn against one fund or appropriation to pay a claim chargeable to another without the express consent of the Comptroller. Except as may be otherwise directed by resolution of the Board of County Legislators, all county officers and employees shall be paid every two weeks, upon checks issued by the Comptroller and countersigned by the Commissioner of Finance.

(e) Make available to the Board of County Legislators, the County Executive and the head of any administrative unit or authorized agency of the county, any information from the records and accounts of the department of audit and control which they may require to assist them in the performance of their duties.

(f) At least once a month, procure bank statements from all depositories of county funds or funds for which the county, its officers or agents are responsible, and reconcile such statements with his records and those of the Commissioner of Finance. The Comptroller shall have access to the records of the Commissioner of Finance at all times.

(g) Prescribe with the approval of the County Attorney, the procedure and form for the submission of claims and charges against the county or against funds for which the county, its officers or agents are responsible. Such forms shall be in accordance with the requirements of any law, rule or regulation applicable to the form, certification or payment of such claim or charge, not inconsistent with the charter or code.

No claim or charge against the county or against funds for which the county, its officers or agents are responsible, except for a fixed salary for the regular or stated compensation of county officers and employees, witness and juror fees, judgments, county obligations including principal and interest, or payment pursuant to court order, shall be paid until:

- (1) Such claims shall be documented by, or on behalf of, the claimant by an invoice or billing document as prescribed by the Comptroller pursuant to (Section 402, paragraph "g") this section of the Oneida County Administrative Code.
- (2) Such claim shall be certified by the unit head or officer of the county whose action shall have given rise or

origin to the claim that the goods or services for which claim shall have been made were of the quantity and quality stated therein and were actually delivered or performed; that the amount charged shall have been in accordance with the contract or agreement existing, if any, or in the absence thereof, that it shall have been reasonable and not in excess of the prevailing fair market price or rate, that no part of said charge shall have been paid and that there shall be no offsets or counterclaims existing with respect thereto.

- (3) Such claim shall have been presented to the Comptroller or his designee and shall have been audited and allowed by him.

The Comptroller or his designee shall cause each such claim presented to him for audit to be entered into the computer by date received, department to be charged, vendor name, and claim number. This information shall be sorted and printed daily. Printed reports, as well as the original claims, will be available for public inspection and examination during office hours.

(Except for a fixed salary, or for the regular and stated compensation of county officers and employees, witness or juror's fees, judgments, county obligations, including principal and interest or payment pursuant to court order, no claim or charge against the county or against funds for which the county, its officers or agents are responsible shall be audited or paid until at least five days have elapsed after it's presentation to the Comptroller, and the Comptroller shall not be required to audit a claim until twenty days have expired after the expiration of such period of five days.)

When a claim or abstract thereof has been audited by the Comptroller, he shall endorse thereon or attach thereto his approval and allowance as to such audit. If he shall reject such claim in whole or in part or modify the same, such certificate shall include a statement of the items disallowed, rejected or reduced, and the reason or reasons for the Comptroller's action. In case the Comptroller audits and allows a claim at less than the amount claimed by the claimant, within three days following, he shall serve upon the claimant personally or by mail to such claimant's last known address, a notice of the modification or rejection of said claim. Such claim, certificate and copy of such notice shall thereupon be filed and remain a public record in the department of audit and control and shall during office hours be subject to public inspection.

When the Comptroller shall have audited, approved and allowed a claim or account, or an abstract thereof, he shall prepare and sign a check for the amount allowed which check shall be drawn on the fund properly charged therewith, and countersigned by the Commissioner of Finance. In lieu of such signing of checks as above provided, the use of facsimile signatures of the officer or officers authorized to sign same may be permitted.

(h) Prescribe such methods of accounting for the county and its administrative units and agencies as he may deem necessary, provided the same shall have been approved by the County Executive and the State Comptroller.

(i) (On or before the 20th of each month and at such other times as the County Executive or the Board of County Legislators may direct) At the request of the County Executive or the Board of Legislators, the Comptroller may (,) prepare and file a written report of the financial condition of the county as of the last day of the preceding month. One copy of said report (shall) may be filed with the County Executive and two copies thereof with the Board of County Legislators. Such report (shall) may show the aggregate revenues received and anticipated for general county purposes and revenues received and anticipated for each appropriation account or fund where required by law to be expended for the purpose of such account or fund. Such report (shall) may also show for each appropriation account, the amount appropriated, the amount encumbered but remaining unexpended, the aggregate expenditures and the unencumbered balance. The report (shall) may also include such other information as the County Executive or the Board of County Legislators may direct.

(j) The Comptroller shall be responsible for securing all debt obligations of the County.

(k) ((j)) Within the appropriations provided therefore, appoint to serve at his pleasure such deputies as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed in the office of the department of records and copies thereof with the Board of County Legislators and the County Executive. All such deputies shall be in the exempt class of the civil service. The Comptroller shall designate in such writing the order in which such deputies shall have and exercise the powers and duties of the Comptroller during the temporary absence or inability of the Comptroller to act. The deputy designated in such writing shall in case of a vacancy in the office of the Comptroller, perform the duties of the Comptroller until a successor is elected or appointed and has qualified.

(l) ((k)) Perform such other duties pertaining to the financial affairs of the county as may be directed by the Board of County Legislators, the County Executive or by any law or by any officer of the state not inconsistent with the charter or code.

(Section 403. Seal of the Comptroller)

((a) The following design is hereby adopted as the official and standard design of the seal of the Comptroller.)



(b) The Comptroller is hereby authorized and empowered to affix such seal upon all instruments requiring the same.

Section 402, paragraph "g", subdivision (3) was amended by Local Law No. 5 of 1989 in order to eliminate duplicate recording services of incoming claims in the Office of the Comptroller.

Section 402, subdivisions 1 and 2 of paragraph "g" was amended by enactment of Local Law No. 8 of 1991.

ARTICLE V
DEPARTMENT OF FINANCE

- Section 501. Department of Finance; Commissioner
- Section 502. Powers and Duties of the Commissioner of Finance
- Section 503. Seal of the Commissioner of Finance

Section 501. Department of Finance; Commissioner. There shall be a department of finance headed by a commissioner, who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. He shall be appointed on the basis of his administrative experience and such other qualifications as the County Executive shall determine. He shall serve at the pleasure of the County Executive. The Commissioner of Finance shall organize said department under the supervision and direction of the County Executive into: (1) a division of treasury, (2) a division of real property tax service, and (3) a division of real estate. Each division shall be headed by a deputy appointed by the Commissioner of Finance, who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head, while holding such position, to carry out the functions of such division as provided by the charter, code, local law or by directives of the Commissioner. Such division head shall be subject to reassignment or transfer by the Commissioner to other duties within the department.

Section 502. Powers and Duties of the Commissioner of Finance. The Commissioner of Finance shall:

(a) Have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible. He shall have charge of the performance of all other duties required by law to be performed by a county treasurer, or other county officer in relation to the collection of taxes, except as they may be inconsistent with the charter or code.

((b) Submit to the Board of County Legislators annually, on or before the 1st of April and at such other times as the Board may require, a complete financial statement containing a general balance sheet for the county. A copy of each such report shall be filed with the County Executive.)

((c))(b) Have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, by order or direction of the County Executive, or by any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations, and liabilities shall include, but shall not be limited to, any power, duty, obligation or liability now or hereafter required by any law to be performed by or imposed upon a county treasurer, not

inconsistent with the charter or code. The Commissioner of Finance (shall maintain a written inventory of all county property and) shall maintain a written inventory of all property acquired for taxes and shall have custody of all insurance policies, surety bonds, except as otherwise provided, deeds to county property and such other instruments as the County Executive may direct. The Commissioner of Finance shall cause to be maintained a proper record of all notes, securities or other evidence of indebtedness held by or for the county for the purpose of investment. Such record shall at least identify the security, the fund for which held, the place where kept and entries shall be made therein showing the date of sale or other disposition and the amount realized there from. All such transactions shall be confirmed in writing by the commissioner and to the county by the bank, trust company or other financial institution. (On or before July 15th, in each year, and as often as the commissioner may direct, the head of each administrative unit or authorized agency, shall furnish the commissioner a written certified inventory of his administrative unit or agency showing a complete inventory of said unit or agency, as of July 1st, immediately preceding.)

((d))(c) Perform all the duties heretofore permitted, performed or required to be performed by the Clerk of the Board of County Legislators in relation to ascertaining, spreading, entering and extending taxes levied by the Board of County Legislators for all state, county, town and special district purposes, including unpaid school taxes and including the preparation of tax rolls for such taxes.

((e))(d) Keep a record of the transfer of title of real property in each tax district and immediately notify in writing, the town clerk and the chairman of the board of assessors of each town or city, of each transfer in such town or city, as the case may be.

((f))(e) Provided a consultation and advisory service to assist local assessors and tax collectors in the performance of their duties and in the establishment and maintenance of suitable procedures and facilities to improve assessment and tax collecting procedures, records and practices.

((g))(f) On or before the 1st day of (September) December, in each year, submit to the County Executive, the proposed county tax equalization rates, consistent with the standards prescribed by the legislature of the State of New York, together with the documentary evidence used in determining the proposed rates and any other information which the County Executive shall request in connection therewith.

((h))(g) Depository undertakings:

- (1) Each depository designated by the County Executive pursuant to the charter or code, shall, for the benefit of the security of the county and before receiving any such deposit, give to the county, a good and sufficient undertaking, approved as to sufficiency of surety by the County Executive and as to form by the County Attorney. The undertaking shall specify the maximum amount which such Commissioner of Finance shall be authorized to have

on deposit at any one time with each depository and shall provide (a) that each depository shall faithfully keep and pay over, on the order or warrant of such Commissioner of Finance, or other lawful authority, such deposits and the agreed interest therein, and/or (b) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by such Commissioner of Finance with such depository. The County Executive may increase the maximum amount which any depository is authorized to have on deposit at any one time and require additional undertaking therefor. Each such undertaking shall be filed by the Commissioner of Finance in the office of the department of records.

(In lieu of such undertaking, a depository may execute its own undertaking in such form and upon such conditions as may be prescribed by law and required by the County Executive. As collateral thereto, the depository shall deposit with the) In lieu of such undertaking and upon the recommendation of the commissioner and the approval of the county executive, a depository may follow the procedures or any part thereof as prescribed by Article 2 of the General Municipal Law for the deposit of public monies and securities.

Commissioner of Finance outstanding un-matured bonds or other obligations of the United States of America, State of New York, or of any county, town, city, village or school district in the State of New York, authorized to be issued by law in the face amount at all times at least equal to the amount on deposit less the amount certified by the depository as covered by insurance under the Federal deposit insurance act. The collateral shall be approved as to amount and sufficiency by the Commissioner of Finance accepting the same. The depository shall deposit with the Commissioner of Finance an assignment in blank of such collateral. The Commissioner of Finance shall deliver to the depository a certificate of deposit containing a description of the bonds or other securities so deposited as collateral. In the event of a default on the undertaking of any depository and the consequent necessity to complete the assignment, the Commissioner of Finance shall complete the assignment and shall be deemed to be the agent of the assignor for such purpose. The Commissioner of Finance may from time to time require the depository to increase the amount of securities deposited and may from time to time release securities whenever the amount of the balance on deposit shall be lawfully reduced. Substitution of securities shall be made only upon written authorization of the Commissioner of Finance. Upon withdrawal of all moneys from any depository and the closing and settlement

of the account thereof, the Commissioner of Finance shall require the surrender of the certificate of deposit and thereupon shall return the securities so deposited as collateral. Whenever, in the judgment of the Commissioner of Finance, it appears that additional facilities for the safeguarding of the securities deposited with him are essential, such Commissioner of Finance may lease or rent a safety deposit box and the cost thereof shall be audited and paid as a county charge. The depository, with the written consent of the Commissioner of Finance, may deposit such securities in a safety deposit box maintained by the depository under the joint control of the depository and the Commissioner of Finance. If such depository has and maintains a separate trust department, it may, with like consent, deliver such securities to said trust department, or may, with like consent, deposit said securities in escrow in the trust department of any other bank within the state to be held by such department subject to the joint order of the depository and the Commissioner of Finance, and all expenses in connection therewith shall be borne by the depository.

The Commissioner of Finance shall not be liable for the loss of public funds of the county by reason of the default or insolvency of a designated depository, provided such funds have been deposited in accordance with the provisions of this section. However, in the event that securities have been deposited as provided in this section, such Commissioner of Finance shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

- (2) The Commissioner of Finance and such of his deputies, officers and employees, as the County Executive may require, shall give a surety bond to the county, indemnifying the county, its officers and agents and the State of New York, in a sum fixed by the Board of County Legislators conditioned for the faithful performance of his duties. Such bond shall be approved as to form by the County Attorney and as to the sufficiency of surety by the County Executive and filed in the office of the department of records.
- (3) Rules and regulations. The Commissioner of Finance may, except where otherwise provided by the charter or code, or by law not inconsistent with the charter or code, make rules and regulations relative to the conduct of his department,

including but not limited to, the custody and investment of agency and trust funds in his charge and keeping. Such rules and regulations shall not be effective until they have been approved by the County Executive and filed in the office of the department of records.

- (4) Division of Treasury. The division of treasury shall be headed by a deputy commissioner, who shall have charge of the collection, receipt, custody, deposit, investment and disbursement of all fees, taxes, revenues and other funds of the county or for which the county is responsible. He shall have charge of the performance of all other duties required by any law to be performed by a county treasurer or any other county officer in relation to the collection of taxes, not inconsistent with the charter or code.

- (5) Division of Real Property Tax Service. The division of real property tax service shall be headed by a deputy Commissioner of Finance who shall provide the following services to all cities, and towns within the county as required by Article 15-a of the Real Property Tax Law:
 - (a) prepare tax maps, maintain them in current condition, and provide copies thereof to all cities, towns and villages;
 - (b) provide advisory appraisals to cities and towns upon the written request of the chief executive officer or assessor of such cities and towns;
 - (c) advise the assessors on procedures for the preparation and maintenance of assessment rolls, property record cards, appraisal cards and other records and documents relating to real property assessment and taxation;
 - (d) provide appraisal cards in such form as shall be prescribed by the state board in quantity needed for use in preparation of assessment records;
 - (e) cooperate and assist in the training programs provided by the state board for local assessors;
 - (f) provide the division of real estate with such information from his office as may be useful in the operation of that division;
 - (g) coordinate any county-wide revaluation program;
 - (h) prepare and furnish an annual report to the Commissioner of Finance, a copy of which shall be sent to the state board, which report shall contain at least such information required by the Commissioner of Finance and the state board and prepare such additional reports as may from time to time be required by the Commissioner of Finance, the County Executive or the state board;
 - (i) supply cities and towns with assessment rolls or other forms for use in connection with the preparation

(a) The following design is hereby adopted as the official and standard design of the seal of the Commissioner of Finance:



(b) The Commissioner of Finance is hereby authorized and empowered to affix such seal upon all instruments requiring the same, including, but not limited to, any instrument requiring the seal of a county treasurer.

Section 501(2) - (Division of Taxation) now known as Division of Real Property Tax Service, and (3) (Division of Equalization) now known as Division of Real Estate, were changed by Local Law No. 5 of 1971 which changed portions of Section 502.

Section 502 - Local Law No. 5 of 1971 changed the names and duties of the Division of Taxation to the Division of Real Property Tax Service and the Division of Equalization to the Division of Real Estate.

Local Law No. 6 of 1971 added sub-heading "i" under Section 502.

Section 501 - Is amended by Local Law No. 4 of 1985.

Section 502 - Is amended by renumbering Section 502(h) 7 to 502(h) 8 and adding a new Section 502(h) 7 by Local Law No. 4 of 1985.

Section 501 subdivision (4) and Section 502 subdivision "h"(7) are deleted by Local Law No. 2 of 1998.

ARTICLE VI FINANCIAL PROCEDURES

- Section 601. Fiscal Year
- Section 602. Preparation of Proposed Budget and Capital Program
- Section 603. Proposed Budget and Capital Program by County Executive
- Section 604. Budget Message
- Section 605. Review of Proposed Budget; Capital Program and Message
- Section 606. Public Hearing
- Section 607. Adoption of Budget
- Section 608. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes
- Section 609. Appropriations; Supplemental and Emergency
- Section 610. Appropriations; Reduction and Transfer After Budget Adoption
- Section 611. Certain Resolutions of the Board of County Legislators Requiring a Two-Thirds Vote
- Section 612. Certain Obligations and Payments Prohibited
- Section 613. Performance of Acts; Scheduling
- Section 614. Reserve Funds
- Section 615. Compensation of Elected Officials
- Section 616. Audit Advisory Committee

Section 601. Fiscal Year. The fiscal year of the county shall begin with the first day of January and end with the last day of December of each year.

Section 602. Preparation of Proposed Budget and Capital Program. The county shall continue the use of a line item budget and shall employ the uniform systems of accounting for counties (prepared) as recommended by the New York State (Department of Audit and Control) Comptroller.

- (a) Preparation of tentative operation and maintenance budget:

- (1) Preparation and filing of estimates and appropriation requests. Not later than the 15th day of July in each year, the budget director shall furnish the head of each administrative unit or authorized agency quadruplicate forms on which to prepare and set forth an estimate of revenues and expenditures of the respective unit or agency for the next ensuing fiscal year, exclusive of capital projects. Such forms shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth among other things, but be not limited to, the actual revenues and expenditures for the last completed fiscal year; the appropriations for the current fiscal year and the unencumbered balances thereof as of July 31; sources of revenue, if any; character and object of expenditures, setting forth in item classifications, among other things, salaries, temporary help, fees and services, automotive equipment, office equipment, furniture, fixtures and other materials, supplies and expenses. These estimates shall be submitted in such form and contain such other and additional information as may be prescribed by the budget director and shall constitute in and of themselves a request for an appropriation therefore.
- (2) Not later than August 15 immediately following, the head of each administrative unit or authorized agency shall sign such estimates and requests and file one copy thereof in each of the offices of the Budget Director, the County Executive, the chairman of the ways and means committee of the Board of County Legislators and the Board of County Legislators respectively. In the event of the failure of the head of any administrative unit or authorized agency to submit and file such estimate and request on or before August 15, the budget director shall forthwith prepare and file same accordingly.
- (3) Upon receipt of the estimates and appropriation requests, the Budget Director shall examine, review, investigate and conduct such hearings thereon as he may deem necessary. Among other things, by notice in writing, he may require the head of each of any administrative unit or any officer or employee thereof and any authorized agency requesting county funds to appear before him to furnish data and information and to answer inquiries pertinent to such review or investigation.
- (4) Upon completion of such review and investigation, the Budget Director shall have the right to recommend in

whole or in part the estimates and appropriation requests submitted, as he may deem appropriate.

- (5) On or before September 20 immediately following, the Budget Director shall prepare and submit to the County Executive a tentative operation and maintenance budget which shall set forth among other things, but be not limited to (a) the estimated revenues and expenditures of the county for the next ensuing fiscal year; (b) the corresponding actual revenues and expenditures of the last completed fiscal year; (c) the corresponding budget items of revenue and expenditures for the current fiscal year, together with such amendments and transfers as shall have been made or as are proposed to be made; (d) the estimates of revenue and expenditures for the ensuing fiscal year submitted by the heads of administrative units and authorized agencies as prepared by them or by the Budget Director and the corresponding recommendations if any, made thereto; (e) a separate statement which shall also be included as expenditures for the ensuing fiscal year setting forth (1) all sums due and payable for principal and interest in such year on all county obligations, issued or to be issued and on all judgments or obligations due for the payment of which the county shall be legally responsible; (2) payments due on all contracts with interest, if any, which shall become due and payable within such year.

(b) Preparation of tentative capital budget and capital program:

- (1) Preparation and filing of capital projects requests. Not later than the 15th day of June in each year, the Budget Director shall furnish to the head of each administrative unit or authorized agency forms on which to prepare and file a description, justification and estimate for each capital project which such administrative head or authorized agency proposes during one or more of the ensuing six (6) years.

The term "capital project" as used herein shall mean: (a) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired, or (b) any preliminary studies and surveys relating to any physical betterment or improvement, or (c) land

or rights in land, or (d) any combination of (a) (b) and (c).

Such capital projects requests shall be prepared and completed by the head of each administrative unit or authorized agency and shall set forth, among other things, but be not limited to:

- (a) a description of the proposed project; the estimated total cost thereof; recommended priority; estimates of costs for planning; site; right-of-way; construction, equipment and other features; status of plans and land acquisition; development time schedule
- (b) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the Federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and recommended expenditures by years
- (c) an estimate of the effect, if any, upon operating costs of the county within each of the three fiscal years following completion of the project. The capital projects' requests shall contain such other and additional information as the Budget Director may deem advisable
- (d) all capital projects, which would involve the construction or renovation of a county owned facility and would have an estimated capital cost of \$250,000.00 or more, which costs shall be paid for by the County through direct appropriation or bonding, shall be assigned a separate and distinct capital project number, reference and account. This requirement shall not apply to: building maintenance capital projects which are on-going such as bridge work, road work, asbestos abatement and the like and capital projects which are or may be

subsidized by federal or state grants of funds in excess of \$250,000.00.

- (2) Not later than July 15 immediately following, the head of each administrative unit or authorized agency shall sign and shall file one copy of such capital project requests in each of the offices of the Budget Director, the County Executive, the Board of County Legislators, Commissioner of Finance, County Comptroller and the Commissioner of Planning, if any.
- (3) Capital projects committee. To assist in the consideration of the capital projects and the capital program, there shall be a capital projects committee consisting of the County Executive, as chairman; the Budget Director as vice-chairman; and the following members: the County Comptroller, the Commissioners of Finance, Public Works, Planning, if any, the County Attorney, the chairman of the Board of County Legislators and majority and minority leaders, if any, thereof, and the chairman of the capital improvements committee, if any, of the Board of County Legislators. The County Executive shall have the right to request and require other administrative heads to meet and consult with the capital projects committee as he may deem advisable. The County Executive shall be solely responsible for the capital budget and program as submitted to the Board of County Legislators.
- (4) Upon receiving a capital project request, the Planning Commissioner, if any, shall study the same with special reference to comprehensive plans for the county and for any affected municipality therein. He shall promptly forward his comments and recommendations regarding the proposed project to the Budget Director.
- (5) The Budget Director shall submit the comments and recommendations of the Planning Commissioner, if any, together with his own comments and recommendations to the capital projects committee. Such committee shall proceed to consider all requested capital projects, and for such purpose shall meet in the period between July 15 and September 15 at least twice, and as more often as may be required at the call of the chairman. On or before September 15, such committee shall prepare a written report with recommendations and file a copy with the Board of County Legislators, the County Executive and

the Budget Director.

- (6) Citizens advisory board on the capital program. The County Executive may appoint a citizens advisory board on the capital program to advise him in regard to such capital program, the relative priorities of proposed projects and suggested means of financing. The County Executive may serve as or shall designate the chairman of such citizens advisory board. Appointments to such board shall be for a period not to exceed any one calendar year, but the same person may be appointed in succeeding years. Membership on such advisory board shall not exceed fifteen (15). The chairman of the county planning advisory board, if any, shall be an ex officio member of any such advisory board on capital program. The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefore, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Any project referred to the capital projects committee may likewise be referred to the citizens advisory board on the capital program, if there be such board. The latter shall meet at the call of its chairman and shall make such recommendations to the County Executive as its membership may determine. At the request of the County Executive, joint meetings of the capital projects committee and citizens advisory board on the capital program, if any, shall be held. The Budget Director and Planning Commissioner, if any, shall assist the citizens advisory board, if such be appointed, by presenting and explaining all capital project requests so referred and shall furnish all relevant exhibits and information.

- (7) Between September 15 and on or before September 20 immediately following, the Budget Director shall cause the tentative budget and capital program to be prepared, and shall submit it to the County Executive together with the tentative operation and maintenance budget. The tentative capital program shall set forth a recommended capital program for development during one or more of the ensuing six (6) years and be arranged in such manner as to indicate the order of priority of

each project, and to state for each project, among other things, but not limited to:

- (a) a description of the proposed project and the estimated total cost thereof
 - (b) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation, duly established reserve funds or any other source of county funds; the amount, if any, estimated to be received from the Federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued
 - (c) an estimate of the effect, if any, upon operating costs of the county within each of three fiscal years following completion of the project
- (8) The tentative capital budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains, and shall indicate debt service charges for previous projects, proposed down payments and other expenditures for new projects, all proposed capital financing including but not limited to reserve funds, sinking funds, current revenues, temporary borrowing, bond sales, federal and state grants, loans or advances
- (9) The proposed budget shall be prepared and submitted by the County Executive and adopted by the Board of County Legislators as hereinafter set forth and described and except as otherwise specifically provided:
- (a) any amendment to the proposed capital program and to the proposed capital budget during budget deliberations by the Board of County Legislators shall require an affirmative vote of two-thirds (2/3) vote of its total membership

- (b) the capital program shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of 2/3 of its total membership
- (c) the capital budget shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of 2/3 of its total membership
- (d) the operation and maintenance budget shall be adopted by separate resolution of the Board of County Legislators by the affirmative vote of a majority of its total membership
- (e) at any time after the adoption of the capital program as hereinafter provided, the Board of County Legislators by the affirmative vote of 2/3 of its total membership, may amend the capital program by adding, modifying or abandoning the projects, altering the priorities thereof, or by modifying the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended

Section 603. Proposed Budget and Capital Program by County Executive.

The County Executive shall submit to the clerk of the Board of County Legislators, on or before the 5th day of October of each year, for consideration by such board, a proposed budget for the ensuing fiscal year, and a capital program for the next six fiscal years.

Upon its submission, the proposed budget and capital program and budget message hereinafter provided for shall become a public record in the office of the clerk of the Board of County Legislators, and copies of the same shall be made available by such clerk for distribution.

The proposed budget shall present a complete financial plan for the county and its administrative units for the ensuing fiscal year setting forth proposed expenditures and anticipated revenues, and shall include: (1) an operation and maintenance expense budget and (2) a capital budget covering debt service, down payments and other current capital financing, and proposed borrowing, if any. Unencumbered balances at the end of each completed fiscal year, unless otherwise prescribed by statute and except where appropriated for a capital improvement or other authorized continuing project, shall be treated as revenues in(for) the county budget of the ensuing fiscal year.

Section 604. Budget Message. The county executive shall also submit with the proposed budget(,) a message explaining the main features of the budget including

among other things, a general summary thereof with such supporting schedules as he may deem desirable or as the Board of County Legislators may, by resolution, require. Such schedules shall exhibit the aggregate figures of the proposed budget in such manner as to show a balanced relationship between the total estimated expenditures and the total estimated income for the ensuing fiscal year, and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the appropriations for the current fiscal year. Such budget message shall also outline the existing and any proposed financial policies of the county relating to the capital program describing each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost, the pending or proposed method of financing it and the projected operation and maintenance expense. The budget message shall contain such additional information or comments as are deemed advisable by the county executive.

Section 605. Review of Proposed Budget, Capital Program and Message.

The Board of County Legislators or a committee designated by such Board shall review the proposed budget, the capital program and the budget message as submitted by the County Executive and shall, not later than one week prior to the first(last) regular Board meeting in (October)November of each year, file with the Clerk of the Board of County Legislators its report including any recommendations proposed therein. Such report shall become a public record in the office of the Clerk of the Board of County Legislators, and copies thereof shall be made available by such Clerk for distribution.

Section 606. Public Hearing. The Board of County Legislators shall hold a public hearing on the proposed budget and capital program submitted by the County Executive no later than seven days from the date of the County Executive's Budget Message and shall thereafter hold public hearings related to the budget and the report submitted by the Ways and Means Committee on the Monday and Tuesday immediately preceding the first Board meeting in November of each year. The Clerk of the Board of County Legislators shall cause to be published in the official newspaper or newspapers and such other newspapers as may be designated by the Board of County Legislators, a notice of the place and time of such hearings. Said notice shall be published not later than five days prior to the date of such hearings.

Section 607. Adoption of Budget.

(a) After the conclusion of the public hearings, the Board of County Legislators may strike items of appropriation or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The board may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval nor be subject to executive veto.

(b) If the budget as submitted by the county executive is adopted by the resolution of the Board of County Legislators with no changes thereto at the first Board of Legislators meeting in November, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the Board of County Legislators contains any additions or increases, the same shall be presented by

the clerk of the board to the County Executive, not later than the Friday following the first Board of Legislators meeting in November, for his examination and consideration. If the County Executive approves all the additions and increases, he shall affix his signature to a statement thereof and return the budget together with such statement to the clerk of the board, and the budget including the additions and increases as part thereof, shall then be deemed adopted.

(c) If a budget with additions or increases is not returned by the County Executive to the clerk of the Board with his objections on or before 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November, then the budget with such additions and increases shall be deemed adopted

(d) If the County Executive objects to any one or more of such added or increased items, he shall append to the budget a statement of the added or increased items to which he objects setting forth his reasons therefore and shall, not later than 10:00 o'clock in the forenoon of the Friday preceding the second Board of Legislators meeting in November return the budget with his objections to the clerk of the board who shall present the same to the Board of County Legislators at the second Board of Legislators' meeting in November. The Board of County Legislators shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases to which objection is made by the County Executive. If upon such reconsideration two-thirds of all members of the Board of County Legislators vote to approve such additions and increases, or any of them, the budget with the additions and increases so approved, together with any additions and increases not so objected to by the County Executive shall be deemed adopted. If the board fails to act on or override such objections by a two-thirds vote, at the second Board of Legislators meeting in November, the objections shall become final and the budget shall become final and deemed adopted without the increases objected to by the County Executive.

(e) If a budget has not been adopted, as herein provided, at the second Board of Legislators meeting in November of each year, then the proposed budget as submitted by the County Executive, plus all additions and increases as to which he has failed to object, shall be the budget for the ensuing fiscal year.

(f) Four copies of the budget as adopted shall be certified by the County Executive and by the clerk of the Board of County Legislators, and one each of such copies shall be filed in the office of the County Executive, the offices of the comptroller, the commissioner of finance and the clerk of the Board of County Legislators. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

(g) The Board of County Legislators reserves the right to make adjustments to the dates set forth herein for the filing of the report of the Ways and Means Committee, the conduct of public hearings, the submission of additions and increases to the County Executive and the filing of objections to such additions and increases by the County Executive and to convene special meetings of the Board only in those years where the

dates provided for herein fall on days which do not accommodate the time frames necessary for the consideration of the annual budget.

Section 608. Levy of Taxes; Inclusion of Reserve for Uncollected Taxes.

The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget, shall be levied in advance by the Board of County Legislators on the taxable real property of the several tax districts of the county. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be a county charge. The Board of County Legislators shall fix the amount of such a sum as they may deem sufficient to produce, in cash from the collection of taxes and other revenues during the year, the monies(eyes) required to meet the estimated expenditures of such year, provided, however, that such reserve for uncollected taxes shall be not less than the face amount of unpaid taxes for the preceding completed fiscal year. Any residual balance in part or whole from the overlay in excess of the amount after year-end reclassifications for deferred property tax revenue and an allowance for uncollectible tax liens may, upon recommendation of the County Executive and approval by the Board of County Legislators, be recorded to a reserve account known as "reserve for uncollected taxes and assessments". The cumulative sum of such reserve shall not be greater than the face amount of all unpaid taxes at year end of the preceding fiscal year.

The amount of all taxes, special ad valorem levies and special assessments levied upon any parcel of real property by the Board of County Legislators shall, except as otherwise expressly provided by law, be and become a lien thereon as of the first day of January of the fiscal year for which levied and shall remain a lien until paid.

Section 609. Appropriations: Supplemental and Emergency. If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year, or (2) revenues received from anticipated sources but in excess of the budget estimates therefore, the Board of County Legislators may make supplemental appropriations for the year not in excess, however, of such additional revenues.

To meet a public emergency affecting life, health or property, the Board of County Legislators may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of County Legislators may authorize the issuance of obligations pursuant to the local finance law.

Section 610. Appropriations: Reduction and Transfer After Budget Adoption. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Executive shall report to the Board of County Legislators without delay the estimated amount of the deficit; remedial action taken by him, and his recommendations as to further action. The Board of County Legislators shall take such action as it deems necessary to prevent or minimize any deficit. For that purpose it may by resolution reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced

by more than the unencumbered balance thereof or below any amount required by law to be appropriated. The Board may also, if it desires, borrow temporarily pursuant to the local finance law in an amount not greater than such deficit for such purpose.

The County Executive may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the Board of County Legislators shall be required if the proposed transfer (1) would result in an increase exceeding five thousand dollars annually, or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would effect any salary rate or salary total except as expressly permitted in the charter or code. If the County Executive requests in writing the Board of County Legislators by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another provided, however, that no such transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 611. Certain Resolutions of the Board of County Legislators Requiring a Two-Thirds vote. A resolution of the Board of County Legislators for any of the following specified purposes shall be passed by not less than a 2/3 vote of the whole number of the members of the Board of County Legislators: (a) a supplemental or emergency appropriation; (b) the issuance of budget notes or notes in anticipation of the collection of taxes or revenues; (c) the issuance of bonds, bond anticipation notes or capital notes; or (d) any amendment offered to any of the above.

Section 612. Certain Obligations and Payments Prohibited. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made, or except as permitted otherwise by the local finance law; provided that this shall not be construed to prevent contracting for capital improvements to be financed by borrowing, or entering into any lawful contract or lease providing for the payment of funds beyond the end of the current fiscal year.

Section 613. Performance of Acts; Scheduling. Whenever the scheduling of the performance of an act shall be fixed by this article the same may be changed by an amendment thereof.

Section 614. Reserve Funds. The Board of County Legislators subject to the approval of the County Executive may establish by resolution, any or all of the reserve funds as authorized in the General Municipal Law.

Whenever a power is given to the Board of County Legislators in such General Municipal Law in relation to a reserve fund, such power shall be deemed to be subject to the approval of the County Executive; and the power of investment of such funds shall be vested in the Commissioner of Finance, otherwise the provisions of such law shall be applicable.

Section 615. Compensation of Elected Officials.

(a) All elected offices filled by the electors of the County of Oneida whose compensation is established in the county budget may be increased during their term of office in the manner set forth herein: in the case of the members of the County Board of Legislators, the salary fixed and paid during a fiscal year shall not exceed the salary specified in the notice of public hearing on the tentative budget prepared for such fiscal year and published pursuant to Section 606 of this charter; in the case of the other elected County officials, with the exception of the District Attorney, whose salary is fixed by Section 183-a of the Judiciary Law, such salaries may be increased during the term of such elected official by enactment of a local law subject to a referendum on petition, except that a cost of living adjustment or other yearly increment in salary may be allowed at the beginning of any year during the term of office, provided that a schedule of cost of living adjustments and/or yearly increments was in existence prior to the commencement of such term of office; these offices shall include the County Executive, the Comptroller, the County Clerk, the Sheriff and the County Coroners.

(b) There shall be a bipartisan subcommittee of the Board of Legislators, convened at the request of the Chairman of the Board of Legislators, to research and recommend to the full Board increases in the compensation paid to County elected officials. Such subcommittee shall consist of seven members who shall be appointed by the Chairman of the Board from the then current membership of the Board. The subcommittee shall be chaired by the Majority Leader and Minority Leader of the Board.

(c) The subcommittee shall, not less one month prior to the date of the County Executive's submission of a budget to the Board of Legislators, have made its recommendations to the County Executive and the Board of Legislators regarding any increase in compensation for those elected offices, other than the District Attorney, and the Board of Legislators may take the necessary procedural steps to include such increases in the budget and/or may take the necessary procedural steps to enact a local law to increase such salaries.

(d) The County Executive shall include such increases in compensation in his or her annual budget submitted to the Board of Legislators.

Section 616. Audit Advisory Committee.

There shall be an independent Audit Advisory Committee consisting of qualified private citizens with financial and related accounting backgrounds to review County financial procedures/policies, the budgetary process, State and independent audit results and to make recommendations to update, correct and address any deficiencies found to be required. The members of this committee will be appointed by the Board of Legislators and shall establish within their mission statement that they remain an independent committee to be accountable directly to the Board.

Section 602 was amended by Local Law No. 4 of 1967.

Section 602(a)(2) was amended by Local Law No. 4 of 1967 by inserting the phrase “the chairman of the ways & means committee of the Board of County Legislators”.

Section 615 was added by enactment of Local Law No. 1 of 1982.

Section 602(b)(9)(a) was added by the enactment of Local Law No. 2 of 1987.

Section 611 (d) was added by enactment of Local Law No. 2 of 1987.

Section 614 (a) was amended by enactment of Local Law No. 3 of 1987.

Section 605 and 606 were amended by enactment of Local Law No. 7 of 1991.

Section 610 was amended by enactment of Local Law No. 3 of 1994 raising the County Executive transfer of funds limit to five thousand dollars.

Section 602 (b)(1) was amended by Local Law No. 3 of 2003 in relation to the designation of certain capital projects.

Section 615 was amended by Local Law #1 of 2004 changing the method by which compensation of elected officials of the County may be increased during their terms of office.

ARTICLE VII
DEPARTMENT OF PUBLIC WORKS

Section 701.	Department of Public Works; Commissioner; Qualifications
Section 702.	Powers and Duties
Section 703.	Divisions of the Department
Section 704.	Division of Highways, Bridges and Structures
Section 705.	Division of Buildings and Grounds
Section 706.	Division of Engineering
Section 707.	Division of Reforestation
Section 708(9).	Rules, Regulations and Charges

Section 701. Department of Public Works; Commissioner;(Qualifications.)

There shall be a department of public works, the head of which shall be the Commissioner of Public Works, who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of the office. Such commissioner shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Board of County Legislators. (On January 1, 1963, the office of the county superintendant and of county engineer, if any, shall be abolished and the powers and duties of such offices shall devolve upon the department of public works.)

Section 702. Powers and Duties. Except as otherwise provided in the charter or code, the Commissioner of Public Works shall:

- (a) Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the highway law or other applicable law, not inconsistent with the charter or code.
- (b) Have charge and supervision of the design, construction and alterations of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserve, beaches, erosion or reforestation projects, and such other structures and facilities in the nature of public works under the jurisdiction of the county.
- (c) Have charge and supervision of maintenance, repair and alterations of buildings owned or leased by the county, parking fields, drives, walks, docks, marinas, parks, recreational facilities, preserves, beaches, and other lands and structures and facilities in

the nature of public works under the jurisdiction of the county, including custodial care, unless otherwise provided in the code.

(d) Have such powers and duties in relation to county facilities for drainage, flood control, sanitation, small water sheds or water supply as may be prescribed in the charter, code or other applicable law, not inconsistent with the charter, code or other applicable law, not inconsistent with the charter or code.

(e) Furnish engineering and other services to the Board of County Legislators, the County Executive, (the department of solid waste management), the department of planning, if any, and when directed by the County Executive, to other county departments except as otherwise provided in the charter or code.

(f) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the Board of County Legislators or the County Executive may, from time to time, direct.

Section 703. Divisions of the Department.

(a) There shall be the following divisions within the Department of Public Works: division of highways, bridges and structures; division of buildings and grounds; division of engineering; division of reforestation; (division of the airport;) and such other divisions as may be created within the department by local law or resolution of the Board of County Legislators. The commissioner shall appoint and assign a deputy to each division who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head, while holding such position, to carry out the function of such division as provided by the charter, code, local law or by the directives of the commissioner. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

(b) The Commissioner of Public Works may delegate to one or more of his deputies specific powers and duties of the Commissioner of Public Works, including those which he has as a county engineer or as a county superintendent of highways(,) and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. (Such written delegations or revocations shall be filed with the County Executive and with the department of records and if powers or duties so delegated or revoked are those which the Commissioner of Public Works has as a county engineer or as a county superintendant of highways, a duplicate of such written delegation or revocation shall be filed with the state superintendant of public works.) The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the Commissioner of Public Works

(c) Within the appropriations provided therefor, and when authorized by the County Executive, the Commissioner of Public Works may employ such special engineering, architectural or other technical consultant services and incur such expenses as may be necessary for the performance of any of the duties set forth in the charter or code

(d) The Commissioner of Public Works and any consultant, contractor, deputy, assistant or employee of the department when authorized by him may enter upon any public or private property within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department

(c) The Commissioner of Public Works may contract, subject to the approval of the County Executive and the Board of County Legislators, with any municipal, district or public benefit corporation for the sharing of or the joint provision of public works services. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon

Section 704. Division of Highways, Bridges and Structures.

(a) The division of highways, bridges and structures shall be headed by a deputy commissioner who shall be appointed on the basis of his experience in highway construction and maintenance and who shall, to the extent that the Commissioner of Public Works shall designate the same in writing, have all the powers and duties vested in and imposed upon a county superintendent of highways (or a county engineer) by law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the Board of County Legislators or by direction of the Commissioner of Public Works.

(b) Except as the provisions of the highway law conflict or are changed by the charter or code, such provisions shall apply to and define the powers, duties and obligations to the Commissioner of Public Works, and(or) of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways_ (or a county engineer.)

(c) The statements and reports required to be filed with the New York State Department of Public Works by the highway law shall also be filed with the Board of County Legislators and County Executive.

(d) The Commissioner of Public Works may, with the approval of the County Executive, permit the rental, with or without operator, of highway machinery tools, equipment and implements by the county, or by or from another county, or by or from any municipal, district or public benefit corporation, upon such terms as may be agreed upon by the parties. (, but with the payment to the county of not less than the hourly rate as fixed by the New York State Superintendant of Public Works for the rental or hiring of such machinery, tools, or equipment with or without operator by the county.) Any(ll) sums obtained by the county pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

Section 705. Division of Buildings and Grounds.

(a) The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of such office. Such deputy commissioner shall:

- (1) Have charge of the necessary preservation, maintenance and repair of all buildings and grounds owned or leased by the county which are held, used and/or operated by the county for county purposes, except (a) lands and buildings under the jurisdiction of the division of highways, bridges and structures; the division of parks and recreation, if any; and (b) custodial care of the (technical institute,) jail (or penitentiary), if any.
- (2) Have charge and control of all janitors, caretakers, (engineers) and any other employees connected with the care and maintenance of county buildings and grounds except as otherwise provided in this section. The deputy commissioner may make such rules and regulations governing such employees as he or she shall deem proper, subject to the approval of the Commissioner of Public Works.
- (3) Perform such other duties and make such reports as are required by the Commissioner of Public Works.

Section 706. Division of Engineering.

(a) The division of engineering shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and qualifications for the duties of his or her office. He or she shall be licensed by the State of New York to practice professional engineering.

(b) Such deputy commissioner shall (1) have charge and supervision of all officers, and employees of the department of public works and contractors and consultants performing professional engineering, surveying and related engineering services for the county (except division heads of said department;); (2) upon the request of the Commissioner of Public Works, assign such officers and employees from the division of engineering as may be needed by other divisions of the department of public works to work on projects designated by such commissioner; (3) upon the request of the County Executive, perform such professional engineering, surveying and related engineering services as may be required by other county administrative unit(e)s; (4) oversee and supervise the design and construction of all county capital projects of every name and nature except as otherwise provided in the Oneida County Charter. The authority and responsibility of such deputy commissioner to oversee and supervise the design and construction of all county capital projects of every name and nature is and shall be deemed to be a part of any contract entered into by the county or any of its administrative

units or authorized agencies, including but not limited to, contracts entered into by the department of public works and/or any other administrative unit of the county with any other governmental unit, private contractor or any combination thereof, except any and all capital projects under the department of aviation (solid waste management and the department of) aviation.

(c) Such deputy commissioner shall perform such other related duties and make such reports as are required by the Commissioner of Public Works.

Section 707. Division of Reforestation.

(a) The division of reforestation shall be headed by a deputy commissioner who shall be appointed on the basis of his or her administrative experience and the qualifications for the duties of his or her office.

(b) Such deputy commissioner shall have charge of and exercise such duties and obligations with respect to county forests, reforestation, landscaping, fish, wild life, and other kindred activities. He shall consult with and advise the Commissioner of Public Works and any division under same and when directed by the Commissioner of Public Works, any other county administrative unit, or authorized agency requesting his service in the selection, planting, care and maintenance of trees, shrubbery and plantings on any property owned or operated by the county.

Section 708(9). Rules, Regulations and Charges.

(a) Except as otherwise provided, the Board of County Legislators shall have the power by resolution or ordinance to establish such charges, rules and regulations as may be formulated and recommended to such Board by the Commissioner of Public Works, to provide for use by the public of facilities under the jurisdiction of the department of public works, and to provide for (the) the collection and enforcement thereof. Any such rules, regulations or charges so established shall become valid upon their being filed with the County Executive, the Commissioner of Public Works and the department of records.

(b) The Commissioner of Public Works may make such other rules and regulations necessary or desirable for the conduct of his office (which shall become valid upon their being filed with the Board of County Legislators, the County Executive and the department of records.)

Section 702 was amended by Local Law No. 11 of 1984 by adding "the airport".

Section 703(a) was amended by Local Law No. 1 of 1966 and Local Law No. 11 of 1984.

Section 705(a)(1) was amended by Local Law No. 1 of 1966.

Section 709 was added by Local Law No. 1 of 1966.

Section 710 was added by Local Law No. 1 of 1966.

Section 710(a) was amended by Local Law No. 5 of 1982.

Section 711 was added by Local Law No. 11 of 1984 which added the division of aviation.

Section 712 was added by Local Law No. 13 of 1984.

Section 713 was added by Local Law No. 13 of 1984.

Section 703(a) was amended by Local Law No. 1 of 1987 which established a department of solid waste management and eliminated the division of solid waste management in the department of public works.

Section 702(d) and (e) and Section 706(b)(4) were amended by Local Law No. 1 of 1987 which established a department of solid waste management and eliminated the division of solid waste management in the department of public works.

Section 712 and 713 were deleted by Local Law No. 1 of 1987.

Section 702(d) was amended by the deletion of the word “sewage” by the enactment of Local Law No. 6 of 1989.

Section 703(a) was amended by the deletion of the words “division of water pollution control” by the enactment of Local Law No. 6 of 1989.

Sections 702, 703 and 705 were amended by Local Law No. 2 of 1990 which eliminated the division of the airport in the Department of Public Works and created the Department of the Airport.

(Sections) Airport Sections 709 and 710 were deleted by Local Law No. 6 of 1989 which eliminated the division for water pollution control in the Department of Public Works and created the Department of Water Quality and Water Pollution Control.

Section 711 was eliminated by Local Law No. 2 of 1990 which created the Department of the Airport and eliminated the division of the airport within the Department of Public Works.

Section 703(a) was amended by Local Law No. 1 of 1997 to eliminate Article IX, Department of the Airport, in its entirety and create a Division of the Airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.

Section 708 was amended by Local Law No. 1 of 1997 by renumbering the current Section 708 to Section 709.

Section 708 Division of the Airport was added by Local Law No. 1 of 1997.

Section 708 was deleted by Local Law No. 3 of 2007 which local law re-established Article IX, Department of Aviation.

ARTICLE VIII

BOARD OF ACQUISITION AND CONTRACT

Section 801. Board Created; Powers and Duties

Section 802. Execution of Contracts and Procedure

(Section 803. Prequalification of Bidders)

Section 801. Board Created; Powers and Duties. There shall be a Board of Acquisition and Contract which shall consist of the County Executive, Commissioner of Public Works, and the Chairman of the Board of County Legislators. Within the appropriations provided therefor, the Board of Acquisition and Contract (shall contract for and acquire by purchase or condemnation, all lands, buildings and other real property, the acquisition of which has been authorized but h Board of County Legislators, and within the appropriations provided therefore shall) shall award all contracts for the construction, reconstruction, repair, maintenance or alteration of all public works or improvements.

Section 802. Execution of Contracts and Procedure. All contracts (except for the purchase of supplies, materials, equipment and services incidental thereto) shall be executed on behalf of the county by the County Executive in accordance with the provisions of this Article. Whenever a contract for public works involves the expenditure in excess of the amount set forth in Section 103, sub-division (1) of the General Municipal Law of the State of New York, as amended, the contract shall be awarded to the lowest responsible bidder by sealed bids or proposals made in compliance with a legal (public) notice published at least once in an official newspaper or newspapers designated by the Board of (Acquisition and Contract) Legislators at least 10 days prior to the day on which such sealed proposals are to be opened. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. (The members or the Board of Acquisition and Contract or their designated representatives) The Director of Purchasing or his designee shall open the bids at the time and place specified and shall make a record of such bids (in form and detail prescribed by the Board of Acquisition and Contract. The bids or proposals shall be opened publically in the presence of at least two members of the Board of Acquisition and Contract or their representatives). The successful bidder must give security for the faithful performance of his contract, the adequacy and sufficiency of which shall be approved by the (Board of Acquisition and Contract) Director of Purchasing or his designee. In cases where two or more responsible bidders furnishing the required security, submit identical bids as to price, the Board of Acquisition and Contract may award the contract to any of such bidders. The Board of Acquisition and Contract may, in their discretion, by majority vote, reject all bids and re-advertise for new bids in the manner prescribed by this section. No bid for contracts for the construction, reconstruction, repair, maintenance or alteration of any public works or improvements may be accepted from or contract therefor awarded to any person who is in arrears in

taxes or upon debt or contract to or with the county, or who has defaulted as surety or otherwise upon a contract or obligation to the county or who may be otherwise disqualified under any act of the legislature not inconsistent with the charter or code. No contract shall be executed by the County Executive on behalf of the county until the same has been approved as to form by the County Attorney. A copy of each contract, when executed, shall be filed with the (Commissioner of Finance and) law department and the department of audit and control, together with a copy of any act, ordinance or resolution, other than the annual appropriation act, upon which the right to make such contract rests. The Board of Acquisition and Contract may award contracts for the construction, reconstruction, repair, maintenance or alterations of any public works or improvements, without the taking of public bids required in this section in the following cases only: (a) when the County Executive has declared a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting the life, health or safety of inhabitants of the County of Oneida require immediate action which cannot await competitive bidding, or (b) when, by resolution adopted by a vote of at least two-thirds (2/3) of the whole number, the Board of County Legislators has determined it to be impracticable to advertise for such bids, or (c) when through some accident or other unforeseen circumstances the heating, air-conditioning, ventilating, lighting, plumbing system, machinery, equipment or other apparatus of any of the public buildings of the county shall become disabled or any of such buildings or parts thereof shall be rendered untenable by reason of the sudden action of the elements or for some other emergency, and the administrative head in charge of such building shall certify in writing to the Board of Acquisition and Contract such emergency and the necessity of immediate repair of the defect or defects, and such certificate of necessity is approved by the County Executive.

(When authorized by the Board of County Legislators and within the appropriations provided therefore, the Board of Acquisition and Contract shall contract for or acquire by purchase or condemnation all lands, buildings and other real property, without the taking of public bids.)

Any and all leases of equipment, professional service contracts and personal service contracts, which do not require competitive bidding under the provisions of Section 103, subdivision 1 of the General Municipal Law and which are in excess of \$50,000.00, shall be subject to the approval of a majority of members of the Oneida County Board of Legislators after first being approved by the Board of Acquisition and Contract.

The Board of Acquisition and Contract shall also have approval authority for settlements of claims against the County which do not exceed \$10,000.00

(Section 803. Prequalification of Bidders. The Board of Acquisition and Contract may require the prequalification of bidders on any contract, subject to such conditions or procedure as shall be established by resolution of the Board of County Legislators.)

Section 802 was amended by Local Law No. 1 of 1981 to conform to State Law which sets forth minimum standards for competitive bidding for purchase contracts and public works contracts.

Section 802 was amended by Local Law No. 3 of 1991 to add paragraph 3 in order to improve efficiency in county Government and to give the Oneida County Board of Legislators final approval over awarding of certain personal service contracts.

Section 802 was amended by Local Law No. 3 of 2001 by replacing paragraph 3 of Article VIII Section 802 to increase the level of legislative review and oversight by granting the Board of County Legislators final approval authority over certain County leases of equipment, professional service contracts and personal service contracts in excess of \$50,000.00.

ARTICLE IX
DEPARTMENT OF (THE AIRPORT) AVIATION
(DELETED BY LOCAL LAW NO. 1 OF 1997)

Section 901. Department of (the) Aviation; Commissioner; Appointment

Section 902. Powers and Duties

Section 903. Accounting for Fees

Section 901. Department of Aviation; Commissioner; Appointment. There shall be a department of aviation, headed by a commissioner who shall be appointed on the basis of his or her administrative experience and his or her qualifications for the duties of the office by the County Executive, subject to confirmation by the Board of County Legislators.

Section 902. Powers and Duties. Except as otherwise provided in this charter or code, the commissioner of aviation shall:

- a. have charge and supervision of the County Airport including any and all buildings, structures, hangars, runways and all other County owned facilities located upon or used in connection with the County Airport;
- b. have charge and supervision of the maintenance, repair and alterations of buildings, structures, hangars, runways and other County owned facilities upon or used in connection with the County Airport;
- c. have all of the powers and duties in relation to the operation of the Airport facilities, subject to any rules, regulations, statutes or conditions of the federal and state aviation oversight agencies, as may be applicable;
- d. have the charge and duty of performing such other duties related to the operation and maintenance of the County Airport facilities and property and other aviation related matters as the Board of Legislators and the County Executive may from time to time direct;
- e. work in conjunction with all relevant federal, state and local economic development corporations and agencies to promote, market and develop the resources of the County Airport.
- f. make an annual report at the close of each fiscal year detailing the work of the department of aviation for the preceding year. Such report shall be filed with the Board of Legislators and the County Executive not later than the first day of March. The commissioner shall make such other reports as

may be required by the Board of Legislators or the County Executive or as may be required by the administrative code or other applicable law.

- g. when such positions are authorized by the County Executive and the Board of Legislators and within the limits of the appropriations provided therefore, have the power to appoint a deputy commissioner of aviation and such other assistants and employees as he or she may deem necessary for the performance of his or her duties. The deputy commissioner shall act for and on behalf of the commissioner and shall perform such duties as the commissioner prescribes.

Section 903. Accounting for Fees. All moneys to which the County may be entitled under and by virtue of the laws of the State of New York, or which the department of aviation may receive for aviation related services rendered, shall apply to and be for the benefit of the County Airport and shall be collected by the aviation commissioner, accounted for and paid over to the Commissioner of Finance within five days after the last day of each month of the fiscal year. Each statement shall have attached to it a certification by the aviation commissioner to the effect that the same is, in all respects, a full and true accounting of all monies received by the aviation commissioner for the preceding month. At the time of rendering any such statement, the aviation commissioner shall pay to the Commissioner of Finance, for the benefit of the County Airport, all monies received by the aviation commissioner during the preceding month. All other funds or fees collected or received by the aviation commissioner shall be collected, paid over, deposited and reported as set forth herein, except as otherwise specifically provided by law.

Section 902(b) was amended by Local Law No. 2 of 1995 to relieve the County of the burden of fulfilling unnecessary public notice and public hearing requirements for airport leases which procedures serve no legitimate public purpose.

Article IX is eliminated by Local Law No. 1 of 1997 in order to create a Division of the Airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.

Section 902(b) was amended by Local Law No. 2 of 1995 to relieve the County of the burden of fulfilling unnecessary public notice and public hearing requirements for airport leases which procedures serve no legitimate public purpose.

Article IX is eliminated by Local Law No. 1 of 1997 in order to create a Division of the Airport within the Department of Public Works thereby realizing a cost savings to the county and eliminating any unnecessary duplication of facilities and personnel.

Article IX-Department of Aviation was re-established by Local Law No. 3 of 2007

ARTICLE X
DEPARTMENT OF SOCIAL SERVICES

Section 1001.	Department of Social Services; Commissioner; Appointment
Section 1002.	Powers and Duties of the Commissioner
Section 1003.	Reports
Section 1004.	Disposition of Unclaimed Personal Property
Section 1005.	Deputy Commissioners
Section 1006.	Welfare Rates and Charges
Section 1007.	Accounting for Fees and Funds for Inmates
Section 1008.	Other Duties
Section 1009.	Attorney

Section 1001. Department of Social Services; Commissioner; Appointment.

There shall be a department of social services headed by a commissioner who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators (and shall serve at the pleasure of the County Executive, except that the person serving as Commissioner of Social Services at the time immediately prior to this code taking effect, shall continue to serve as the Commissioner of Social Services until December 31, 1963;) and thereafter, the Commissioner of the Department of Social Services shall be appointed as provided herein and for the term as set forth in Section 116 of the Social Services Law.

Any person so appointed and confirmed as Commissioner of Social Services, shall have at least two years experience in a full time capacity in business administration, industrial management, or in the field of social welfare.

Section 1002. Powers and Duties of the Commissioner.

(a) The Commissioner shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations and liabilities shall include, but be not limited to any power, duty, obligation, or liability heretofore or hereafter imposed upon the county Commissioner of Social Services under the S(s)ocial S(s)ervices L(l)aw or any other applicable statute, not inconsistent with the charter or code.

((b) Such Commissioner shall manage and supervise the Oneida County home and any other social services institutions of the county when authorized by the County Executive by resolution of the Board of County Legislators.)

Section 1003. Reports.

(a) Such Commissioner shall make such written reports and furnish such information to the New York State Department of Social Services with respect to the work of the county social services district as are required by the S(s)ocial S(s)ervices Law and by the State Department of Social Services. Copies thereof shall be filed with the Board of County Legislators and the County Executive.

(b) Such Commissioner shall make and file on or before the 1st day of (February) March of each year an annual written report to the Board of County Legislators and the County Executive concerning the work of the county social services district and additional reports at such time and covering such matters as the County Executive or Board of Legislators by resolution may require.

(Section 1004. Disposition of Unclaimed Personal Property. All monies and articles of personal property belonging to a discharged or deceased person in any institution now or hereafter under the jurisdiction of the Commissioner of Social Services shall, if unclaimed by such discharged person, or a legal representative of such deceased person, for a period or one year after the discharge or decease of such person, be deemed abandoned, and shall be inventoried and turned over to the Commissioner of Finance. The Commissioner shall forthwith pay any monies so unclaimed to the county Commissioner of Finance who shall place the same to the credit of the county. Any personal property, other than money, remaining so unclaimed, shall be sold at public sale by the Commissioner of Finance and the money derived there from shall be credited to the county.)

Section 1005. Deputy Commissioners. The Commissioner shall, when such positions are authorized by the Board of County Legislators and within the limits of the appropriations provided therefor, have the power to appoint such deputies, officers, assistants, and employees as he may deem necessary for the performance of his duties. The deputy commissioners shall act for and on behalf of the Commissioner and shall perform such duties as he may prescribe.

Section 1006. Welfare Rates and Charges. The Commissioner shall when submitting the estimate of revenues and expenditures for the department of social services to the Budget Director include therein recommendations for rates to be paid by the county to (hospitals, institutions for the aged, institutions for children, nursing homes, correctional institutions and)foster homes and such other rates as may be necessary or required to be paid by the county for services rendered for the care and maintenance of persons for whom the department of social services is responsible under the requirements of the S(s)ocial S(s)ervices Law or any other applicable law. Such rates, if and as approved by the County Executive, shall be included in the tentative budget. The Board of County Legislators shall by resolution and part of the budget procedure determine, fix and establish the rates to be paid by the county for such services.

Section 1007. Accounting for Fees and Funds(for Inmates).

(a) All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the commissioner may receive for official services by him, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such Commissioner, accounted for and paid over to the Commissioner of Finance within five (5) days after the expiration of each month. Each such statement shall have attached thereto a certification by said Commissioner to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month.

At the time of rendering any such statement, such Commissioner shall pay to the Commissioner of Finance for the benefit of said county all monies received by him since the last preceding monthly report. Other funds or fees collected by the Commissioner shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

(b) The commissioner shall deposit with the Commissioner of Finance within five (5) days after he has received same, any and all monies received by him for the use of a particular inmate or inmates of the county home.

Section 1008. Other Duties. The Commissioner shall perform such other duties as may be directed by the Board of County Legislators, the County Executive or by any law or by any officer of the state not inconsistent with the charter or code.

Section 1009. Attorney. The Commissioner shall have the power to appoint an attorney who shall give legal advice and assistance to the department of social services and shall represent the county, in cooperation with the department of law, in matters pertaining to the department of social services. He shall be duly admitted to the practice of law in the State of New York and a resident of Oneida County. (He shall serve at the pleasure of the Commissioner.)

Sections 1001, 1002 and 1003 amended by Local Law No. 2 of 1968.

Section 1009 was added by Local Law No. 4 of 1966.

ARTICLE XI
DEPARTMENT OF HEALTH

(Section 1101.	Application of Article XI)
Section 110 <u>1</u> (2).	Department of Health; Commissioner or Director; Appointment; Term; Qualifications
Section 110 <u>2</u> (3).	Powers and Duties of the Commissioner or Director
Section 110 <u>3</u> (4).	Health Advisory Board
Section 110 <u>4</u> (5).	Sanitary Code
Section 110 <u>5</u> (6).	Organization of the Department
Section 110 <u>6</u> (7).	Continuation of Program

(Section 1101. **Application of Article XI.** In the event that the Oneida County Board of County Legislators shall establish a county or part county health district, then Article XI of this code shall become effective.)

Section 1101(2). Department of Health; Commissioner or Director; Appointment; Term; Qualifications.

(a) There shall be a department of health headed by a Commissioner of Health or Public Health Director, who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators, to serve at the pleasure of the County Executive except as otherwise provided by law. A (The) health advisory board, if so appointed as set forth herein, shall make recommendations in relation to the appointment of such commissioner or director.

(b) If a Commissioner of Health is appointed, the appointee shall be a physician licensed to practice medicine in the State of New York, shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

(c) If a Public Health Director is appointed, the appointee shall be educated and experienced in public health administration and shall possess such qualifications as are prescribed in the State Sanitary Code or otherwise by the public health council of the State of New York.

Section 1102(3). Powers and Duties of the Commissioner or Director.

(a) The Commissioner of Health or Public Health Director shall have all the powers and perform all the duties conferred or imposed upon county or part-county health commissioners, and/or Public Health Directors and/or county or part-county boards of health by law not inconsistent with the charter or code. The Commissioner or Director shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, local

law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code. In addition thereto, the Commissioner or Director shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators.

On or before (February) March 1st each year, the Commissioner of Health or Public Health Director shall make an annual report for the immediately preceding calendar year covering generally the work of this office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such Commissioner or Director shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, New York State Department of Health or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and the County Executive.

(b) Deputies:

(1) The Commissioner of Health or Public Health Director may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint to serve at his pleasure, except as provided in paragraph 3 of this section, such deputies, assistant deputies and other employees as he may deem necessary for the performance of his duties and to fulfill the purposes of Article 3 of the Public Health Law in the county or part-county health district. Such deputies, assistant deputies and other employees shall have the qualifications prescribed by the New York State Sanitary Code.

(2) The Commissioner of Health or Public Health Director shall designate a deputy or deputies qualified in accordance with the provisions of the New York State Sanitary Code to whom shall be delegated all the powers and duties of the head of the health department when such department head is unable to act by reason of absence or disability. Such designation shall be in writing and filed in the department of records and copies thereof filed with the County Executive and with the Board of County Legislators and in such other places as may be required by the Public Health Law or any other applicable law.

((3) Each local health officer of the towns, cities, and villages or of any combination there of included in the county or part county health district shall be permitted to complete the term for which he was appointed, serving as a deputy of the Commissioner of Health or Public Health Director.)

Section 1103. Health Advisory Board. The County Executive may(shall) appoint the members of the health advisory board in accordance with the provisions of Section 1103 of Article XI of the charter. Such members shall be residents of the county or part-county health district. The county medical society of the county may submit to the County Executive a list of physicians from which the County Executive may choose the medical members of the health advisory board.

The health advisory board shall consist of seven members, not less than three of whom shall be physicians duly licensed to practice in the State of New York. Members

of the health advisory board shall be appointed for a term of six years, (except that of those first appointed, two (2) shall be appointed for a one (1) year term; and five other members shall be appointed for the respective terms of 6,5,4,3 and 2 years.) Vacancies shall be filled by appointment by the County Executive for the unexpired terms. The County Executive shall appoint annually, on or before the 15th day of January of each year, a chairman and vice-chairman who shall serve at his pleasure. Such board shall have the power to name a secretary from its membership.

Meetings of such board shall be held at the call of the chairman or the County Executive on at least three days' written notice mailed to the last known address of such board members. The health advisory board shall have and exercise the powers and duties conferred or imposed upon such board by the charter or code. The health advisory board shall at the request of the Commissioner of Health or Public Health Director, or(and) may on its own initiative, make recommendations and suggestions in writing to the commissioner or director relative to the qualifications and duties of the deputies, officers, or employees of the department of health. The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office. Such board shall be advisory only except as provided in Section 1104(5) of this code.

Section 110 4(5). Sanitary Code. Any sanitary code hereafter adopted by the Board of County Legislators pursuant to the provisions of Section 1104(5) of Article XI of the charter and any amendment to such Sanitary Code shall be published and filed in the manner and places required by the charter, code, Public Health Law, or other applicable law not inconsistent with the charter or code. Before adopting such Sanitary Code or any amendment thereto, the Board of County Legislators shall cause notice of a public hearing thereon to be published in the official newspapers once a week for two successive weeks and at least twenty (20) days shall elapse from the first publication date to the date of such hearing. Such notice shall contain an abstract statement of such proposed Sanitary Code or amendment and give the time and place of such hearing. On or before the date of the first publication of such proposed Sanitary Code or amendment, copies thereof shall be filed with the Board of County Legislators, the County Executive and the Commissioner of Health or Public Health Director, and be open to inspection by the public. Penalties for violation of or nonconformance with such Sanitary Code shall be as provided by such code or other applicable law. Such Sanitary Code and any amendments thereto as are approved and adopted shall also be filed in the department of records before the same shall become effective and certified copies thereof shall be filed with the Board of County Legislators, County Executive and the Commissioner of Health or Public Health Director. The adoption of the Sanitary Code or any amendment thereto shall not be subject to approval by the County Executive.

Section 1105. Organization of the Department.

(a) Such Commissioner of Health or Public Health Director, shall organize the department of health under the supervision of the County Executive into such divisions, bureaus or sections as are necessary to perform and manage such health functions, programs, services and/or facilities as may be provided within the appropriations therefor by the Board of County Legislators.

(b) Any clinic, dispensary, hospital or laboratory facilities relating to public health (1) heretofore or hereafter established by a city, town or village and subsequently transferred to the county, or (2) heretofore or hereafter established by the Board of County Legislators shall become a division or other subordinate part of the department of health or other appropriate department.

Section 1106(7). Continuation of Program. Pending the creation and establishment of a county or part-county health district as herein provided, the present health program and department as it exists at the time this code becomes effective shall continue except as otherwise provided in the code.

A part-county health district was established by Resolutions Nos. 82, 91 and 92 adopted by the Board of County Legislators on March 14, 1973.

Sections: 1102, 1103, 1104, 1105, 1106, were amended by the enactment of Local Law No. 9 of 1984 which provided for appointment of either a Commissioner of Health or a Public Health Director.

ARTICLE X I I
DEPARTMENT OF MENTAL HEALTH

- Section 1201. Department of Mental Health; Commissioner; Appointment
Section 1202. Powers and Duties
Section 1203. Community Services Board

Section 1201. Department of Mental Health; Commissioner; Appointment.

The department of mental health shall be headed by a commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of the office by the County Executive subject to confirmation by the Board of County Legislators. Such qualifications shall meet the standards fixed by the State Commissioner of Mental Hygiene. He shall organize the department under the supervision of the County Executive into such divisions as may be needed for the operation of community mental health programs.

Section 1202. Powers and Duties. Commissioner of Mental Health shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision or any act of the legislature not inconsistent with the charter or code. Such powers and duties, obligations and liabilities, shall include, but shall not be limited to any powers, duties, obligations or liabilities granted or imposed upon a director of community mental health services and upon community mental health boards except as provided by the charter or code.

The Commissioner of Mental Health may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint such deputies, directors, assistant officers and employees as may be necessary for the performance of his duties.

(The Commissioner of Mental Health shall have charge of the community psychiatric clinic, the child guidance center and any other facilities related to community mental health programs heretofore or hereafter established by the Board of County Legislators.)

(The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.)

(All community services board appointments shall be approved by the Oneida County board of Legislators.)

On or before (February) March 1st in each year, the Commissioner of Mental Health shall make an annual report for the immediate preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such commissioner shall make such other

reports at such times as may be required by the Board of County Legislators, County Executive, Mental Hygiene Law, and the New York State Department of Mental Hygiene or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and the County Executive.

Section 1203. Community Services Board. The County Executive shall appoint a community services board of fifteen (15) members, all of whom shall be residents of the County of Oneida, and the County Executive shall appoint annually and on or before the 15th day of January of each year, a chairman and vice-chairman who shall serve as such at the pleasure of the County Executive. Such board shall have the power to name a secretary from its membership. The composition of the board's membership shall be pursuant to the Mental Hygiene Laws of the State of New York.

All community services board appointments shall be approved by the Oneida County Board of Legislators.

The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Meetings of such board shall be held at the call of the chairman, the County Executive or the Commissioner of Mental Health on at least three days written notice, mailed to the last known address of such board members. Members of the community services board shall be appointed for a term of four (4) years. (, except that the members of the community services board in office on the effective date of the local law shall continue in office for the remainder of their terms.) The requirements of subdivision (d) of section 41.11 of the Mental Hygiene Law shall be implemented as vacancies on the board occur. Such board shall be advisory only to the County Executive and the commissioner and shall make recommendations and suggestions to the County Executive relative to the qualifications and appointment of the commissioner of the department of mental health and relative to the qualifications and duties of the deputy commissioners, if any, officers or employees of the department of mental health. The community services board shall recommend and suggest to the County Executive a program of community mental health services and facilities and rules and regulations concerning the rendition or operation of services and facilities in the community mental health program. The community services board shall also have the duties and functions provided in section 41.11 of the Mental Hygiene Law.

Section 1203 was amended by Local Law No. 2 of 1980 in reference to composition of Mental Health Advisory Board.

Section 1203 amended by Local Law No. 3 of 1981 changing name of Mental Health Advisory Board to the Community Services Board.

ARTICLE XIII
DEPARTMENT OF PLANNING

- Section 1301. Department of Planning; Commissioner; Appointment
Section 1302. Planning Advisory Board

Section 1301. Department of Planning; Commissioner; Appointment. The county planning department shall be headed by a commissioner who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. The commissioner so appointed shall serve at the pleasure of the County Executive and shall either (1) be a graduate of a recognized college or university with a degree in planning or a related professional field, or (2) have not less than five years administrative or consultant experience in the field of regional, county or municipal planning, or (3) have a satisfactory equivalent combination of training and experience.

The Planning Commissioner shall have and exercise all powers and duties of a county planning board heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or by any applicable provision of any act of the legislature not inconsistent with the charter or code. The Planning Commissioner may contract to perform services in this field with any municipality or municipalities, subject to the approval of the Board of County Legislators and the County Executive.

On or before March 1st in each year, the Commissioner of Planning shall make an annual report for the immediately preceding year covering generally the work of this office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such Commissioner shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, or any other applicable law. Copies of such reports shall be filed with the Board of County Legislators and County Executive.

Section 1302. Planning Advisory Board.

(a) The County Executive (shall) may appoint a planning advisory board of eleven (11) members, all of whom shall be residents and owners of record of real property in the county, and shall appoint annually on or before the 15th day of January in each year a chairman and vice-chairman who shall serve as such at the pleasure of the County Executive. Such board shall have the power to name a secretary from its membership. Meetings of such board shall be held at the call of the chairman, County Executive or Commissioner of Planning on three days' written notice mailed to the last known address of such board members. Members of the planning advisory board shall be appointed for a term of five (5) years, except that of those first appointed, two (2) shall be appointed for a one year term, two (2) for a two year term, two (2) for a three year term, two (2) for a four year term and three (3) for a five year term. Such board shall be advisory only to the Planning Commissioner in matters relating to comprehensive, metropolitan, regional, county and municipal planning.

(b) The County Executive, Chairman of the Board of County Legislators, majority and minority leaders of the Board of County Legislators, if any, and Commissioner of Public Works, shall be members ex-officio of such board but shall have no vote.

(c) The members of such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

The Department of Planning was established by Resolution No. 10 adopted by the Board of County Legislators on January 16, 1963.

ARTICLE XIV
DEPARTMENT OF PERSONNEL

(Section 1401.	Application of Article XIV; Oneida County Civil Service Commission Abolished)
Section 140 <u>1</u> (2).	Department of Personnel; Commissioner; Appointment
Section 140 <u>2</u> (3).	Powers and Duties
Section 140 <u>3</u> (4).	Examinations; Eligibility Lists
Section 140 <u>4</u> (5).	Administrative Unit; Information and Aid
Section 140 <u>5</u> (6).	Personnel Roster
Section 140 <u>6</u> (7).	Certification of Payrolls

(Section 1401. **Application of Article XIV; Oneida County Civil Service Commission Abolished.** The Oneida County Civil Service Commission shall be abolished effective January 1, 1963.)

Section 1401(2). Department of Personnel Commissioner; Appointment.

There shall be a department of personnel headed by a commissioner(,) who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators on the basis of his administrative experience and qualifications for the duties of the office, for a term of six (6) years as provided for in section 15b of the(the) Civil Service Law.

Section 1402(3). Powers and Duties.

(a) The Commissioner (of personnel) shall have, with reference to the civil service of the county, the powers and duties of a county personnel officer as provided by the Civil Service Law. The commissioner shall perform such other and related duties as shall be required or delegated to him by the County Executive or Board of County Legislators, not inconsistent with the Civil Service Law or any amendments thereto.

(b) On or before (February) March 1st of each year, the Commissioner (of personnel) shall make an annual report for the immediately preceding calendar year, covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and County Executive. Such Commissioner shall make such other reports at such times as may be required by the Board of County Legislators, County Executive, Civil Service Law, the New York State department of civil service, and the New York State Civil Service Commission. Copies of such reports shall be filed with the Board of County Legislators and County Executive.

Section 1403(4). Examinations; Eligibility Lists. The Commissioner (of personnel) may request the New York State Civil Service Commission to render technical advice and assistance or its services in the preparation and rating of examinations and the establishment of eligibility lists for all positions under his jurisdiction.

Section 1404(5). Administrative Unit; Information and Aid. It shall be the duty of the head of each administrative unit of the county to furnish the Commissioner (of personnel) with such information and aid as such Commissioner may deem necessary in the performance of his duties.

Section 140(6)5. Personnel Roster. The Commissioner (of Personnel) shall establish and maintain a roster of all county officers and employees. Such roster shall show for each county officer and employee, the date of appointment or election, the title, or position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separation from county employment and any other information the Commissioner (of Personnel) considers necessary for the proper administration of his office.

Section 140(7)6. Certification of Payrolls. No payroll, estimate or account providing for the payment of wages or salaries shall be approved by the Commissioner of Finance or Comptroller unless it bears a certificate that the persons named therein have been employed, during the period specified, in their respective positions in accordance with law and rules made pursuant to law.

Section 1407. The commissioner may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefore, appoint such deputies as he may deem necessary for the performance of his civil service and human resources duties. Such deputies shall act for or on behalf of the commissioner and shall perform such duties as the commissioner may prescribe.

ARTICLE X V
DEPARTMENT OF LAW

- Section 1501. Department of Law; County Attorney; Appointment
Section 1502. Powers and Duties
Section 1503. (Deputy and) Assistant County Attorneys

Section 1501. Department of Law; County Attorney; Appointment. The department of law shall be headed by a County Attorney who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators. He shall be duly admitted to the practice of law in the State of New York and a resident of the County of Oneida. He shall serve at the pleasure of the County Executive.

Section 1502. Powers and Duties

(a) Except as otherwise provided in the charter or code, the County Attorney shall be the sole legal advisor for and represent the county and every agency and office thereof in the county matters of a civil nature; advise and represent all county officers and employees in relation to their official duties and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or proceedings of a civil nature brought by or against the county; when authorized by the County Executive or the Board of County Legislators, the County Attorney shall prosecute and defend all proceedings of a civil nature brought against the Board of County Legislators or any county officer or employee whose compensation is paid from county funds for any official act except as otherwise provided by the charter, code or any applicable act of the legislature, not inconsistent with the charter or code; on request prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the Board of County Legislators, together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law not inconsistent with a charter or code, by the County Executive, or by ordinance or resolution of the Board of County Legislators.

Whenever the interests of the Board of County Legislators or the County Executive are inconsistent with the interests of any county officer or employee paid his compensation from the county funds, the County Attorney shall represent the interests of the Board of County Legislators and the (county) County Executive. In such case, the officer or employee may, at his own expense, employ an attorney-at-law.

(b) The County Attorney shall have all the powers and duties and shall be subject to all obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(c) The County Attorney may, within the limits of the appropriations provided therefor, employ special counsel, professional, technical, or other consultant services and incur such expenses in connection therewith as he may deem necessary for the performance of his duties.

(d) The County Attorney shall prepare annually a supplement if any, to the charter or code which shall indicate all additions to, repeals and amendments of the charter or code.

(e) On or before March 1st of each year, the County Attorney shall make an annual written report for the immediately preceding calendar year, covering generally the work of his office. Copies of such report shall be filed with the Board of County Legislators and County Executive.

Section 1503. (Deputy and)Assistant County Attorneys. The (deputy County Attorneys and) assistant c(C)ounty a(A)ttorneys appointed by the County Attorney pursuant to Section 1503 of Article 15 of the charter shall perform such duties pertaining to the office as may be directed by the County Attorney. Every appointment of an (deputy or) assistant c(C)ounty a(A)ttorney shall be in writing and filed with the department of records and copies thereof with the Board of County Legislators and the County Executive. Any such appointment may be revoked by the County Attorney at any time by filing a written revocation with the department of records and copies thereof with the Board of the County Legislators and the County Executive. If more than one (deputy or) assistant c(C)ounty a(A)ttorney shall be appointed, the County Attorney may designate in writing and file with the department of records, the County Executive and the Board of County Legislators the order in which such (deputies and/or)assistants may exercise the powers and duties of the County Attorney in the event of a vacancy or the absence or inability of such County Attorney to perform the duties of his office.

ARTICLE XVI
DEPARTMENT OF RECORDS

Section 1601.	Department of Records; County Clerk; Election
Section 1602.	Powers and Duties
Section 1603.	Deputy County Clerks
Section 1604.	Accounting for Fees
Section 1605.	Seal

Section 1601. Department of Records; County Clerk; Election. The department of records shall be headed by the County Clerk who shall be elected and whose term of office shall be as provided in Section 1601 of Article XVI and Section 2303 of Article XXIII of the charter.

Section 1602. Powers and Duties. The County Clerk shall have and exercise all the duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, resolution or ordinance of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

On or before (February) March 1st of each year, the County Clerk shall make an annual written report for the immediately preceding calendar year covering generally the work of his office. Copies of each such report shall be filed with the Board of County Legislators and the County Executive.

Section 1603. Deputy County Clerks. The County Clerk may, within the appropriations provided therefor, appoint to serve at his pleasure such deputy County Clerks as he deems necessary for the conduct of his office. All such appointments or revocations thereof shall be in writing and filed in his office, and copies thereof filed with the Board of County Legislators and the County Executive. All such deputies shall be in the exempt class of the civil service. The County Clerk shall designate, in a writing filed in his office, copies of which shall be filed with the Board of County Legislators and the County Executive, the order in which such deputy County Clerks shall have and exercise the powers and duties of the County Clerk during the temporary absence or inability of the County Clerk to act. The deputy as designated in such writing shall in case of a vacancy in the office of the County Clerk perform the duties of the County Clerk until a successor is elected or appointed and has qualified. The deputy County Clerks shall perform such duties as may be assigned by the County Clerk, and during the temporary absence or inability of the County Clerk, have and exercise all of the powers and duties of the office.

Section 1604. Accounting for Fees. All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the County Clerk may receive for all and any official services by him, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such clerk, accounted for and paid over within five days after the first day of each and every month to the Commissioner of Finance. Said County Clerk shall make a full and true statement for each calendar month of all monies received each day by him, his deputies, officers or employees in his or their official capacity and shall transmit and deliver such statements to the Commissioner of Finance and the Comptroller within five days after the expiration of such month. Each statement shall have attached thereto a certification by said County Clerk to the effect that the same is in all respects a full and true statement of all monies received by him as herein required. At the time of rendering any such statement, such clerk shall pay to the Commissioner of Finance for the benefit of said county all monies received by him during the preceding month. Other funds or fees received or collected by the County Clerk shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically prescribed by statute.

Section 1605. Seal of the Department of Records.

(a) The seal of the County of Oneida shall be the seal of the department of records and shall be in the custody of the County Clerk.



(b) The County Clerk shall affix or imprint such seal upon any and all instruments requiring the same.

Section 1603 was amended by Local Law No. 2 of 1967 by addition of the last sentence to this section.

ARTICLE XVII
DISTRICT ATTORNEY

Section 1701.	Election
Section 1702.	Powers and Duties
Section 1703.	Assistant District Attorneys and Confidential Criminal Investigators

Section 1701. Election. The qualifications, election and term of office of the District Attorney shall be as provided in Section 1701 of Article XVII and Section 2303(1) of Article XXIII of the charter.

Section 1702. Powers and Duties.

(a) The District Attorney shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities, heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(b) The District Attorney shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of (February) March to the Board of County Legislators and County Executive covering generally the work of his office.

Section 1703. Assistant District Attorneys and Confidential Criminal Investigators. Within the appropriations provided therefor, the District Attorney may appoint such number of assistant district attorneys and confidential criminal investigators as shall be determined and fixed by resolution of the Board of County Legislators. Every such appointment shall be in writing and filed with the department of records, and copies thereof with the Board of County Legislators and the County Executive. Any such appointment may be revoked by the District Attorney at any time by filing a written revocation with the department of records, and copies thereof filed with the Board of County Legislators and the County Executive. All such assistants so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. The District Attorney may designate, in a writing(,) filed with the department of records, the order in which such assistants shall exercise the powers and duties of the office in the event of the absence or temporary inability of such District Attorney to perform the duties of his office. Such designation may be revoked or changed by the District Attorney in writing filed with the department of records, Board of County Legislators and County Executive.

The assistant district attorney or assistant district attorneys as designated in such writing shall, in case of vacancy in the office of District Attorney, perform the duties of the District Attorney until a successor is elected or appointed and has qualified.

All such Assistant District Attorneys shall be duly admitted to the practice of law in the State of New York and residents of the County of Oneida or any adjoining county. Due to the confidential relationship between the District Attorneys and Confidential Criminal Investigators, the latter shall be in the exempt class of the civil service, and shall serve at the pleasure of the District Attorney.

Section 1703, paragraph 3, was amended by Local Law No 4 of 1991 by the addition of "or any adjoining county" after the words of "residents of the County of Oneida", to provide and describe certain procedures and qualifications for the appointment of Assistant District Attorneys and Confidential Criminal Investigators to the staff of the District Attorney.

ARTICLE XVIII
OFFICE OF THE SHERIFF

Section 1801.	Sheriff, Election
Section 1802.	Powers and Duties
Section 1803.	Appointment of Undersheriff and Staff
Section 1804.	Emergency Provisions
Section 1805.	Disbursements
Section 1806.	Accounting for Fees
Section 1807.	(Jail) <u>Correctional</u> and Criminal Justice Advisory Board

Section 1801. Sheriff; Election. The election and term of office of the Sheriff shall be as provided in Section 1801 of Article XVIII and Section 2303 of Article XXIII of the charter.

Section 1802. Powers and Duties.

(a) The Sheriff shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, constitution, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

(b) The Sheriff shall make an annual report at the close of each fiscal year, and shall submit such report in writing not later than the first day of March to the Board of County Legislators and County Executive, covering generally the work of his office and including a financial report of all monies received during the preceding fiscal year.

Section 1803. Appointment of an Undersheriff and Staff.

(a) The Sheriff shall appoint an Undersheriff and secretary. Such Undersheriff and secretary shall serve at the pleasure of the Sheriff and (shall attend upon the terms and sittings of all courts of record in the county as the Sheriff shall direct) perform such other duties as the Sheriff may direct. The Sheriff shall, however, fill all positions which are classified under Civil Service Law according to the Civil Service Law.

(b) The Undersheriff shall execute the powers and duties of the office in the absence or inability of the Sheriff to act. In the event a vacancy occurs in the office of the Sheriff, the Undersheriff shall execute the said powers and duties until a new Sheriff has been elected or appointed and has qualified.

(c) There shall be appointed, within the appropriation provided therefor, jailers, matrons and such other officers and employees as may be necessary to operate the county jail facilities. The matron shall have sole charge of the female prisoners and of that portion of the jail facilities in which the female prisoners are detained subject to the

direction of the Sheriff or jailer. A matron shall be in attendance at all times when females are confined in the jail facilities.

(d) The Sheriff may deputize by written instrument any person to perform specified functions of his office.

(e) Each appointment or revocation thereof made pursuant to this article shall be in writing and filed with the department of records and copies thereof shall be filed with the Board of County Legislators and County Executive.

(f) Before the appointment of any person other than a person temporarily deputized to perform a particular specified act by the Sheriff, such person shall be fingerprinted by the Sheriff and the Sheriff shall cause such fingerprints to be compared with the fingerprints filed with the division of criminal identification of the State Department of Correction and the Federal Bureau of Investigation.

(g) The Sheriff may, within the limits of the appropriations provided therefor, employ such number of part time deputies, who shall be paid such compensation as the Board of County Legislators may determine. Such deputies shall be appointed by the Sheriff for a period of time not to exceed 60 days and they shall have only those powers and duties authorized by the Sheriff.

(h) The Sheriff may in his discretion deputize the peace officers of the cities, towns and villages within the county and agents of societies incorporated for the purpose of prevention of cruelty to children or animals, for the purpose of authorizing arrest without a warrant outside the territorial limits of such city, town or village when such crime or infraction was committed within such territorial limits in the presence of such peace officer or agent. Such person so deputized shall be deemed to be an agent of the Sheriff.

(i) Any act or omission of any employee of the county in the office of the Sheriff, done or made in the performance of an official duty or for the performance of which the county is paid or receives compensation or fee, shall be the act or omission of the county and the damages, if any, resulting therefrom shall be deemed the liability of the county.

(j) (Nothing contained in this section shall make the county responsible for the acts of the Sheriff thereof, nor relieve said Sheriff from any liability to which he is lawfully subject.)

Section 1804. Emergency Provisions.

(a) For the protection of human life and property during an emergency, the Sheriff may temporarily deputize orally or in writing, such number of additional deputies as he deems necessary. If he is unable to continue the services of such special deputies without compensation, the Sheriff may pay the compensation of any such special deputies in such amount as the Board of County Legislators may determine for each day that such special deputy is actually engaged in assisting the Sheriff in the performance of his duties. If the Board of County Legislators shall fail to fix the compensation of such special deputies, the Sheriff may, subject to the approval of the County Executive, fix such compensation at a rate not exceeding ten dollars per day for each such special deputy. The compensation and expenses of any special deputy so appointed shall be audited and paid as a county charge.

(b) If, in the protection of human life and property, the Sheriff shall deem it necessary to hire any equipment or apparatus together with the operator thereof, he may, subject to the approval of the County Executive, hire the same during the period of an emergency or catastrophe at a reasonable charge therefor. The same shall be audited and paid as a county charge.

(c) The Board of County Legislators shall have the power to appropriate and set aside a fund for the purpose of paying in advance of audit expenditures of the Sheriff in an emergency or catastrophe for services and expenses of temporary special deputies and for the hiring of equipment and apparatus and the operators thereof. The County Executive may authorize the Sheriff to issue (orders on the Commissioner of Finance) vouchers and purchase orders to the Comptroller for the payment thereof. The County Executive may further direct the rendering by the Sheriff to the Comptroller and Commissioner of Finance, of an accounting of such expenditures with verified or certified vouchers attached. The claimant and the Sheriff shall be jointly and severally liable for any items of expenditure for other than a lawful purpose and disallowed upon a final audit. Such expenditure so disallowed shall be recovered in an action brought in the name of the county.

Section 1805. Disbursements. Whenever the Sheriff is required by law to transport a prisoner or any other person and the cost of such travel and transportation is made a county charge by law, the Sheriff or person deputized by him shall, within the appropriation provided therefor, be entitled to his necessary and actual disbursements incurred for travel, lodging and food.

(**Section 1806. Board and Lodging for Jurors.** Whenever it shall be necessary to keep together the members of a jury, during their deliberations, the court may direct the Sheriff to furnish specified meals and/or lodging to such jury. The claim for expenses thereof shall be presented to the Commissioner of Finance. Such claims must bear the approval of the Sheriff, Undersheriff or other person designated by the Sheriff to approve the same and the judge, court or clerk of the court for which the said jury served and shall be audited and paid as a county charge.)

Section 1806(7). Accounting for Fees. All monies to which the county may be entitled under and by virtue of the laws of the State of New York, or which the Sheriff may receive for official services by him, or by the Undersheriff, or by any of his deputies, assistants, clerks, employees or subordinates, shall apply to and be for the benefit of the county and shall be collected by such Sheriff, accounted for and paid over to the Commissioner of Finance within five (5) days after the expiration of each month. Each such statement shall have attached thereto a certification by said Sheriff to the effect that the same is in all respects a full and true statement of all such monies received by him for the preceding month. At the time of rendering any such statement, such Sheriff shall pay to the Commissioner of Finance for the benefit of said county all monies received by him during the last preceding month. Other funds or fees received or collected by the Sheriff shall be collected, paid over, deposited and reported as above provided, except where otherwise specifically provided by statute.

Section 1807(8). (Jail)Correctional and Criminal Justice System Advisory Board.

(a) The County Executive shall appoint a (jail)correctional and criminal justice system advisory board, subject to confirmation of the Board of Legislators, consisting of fifteen members, all of whom shall be residents of Oneida County. The County Executive shall appoint annually, on or before the 15th day of January each year, a chairman and vice-chairman of the advisory board. Said board will have the power to name a secretary from its membership.

Meetings of said advisory board shall be held at the call of the advisory board chairman or the County Executive on at least three days' written notice mailed to the last known address of said advisory board members.

(b) The composition of the (jail)correctional and criminal justice system advisory board shall be as follows: one representative of the Oneida County court system, the Oneida County District Attorney or his designee, the Oneida County Public Defender or his designee, the Director of Oneida County Probation Department or his designee, the Oneida County Sheriff or his designee, two representatives of the education community, versed in law-related subjects, one representative of the Oneida County Bar Association, one representative of the news media, and six citizens not affiliated with the criminal justice system.

(c) Members of the (jail) correctional and criminal justice system advisory board shall be appointed for a term of four years (except that of those first appointed, three shall be appointed for a one year term, four shall be appointed for a two year term, four shall be appointed for a three year term, and four shall be appointed for a four year term).

(d) The purpose of said advisory board is to monitor the operations of the Oneida County (jail) Correctional Facility and the county-financed criminal justice defense system for the purpose of developing recommendations that would result in the most efficient operation of the jail and criminal justice system in Oneida County.

(e) The members of said advisory board shall receive no salary or compensation for their services but shall, within appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Section 1803 was amended by Local Law No. 2 of 1970, Local Law No. 4 of 1971 and Local Law No. 1 of 1973 to provide civil service status for certain employees.

Section 1807 was added by enactment of Local Law No. 4 of 1982.

ARTICLE XIX

MEDICAL EXAMINER

Section 1901.	Application of Article XIX
Section 1902.	Medical Examiner; Appointment
Section 1903.	Powers and Duties
Section 1904.	Procedure for Investigating Deaths

Section 1901. Application of Article XIX. The Board of County Legislators shall have the power by local law, to abolish the offices of coroners and create the office of (appointive)appointed medical examiner. Such local law shall not be subject to mandatory referendum, but must be adopted and filed in the office of the Secretary of State of New York at least 150 days prior to any general election. The terms of all coroners elected or appointed and holding office in the county at the time such local law is adopted and filed as hereinbefore provided, shall expire on December 31st following the adoption of such local law, (and) at the general election to be held in such year and thereafter no coroner shall be elected and Article XIX of the charter and applicable provisions of the code shall become and be effective on and after January 1, next succeeding such general election.

Section 1902. Medical Examiner; Appointment. There shall be a medical examiner who shall be appointed by the County Executive, subject to confirmation by the Board of County Legislators. He shall serve at the pleasure of the County Executive and be a physician duly licensed to practice in the State of New York. He shall be qualified to perform an autopsy (and dissect dead bodies of human beings) and shall have adequate knowledge of forensic medicine. The County Executive may require that the medical examiner possess such other medical skills and training to qualify him to act as (1) head of any laboratory operated by a county or part-county health district and/or (2) a physician on the staff of a county hospital and/or infirmary.

Section 1903. Powers and Duties.

(a) The medical examiner shall have all the powers and duties and shall be subject to all the obligations and liabilities heretofore or hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive or any applicable provision of any act of the legislature not inconsistent with the charter or code. Such powers, duties, obligations and liabilities shall include but shall not be limited to any power, duty, obligation or liability granted or imposed upon a medical examiner by the county law or any other applicable law, not inconsistent with the charter or code.

(b) The medical examiner shall investigate deaths when such investigation is required pursuant to Section 1904 of this article.

(c) The medical examiner shall, when directed by the County Executive, subject to the approval of the Board of County Legislators, act as (1) the head of any laboratory operated by such county or part-county health district created pursuant to Article XI of the charter, and/or (2) a physician on the staff of a county hospital and/or infirmary.

(d) The medical examiner shall be the keeper of the morgue, if any, and appoint and have charge of the morgue staff.

(e) The medical examiner may, when such positions are authorized by the Board of County Legislators and within the appropriations provided therefor, appoint such deputy medical examiners and other professional and non-professional assistants and employees as may be required in the performance of the duties of the office. Any such deputy medical examiner or other person authorized by the medical examiner to perform autopsies shall be a physician duly licensed to practice in the State of New York and qualified to perform an autopsy (and dissect dead bodies of human beings) and shall have adequate knowledge of forensic medicine. Such authorization shall be in writing and shall be filed with department of records and copies thereof filed with the Board of County Legislators and the County Executive.

(f) The medical examiner shall make an annual report at the close of each fiscal year and shall submit such report in writing not later than the first day of (February) March to the Board of County Legislators, County Executive and the District Attorney, covering generally the work of his office. The medical examiner shall make such other reports at such times as may be required by the code or any other applicable law.

Section 1904. Procedure for Investigating Deaths.

(a) Whenever in the county any person shall die from criminal violence or criminal neglect or by suicide or in any suspicious and unusual manner, any officer or person having knowledge of such a death shall immediately notify the office of the medical examiner and immediately upon receipt of such notification, the medical examiner or a deputy medical examiner shall go to the dead body and take charge of the same. Such examiner shall fully investigate the facts concerning the circumstances of the death.

(b) Such examiner shall take possession of any money or other property which may be found upon the body and deliver the same to the property clerk of the Sheriff's department or other police agency having jurisdiction. Such money and property shall be retained until such time as the said property clerk, Sheriff or head of the police agency having jurisdiction deem such money or other property no longer useful in establishing the cause of death or in solving a crime, whereupon such money or other property shall be released to the Commissioner of Finance. Nothing herein shall prevent the release of such money or other property at any time pursuant to the order of any court having jurisdiction in the premises.

(c) If in the opinion of such medical examiner an autopsy is necessary, the same shall be performed by the medical examiner, a deputy medical examiner or other person authorized by the medical examiner to perform autopsies. A detailed description of the findings, written during the process of such autopsy, and the conclusions drawn therefrom shall be filed in the office of the medical examiner. If when the duties of the medical examiner with regard to the body are completed and the body remains

unclaimed, the medical examiner shall have authority to make an order for the disposition thereof as a county charge.

(d) The medical examiner shall keep full and complete records, properly indexed, stating the name, if known, of every person whose body is examined, the place where the body was found, and the date of death, and attach thereto the original report of the medical examiner and detailed findings of the autopsy, if any. The medical examiner shall deliver to the District Attorney copies of all records relating to every such death with thirty days after the occurrence of such death.

ARTICLE XX
OTHER COUNTY BOARDS, OFFICES
INSTITUTIONS AND FUNCTIONS

Section 2001.	Board of Elections
(Section 2002.	Probation Office; Director) this section moves to Article XXVIII
(Section 2003.	County Hospitals; Superintendents; Advisory Boards)
Section 2002(4).	Other Boards; How Appointed
Section 2003(5).	Additional Appointments by County Executive
Section 2004(6).	Miscellaneous Administrative Functions

Section 2001. Board of Elections. The board of elections shall have and exercise all the powers and duties conferred or imposed upon it by the New York State Election Law or any other applicable law. The appointment of the (members)commissioners and employees of such board shall be as provided by the Election Law. All purchases and contracts for all primary or election supplies and services necessary for the operation of its office and the performance of its duties shall be made pursuant to law.

(**Section 2002. Probation Office; Director.** There shall be an office of probation headed by a probation director, who shall be appointed in the manner provided by Section 938-b of the Code of Criminal Procedure of the State of New York. The Director of Probation shall have and exercise all the powers and duties now or hereafter conferred or imposed upon him by the charter, code, order or direction of the County Executive, by Section 938-b of the Code of Criminal Procedure as head of a county probation department, and by any other applicable section thereof or by any other applicable law not inconsistent with the charter or code.) Now Article XXVIII of the Oneida County Charter and Code.

(**Section 2003. County Hospitals; Superintendents; Advisory Boards.** The County Executive shall appoint a county hospital superintendent for each of the county hospitals at Rome and Broadacres, who shall each possess the qualifications required by Section 2003 of Article XX of the charter. The County Executive may, prior to the making of the appointment of each of the county hospital superintendents, request the hospital advisory board to make, and such board on its own initiative may make recommendations relative to the qualifications and appointment of each of the county hospital superintendents. Without being limited in his appointive power, the County Executive shall give particular consideration to the applicants' experience in medicine, medical education and in the field of hospital administration. Each of the superintendents shall have and exercise all the powers and duties heretofore and hereafter conferred or imposed upon each such superintendent by the charter, code, local law, order or direction of the County Executive and/or Board of County Legislators and any applicable act of the

legislature not inconsistent with the charter or code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a hospital board of managers and a hospital superintendent by the General Municipal Law or other applicable law when not inconsistent with the charter or code.)

(The County Executive may appoint a hospital advisory board of nine (9) members for each of such hospitals, subject to confirmation by the Board of County Legislators. At least two (2) members of each board shall be physicians duly licensed to practice in the State of New York. Such boards shall have and exercise the powers and duties conferred or imposed on them by the charter or code and such other powers and duties as the County Executive and Board of County Legislators may direct. The County Executive shall appoint annually, on or before January 15th, in each year, a chairman and vice-chairman of each hospital advisory board and each such advisory board shall elect annually a secretary from among its members. Meetings of each such hospital advisory board shall be public. Such meetings shall be held at the call of each of the hospital superintendents, the County Executive or the chairman of each such board on at least three (3) days' written notice mailed to the last known address of such board members. Members of each such hospital advisory board shall be appointed for five (5) years staggered terms and be subject to confirmation by the Board of County Legislators. Vacancies in the membership of each such board occurring otherwise than by expiration of term, shall be filled by appointment of the County Executive, subject to confirmation by the Board of County Legislators for the unexpired term of the vacancy.)

(The members of each such board shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.)

Section 2002. Other Boards; How Appointed. The terms of office and duties of the members of the board of trustees of the Mohawk Valley Community College, the alcoholic beverage control board, and the fire advisory board, shall continue as provided by law except that the power of appointment residing in the Board of County Legislators or in the chairman thereof of one or more members of each of said boards is transferred to and shall be exercised (on and after January 1, 1963,) by the County Executive, subject to confirmation by the Board of County Legislators. The appointment of any head, board or agency in relation to a county sewer, water, drainage or watershed protection district, if any, or to any other county district or agency shall be by the County Executive, subject to confirmation by the Board of County Legislators.

Except as otherwise provided in the charter or code, other appointments to boards and like units shall be made by the County Executive, subject to confirmation by the Board of County Legislators. (t)The director of workmen's compensation, however, shall continue to be appointed as now provided by l(L)ocal l(L)aw and the laws of the State of New York applicable thereto.

Section 2003(5). Additional Appointments by County Executive. Subject to confirmation by the Board of County Legislators and except as otherwise provided in the charter or code, the County Executive shall appoint the head of any other or additional administrative unit of the county, including among others but not limited to, (heads of civil defense) director of emergency management, director of veterans service, fire

coordinators, county historian, (animal disease control and eradication, meat inspection service, veteran's headstone inspector, dog warden,) all of whom shall be residents of the County of Oneida and serve at the pleasure of the County Executive subject to confirmation by the Board of Legislators. The Board of County Legislators, as provided in the charter or code, may continue, consolidate or abolish any of the above units and upon written recommendation of the County Executive (may be given) grant them departmental status by resolution by the Board of County Legislators.

- (a) The emergency management office shall be headed by a director who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators on the basis of his administrative experience and his qualifications for the duties of his office. He shall have and exercise all the powers and duties heretofore and hereafter lawfully conferred or imposed upon him by the charter, code, ordinance and resolutions of the Board of County Legislators, order or direction of the County Executive, by local law, by the New York State Defense Emergency act being chapter 784 of the laws of 1951, as amended, and by any other applicable law not inconsistent with the charter or code.
- (b) The county veteran's service office shall be headed by a veterans' service officer who shall be appointed by the County Executive subject to confirmation by the Board of County Legislators on the basis of his administrative experience and qualifications for the duties of his office. He shall have the duties imposed upon him by the charter, code, order or direction of the County Executive, local law, ordinance and resolution of the Board of County Legislators, by Section (225a)800 of the County Law, and by any other applicable law not inconsistent with the charter or code.

Section 2004(6). Miscellaneous Administrative Functions. Administrative functions not otherwise assigned by the charter or code shall be assigned by the County Executive to an administrative unit. All other agencies, officers and employees thereof shall be appointed and possess all the powers and duties pursuant to applicable law except as the same shall be inconsistent with the charter, code or local law.

Section 2002(4) was amended by enactment of Local Law No. 2 of 1968 which changed the name of the Mohawk Valley Technical Institute to the Mohawk Valley Community College.

Section 2003(5) is amended by Local Law No. 1 of 1985 by deleting in subdivision (a) the phrase "The office of Civil Defense", and adding the phrase "The emergency management office".

ARTICLE XXI
SERVICE RELATIONSHIPS

- Section 2101. Local Government Function, Facility and Power not Transferred, Altered or Impaired
- Section 2102. Contracts with Public Corporations and Public Authorities

Section 2101. Local Government Functions, Facility and Power not Transferred, Altered or Impaired. No function, facility, duty or power of any city, town, village, school district or other district or of any officer thereof is transferred, altered or impaired by this code.

Section 2102. Contract with Public Corporations and Public Authorities.

- (1) Definitions. As used herein for the purpose of this article:
- (a) A “public corporation” includes a municipal corporation, a district corporation and a public benefit corporation
 - (b) A “municipal corporation” includes a county, city, town, village and school district
 - (c) A “district corporation” includes any territorial division of the state other than a municipal corporation heretofore or hereafter established by law which possesses the power to contract indebtedness and levy taxes or benefit assessments upon real estate or to require the levy of such taxes or assessments, whether or not such territorial division is expressly declared to be a body corporate and politic by statute creating or authorizing the creation of such territorial division
 - (d) A “public benefit corporation” is a corporation organized to construct or operate a public improvement wholly or partly within the state, the profits from which inure to the benefit of this or other states, or to the people thereof
- (2) Contracts with public corporations and public authorities. The County of Oneida shall have the power to contract with any public corporation or with any public authority or with any combination of the same for the establishment, maintenance and operation of any facility, and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

ARTICLE XXII
GENERAL PROVISIONS

Section 2201.	Administrative and Advisory Boards
Section 2202.	Approval of Contracts
Section 2203.	Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed
Section 2204.	Classified Service, Exemptions
Section 2205.	Filling Vacancy in Elective Office of County Executive
Section 2206.	Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney, Sheriff and Coroner
Section 2207.	Filling Other Vacancies
Section 2208.	Power to Administer Oaths and Issue Subpoenas
Section 2209.	Surety Bond
(Section 2210.	Reports)
Section 2210(1).	Conflicts of Interest

Section 2201. Administrative and Advisory Boards.

(a) That the board of trustees of the Mohawk Valley Community College shall have such powers and only such powers as those specified in the Education Law of the State of New York.

(b) Except as otherwise provided in the charter or code, every other board, the members of which are appointed, shall be an advisory board. The members thereof shall be appointed for such terms as are or may be provided in the charter or code. Wherever provision is made in the charter or code for the appointment of an advisory board, the members so appointed, unless otherwise provided, shall serve at the pleasure of the appointing authority.

Section 2202. Approval of Contracts. Except as otherwise provided in the charter or code, every contract to which the county is a party shall require approval by the Board of County Legislators, if said contract is for (a) the sale or purchase or lease of real property; ((b) the erection, [alteration] or demolition of a building or other structure;) (b) (c)the providing of facilities or the rendering of services by, for or with any other public corporation;(c) the lease of equipment, professional service contracts and personal service contracts in excess of fifty thousand dollars. All such contracts shall be executed by the County Executive. No contract shall be executed by the County Executive until the same has been approved as to form by the County Attorney. Copies of such contract when executed shall be filed with (the Commissioner of Finance), the Comptroller, the

relevant department and the (Board of County Legislators when approval of said board is required for such contract.)Law Department.

Section 2203. Civil Service Rights Continued; Status of Certain County Officers Previously Appointed; Removal of Certain County Officers Hereafter Appointed.

The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by the charter or code. (Except as otherwise provided by the charter or code, the terms of all county officers whose appointment under the charter is vested in the County Executive shall terminate on December 31, 1962, provided that any officer, unless removed, shall continue to serve until his successor is appointed and has qualified or until an interim appointment is made.) Any county officer appointed by the County Executive for a definite term whose appointment is subject to confirmation by the Board of County Legislators may be removed by the County Executive prior to the end of such term, after receipt of written notice from the County Executive. A copy of such notice shall be filed in the office of the clerk of the Board of County Legislators. Such county officer by written request filed with the clerk shall be given an opportunity to be heard by a board of review consisting of five members of the Board of County Legislators appointed by the chairman thereof, of whom not more than three members shall be members of the same political party. Upon such hearing, removal shall be effected only by a majority vote of such board of review.

Section 2204. Classified Service, Exemptions. All positions in all departments, offices, institutions, and agencies of the county, shall be in the classified service, except those held by the following: (1) elective officers; (2) heads of departments; ((3) members of all boards, commissions and committees ;) (3) the medical examiner; (4)(5) the commissioner of jurors; (5)(6) all officers and employees of the Board of County Legislators; (6)(7) all members, officers and employees of the board of elections; ((8) all persons employed in the public service as superintendents, principals, teachers or by any title whatsoever whose principal functions are teaching or the supervision of teaching in the pubic school, academy, college or university;) (8)(9) all other persons as specifically prescribed by statute. For the purpose of this section, the heads of the divisions within the executive branch, including but not limited to budget, purchase, central services, research, traffic safety, (and recreation) youth bureau and related programs shall be deemed to be the heads of departments. The following positions in the classified service shall be included in the exempt class: (1) deputies who are authorized to act generally for and on behalf of their principals; (2) the confidential secretary to any officer or department head; (3) (calendar clerk,) personnel officer; (4) assistant d(D)istrict a(A)ttorneys and confidential criminal investigators; (5) (deputy and) assistant c(C)ounty a(A)ttorneys; ((6) contractors engaged to perform specific services and their employees; and) (6)(7) all other persons as specifically provided by statute.

Notwithstanding any other provision of this code or charter, wherever the appointment of a deputy is authorized, such deputy is hereby authorized to act generally for and in place of his principal and the same shall be deemed to be in the exempt class of the classified service of civil service.

Section 2205. Filling Vacancy in Elective Office of County Executive. A vacancy, otherwise than by expiration of term in the office of County Executive, shall be filled by appointment by the Board of County Legislators of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a County Executive shall be elected for the balance of the unexpired term, if any.

Section 2206. Filling Vacancy in Elective Office of Comptroller, County Clerk, District Attorney, Sheriff and Coroner. A vacancy, otherwise than by expiration of term in any elective county office, including but not limited to the office of Comptroller, (County Clerk,) (District Attorney, Sheriff and) county legislator and coroner, shall be filled by appointment by the County Executive, subject to confirmation by the Board of County Legislators, of a qualified elector of the county, having the same political affiliation as the person last elected to such office. The person so appointed shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election, a c(C)omptroller, county legislator (County Clerk, District Attorney, Sheriff) or c(C)oroner, as the case may be, shall be elected for the balance of the term, if any.

Vacancies in the offices of the county clerk, sheriff and district attorney shall be filled in accordance with section 400 of County Law.

Section 2207. Filling Other Vacancies. Except as otherwise provided in the charter or code, a vacancy in the office of the head of any administrative unit, the head of which by virtue of the charter the County Executive shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of his administrative experience and his qualifications for the duties of such office by the County Executive, subject to confirmation by the Board of County Legislators where provided. Except as otherwise provided in the charter or code, (the head of any administrative unit) the County Executive shall have the power to fill vacancies occurring within such administrative unit upon the recommendation of the department head and pursuant to the Civil Service Law.

Section 2208. Power to Administer Oaths and Issue Subpoenas. The Chairman of the Board of County Legislators, the County Executive, the Comptroller and such other county officers as may be authorized by the charter, code or other applicable law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers as the same may be pertinent to their respective offices. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations, subpoena witnesses and compel attendance of witnesses in connection therewith.

Section 2209. Surety Bonds. The Board of County Legislators shall have the power to require and direct the giving of a surety bond conditioned on the faithful performance of any county officer or employee paid from county funds. The Board of County Legislators shall fix the amount of all such bonds required by law or by

resolution of the Board of County Legislators. Such bonds shall be approved as to sufficiency of surety, by the County Executive and as to form by the County Attorney.

(**Section 2210. Reports.** Except as specifically provided in the charter or code, a copy of all reports filed by any officer or administrative unit of the county with any state or federal department or agency shall also be filed with the Board of County Legislators.)

Section 2210. Conflicts of Interest. In regards to conflicts of interest, (Article 18 of the General Municipal Law of the State of New York, as amended, and the other applicable statutes of the State of New York as they are amended from time to time,) Local Law No. 1 of 1991, the "Oneida County Ethics Law" shall apply to the County of Oneida.

Section 2210(1) was deleted and a new Section 2210 (2211) inserted by enactment of Local Law No. 6 of 1967.

ARTICLE XXIII
APPLICATION OF CODE

Section 2301.	Adoption of Code; When Effective
Section 2302.	Amendment of Code
Section 2303.	Terms of Certain Elective County Officers
Section 2304.	Continuity of Authority, Completion of Unfinished Business
Section 2305.	Separability
Section 2306.	Code to be Liberally Construed

Section 2301. Adoption of Code; When Effective. This code shall become effective on and after January 1, 1963. (The Comptroller shall be first elected at the general election in 1964 and the person then elected shall, upon qualifying, take office on January 1, 1965 for a three year term and every Comptroller elected thereafter shall have a term of four years. Pending election and qualifying for office, the incumbent county Comptroller, County Clerk, District Attorney and Sheriff shall have the powers and perform the duties prescribed in the charter and code for the elective office of Comptroller, County Clerk, District Attorney and Sheriff respectively.)

Section 2302. Amendment of Code. This code may be repealed or amended in whole or part in the manner provided by law. Except as otherwise provided by the charter or code, any local law which would create or abolish an elective county office, change an elective office to appointive or an appointive office to elective or changes the powers of an elective county officer shall be subject to mandatory referendum. (No local law which would abolish or change an administrative unit prescribed in the charter or code or the power of an appointive county officer in the executive branch shall be enacted before January 1, 1963.)

The County Attorney shall have the authority and be charged with the responsibility to advise the Board of Legislators on an annual basis of any changes in New York State Law that would require amending the Charter by Local Law. Every five (5) years, the Board of Legislators shall appoint an independent non-partisan Charter Reform Commission to review and make recommendations of any and all changes needed to the Charter and Administrative Code.

Section 2303. Terms of Certain Elective County Officers. The terms of office for the County Executive, Comptroller, County Clerk, District Attorney and Sheriff shall be four (4) years except as otherwise provided in the charter or code. The terms of office for county legislators shall be for two (2) years.

Section 2304. Continuity of Authority; Completion of Unfinished Business. The performance of functions pursuant to the provisions of the charter or code shall be deemed and held to constitute a continuation thereof for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings,

action or rights of action or other business undertaken or commenced prior to the effective date of this code may be conducted and completed by the county officer or administrative unit responsible therefor under the charter or code.

The code shall not be deemed to invalidate any obligations heretofore issued by the County of Oneida or by any of its commissions, boards or agencies and such obligations shall be and remain binding obligations of the county. In the event any obligation shall have been issued in anticipation of the issuance of bonds by the county or by any of its commissions, boards or agencies, the county is hereby empowered to issue such bonds as legal and binding obligations of the county.

For the purpose of this section, a public authority shall not be deemed a county commission, board or agency.

Section 2305. Separability. If any clause, sentence, paragraph, section or article of this code shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2306. Code to be Liberally Construed. This code shall be liberally construed to effectuate its objectives and purposes.

ARTICLE XXIV
PUBLIC DEFENDER

Section 2401.	Establishment of Office; Appointments
Section 2402.	Powers and Duties
Section 2403.	Assistant Public Defenders and Confidential Investigators
Section 2404.	Advisory Committee

Section 2401. Establishment of Office; Appointments. There shall be a Public Defender's office (with two divisions of the same designated as Public Defender – Criminal Division and Public Defender – Civil Division.) and t(T)he County Executive shall appoint a Public Defender and (to administer each division, such appointments) such appointment (to) shall be subject to the confirmation of the Board of County Legislators. The(Such) Public Defender(s) shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. The Public Defender(s) shall be a resident(s) of the County of Oneida and shall devote his(their) entire time to the duties of his(their) office and shall not engage in any other practice of law.

Section 2402. Powers and Duties.

(a) The Public Defender (– Criminal Division,) shall represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged in the County of Oneida, with a crime, as defined in Section 722-a of the County Law. When representing an indigent defendant, the Public Defender (– Criminal Division) shall counsel and represent him or her at every stage of the proceedings following arrest, shall initiate such proceedings as in the judg(e)ment of such Pubic Defender are necessary to protect the rights of the accused, and may, in his or her discretion, prosecute any appeal if, in his or her judg(e)ment, the facts and circumstances warrant such appeal.

((b) The Public Defender – Civil Division shall represent without charge in a proceeding in Family Court or Surrogate's Court in the county in which such Public Defender – Civil Division serves any person entitled to counsel, pursuant to Section two hundred sixty two and Section eleven hundred twenty of the Family Court Act and Section four hundred seven of the Surrogate Court's Procedure Act, who is financially unable to obtain counsel. When representing such person, the Public Defender – Civil Division shall counsel and represent him or her at every stage of the proceedings, shall initiate such proceedings as in the judgment of such Public Defender are necessary to protect the rights of said person and may prosecute any appeal when, in his or her judgment the facts and circumstances warrant such appeal.)

(b)(c)In addition to the foregoing, the Public Defender (– Criminal Division and the Public Defender – Civil Division) shall have and exercise all the powers and duties and shall be subject to all the obligations and liabilities heretofore and hereafter lawfully granted or imposed by the charter, code, local law, ordinance or resolution of the Board of County Legislators, order or direction of the County Executive, or any applicable provision of any act of the legislature not inconsistent with the charter or code.

Section 2403. Assistant Public Defenders and Confidential Investigators.

The assistant Public Defenders and confidential investigators appointed by (each) the Public Defender, pursuant to Section 2403 of Article XXIV of the charter, shall perform such duties pertaining to the office as may be directed by (their respective) the Public Defender. Every such appointment shall be in writing and filed with the department of records and copies thereof with the Board of County Legislators and the County Executive. Any such appointment may be revoked by the (respective the) Public Defender at any time by filing a written revocation with the department of records and copies thereof with the Board of County Legislators and the County Executive. All such assistants and investigators so appointed shall receive such salary as shall be determined and fixed by the Board of County Legislators. If more than one assistant Public Defender in either division shall be appointed, the Public Defender may designate in writing and file with the department of records, the County Executive and the Board of County Legislators the order in which such assistants shall exercise the powers and duties of the office in the event of absence or temporary inability of such Public Defender to perform the duties of his or her office. Such designation may be revoked or changed by the Public Defender in a writing filed with the department of records, Board of County Legislators and County Executive. The assistant or assistants as designated in such writing shall in case of a vacancy in the office of their respective Public Defender perform the duties of that Public Defender until a successor is appointed and has qualified.

All the Assistant Public Defenders shall be duly admitted to the practice of law in the State of New York. Due to the confidential relationship between the Public Defenders and their assistants and the Public Defenders and their confidential investigators, the assistants and the confidential investigators shall be in the exempt class of Civil Service and shall serve at the pleasure of their respective Public Defender.

Section 2404. Advisory Committee. Advisory committees are hereby established for (each division of) the Public Defender’s Office for the purpose of advising the County Executive and (each division of) the Public Defender’s Office in the discharge of their respective duties and responsibilities relative to the operation of the office of Public Defender. The membership of each advisory committee shall be constituted as follows: Three attorneys appointed by the president of the Oneida County Bar Association for six year terms, except that of those first appointed, one shall be appointed for a two year term, one for a four year term and one for a six year term and six non-attorney members appointed for a six year term, by the County Executive subject to the approval of the Board of County Legislators, except that of those first appointed, two shall be appointed for a two year term, two for a four year term and two for a six year term, and two members shall be appointed by the Board of County Legislators, one from each major party, appointed by the chairman of the Board of County Legislators for two

year terms. The president of the Oneida County Bar Association shall be an ex-officio member of each advisory board but shall have no vote.

The members of such boards shall receive no salary or compensation for their services but shall, within the appropriations provided therefor, be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Article XXIV was added to the Code by the enactment of Local Law No. 3 of 1965 providing for establishment of the office of Public Defender.

Section 2401 was amended by the enactment of Local Law No. 5 of 1984, changing the term of office.

Sections 2401, 2402, 2403, 2404 were amended by the enactment of Local Law No. 3 of 1996 to create a civil division of the Public Defender's Office.

Section 2403 was amended by the enactment of Local Law No. 4 of 2001 in order to delete "and shall be residents of Oneida County" under Section 2403 paragraph 2.

ARTICLE XXV
(DEPARTMENT OF)OFFICE (OF)FOR THE AGING AND
CONTINUING CARE

Section 2501. (Department of)Office (of) for the Aging and Continuing Care;
Director

Section 2502. Powers and Duties

Section 2501. (Department of)Office (of)for the Aging and Continuing Care; Director. There shall be an (department of)office (of) for the aging and continuing care, the head of which shall be the director of the office (of)for the aging and continuing care who shall be appointed by the County Executive, subject to the confirmation of the Board of County Legislators. The director so appointed shall serve at the pleasure of the County Executive.

Section 2502. Powers and Duties. The director of the office of the aging shall have the following powers and duties:

(a) To advise and assist the County Executive in developing policies designed to help meet the needs of the aging and disabled and to encourage the full participation of the aging in society.

(b) To coordinate programs and activities relating to the aging and community based long term care.

(c) To cooperate with (the)and (assist political subdivisions) other municipalities in the development of local programs for the (aging) elderly, disabled and family caregivers.

(d) To annually (render each year) submit to the County Executive a written report of the activities and recommendations of the office (of) for the aging and continuing care.

(e) To participate in and cooperate with an advisory council known as the OFA/OCC Advisory/Long term Care Council, whose members are appointed by the County Executive, subject to confirmation by the Board of Legislators.

(If any provision of this local law shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect, impair, or invalidate the remainder thereof.)

Article XXV was added to the Code by the enactment of Local Law No. 1 of 1974 providing for the establishment of an Office of the Aging.

ARTICLE X X V I

DEPARTMENT OF SOLID WASTE MANAGEMENT

*The Department of Solid Waste Management was deleted per
Public Authorities Law, Article 8, Section 2049-yy*

ARTICLE XXVII
DEPARTMENT OF WATER QUALITY AND
WATER POLLUTION CONTROL

Section 2701.	Department of Water Quality and Water Pollution Control; Commissioner; Qualifications
Section 2702.	Powers and Duties
Section 2703.	Water Quality and Water Pollution Control Advisory Board
Section 2704.	Deputy Commissioners of Water Quality and Water Pollution Control

Section 2701. Department of Water Quality and Water Pollution Control; Commissioner; Qualifications. There shall be a Department of Water Quality and Water Pollution Control, the head of which shall be appointed on the basis of his or her experience and qualifications for the duties of such office. The Commissioner shall be a person with professional experience in the planning and management of water quality and water pollution control activities, organization and facilities, and shall be appointed by and serve at the pleasure of the County Executive, subject to the confirmation by the Board of County Legislators.

Section 2702. Powers and Duties. Except as otherwise provided in the charter or code, the Commissioner of Water Quality and Water Pollution Control shall:

- (a) Be responsible for the administration and operation of the Water Quality and Water Pollution Control Facility and County interceptor lines, and (.)
- (b) Be responsible for the development of proposals for County owned water pollution control facilities and activities and(.)
- (c) Be responsible for the administration of planning, studies, development and operation of the County owned water facilities and Water Pollution Control facilities, including advising and supervising (of) with regard to the design and construction of all capital projects for any and all County owned Water Pollution Control facilities and(.)
- (d) Be responsible for coordinat(ion)ing with local governments (of all) the planning, development and operation of the County owned water facilities and Water Pollution Control facilities, and coordination (also) with any other participating counties(.)
- (e) Be responsible for negotiation with appropriate private, not-for-profit, and public agencies involved with (in) the County owned Water Pollution Control facilities, and(.)
- (f) Within the appropriations provided therefor and when authorized by the County Executive, the Commissioner of Water Quality and Water Pollution Control may employ such special engineering or other technical consultant services as necessary for the performance of the Department of Water Quality and Water Pollution Control, and(.)

(g) Pursuant to Section 34(e) of New York State Civil Service Law, have authority, direction and control over the Department of Water Quality and Water Pollution Control and the authority to appoint and remove employees of the Department.

Section 2703. Water Quality and Water Pollution Control Advisory Board.

There shall be a Water Quality and Water Pollution Control Advisory Board composed of the chief executive officer or his or her designee of each (contractually involved)municipality party which is involved in or has contracted (to)with the Water Pollution Control facility. The advisory board shall advise the Commissioner of Water Pollution Control in matters relating to the Water Pollution Facility and water pollution control in matters relating to the Water Pollution facility and water pollution activities. The board shall be chaired by a Chairperson and Vice-Chairperson appointed by the membership.

The members of the Board of Acquisition and Contract shall be ex-officio members of the Advisory Board. The members of such board shall receive no salary or compensation for their services but shall within the appropriations provided therefor be entitled to actual and necessary disbursements and expenses in performing the duties of their office.

Section 2704. Deputy Commissioners of Water Quality and Water Pollution Control. There shall be such Deputy Commissioners of Water Quality and Water Pollution Control as determined by the County Executive.

Article XXVII was added by the enactment of Local Law No. 6 of 1989 which created the Department of Water Quality and Water Pollution Control and abolished the Division of Water Pollution Control in the Department of Public Works.

ARTICLE XXVIII
DEPARTMENT OF PROBATION

Section 2801. Department of Probation; Appointment of Director; Qualifications

Section 2802. Powers and Duties

Section 2801 Department of Probation; Appointment of Director;
Qualifications

There shall be a department of probation headed by a Probation Director who shall be appointed by the County Executive, subject to confirmation by the Board of Legislators after such director shall have qualified for such position under the New York State Civil Service regulations applicable thereto.

Section 2802 Powers and Duties The Probation Director shall have the power to appoint all deputies, supervisors, probation officers and other employees within the approved appropriations therefor.

The Probation Department shall perform probation related services including, but not limited to, intake, investigation, pre-sentence reporting, supervision, conciliation, social treatment and such other functions and services as may be assigned to the department pursuant to and in compliance with Section 256 of the New York State Executive Law.

ARTICLE XXIX
OFFICE OF THE CIVIL DEFENDER

Section 2901. Establishment of Office; Appointments

Section 2902 Powers and Duties

Section 2903. Assistant Civil Defenders

Section 2901. Establishment of Office; Appointments. There shall be an office of the Civil Defender. The County Executive shall appoint a Civil Defender to administer such office, such appointment shall be subject to the confirmation of the Board of County Legislators. Such Civil Defender shall serve at the pleasure of the County Executive and shall be duly admitted to the practice of law in the State of New York. The Civil Defender shall be a resident of Oneida County and shall devote their entire time to the duties of their office and shall not engage in any other practice of law.

Section 2903. Powers and Duties. The Civil Defender shall represent, without charge, in a proceeding in family court or surrogate's court in Oneida County any person entitled to counsel pursuant to section 262 and section 1100 of the Family Court Act and section 407 of the Surrogate's Court Procedure Act who is financially unable to obtain counsel. When representing such person, the Civil Defender shall counsel and represent him at every stage of the proceedings, shall initiate such proceedings as in the judgment of the civil defender are necessary to protect the rights of such person and may prosecute any appeal when, in his judgment, the facts and circumstances warrant such appeal. The Civil Defender shall perform also such other and related duties as may be prescribed by law, by the County Executive or by resolution of the Board of County Legislators.

Section 2903. Assistant Civil Defenders. The Civil Defender shall have the power to appoint such assistant civil defenders, paralegals, confidential secretary or other employees of his department as authorized by the County Executive and within the appropriations made therefore by the Board of County Legislators.

This Local Law shall take effect forty five days after the date of its adoption hereof or otherwise in accordance with Section 24 of the Municipal Home Rule Law.

ONEIDA COUNTY
OFFICE OF THE DISTRICT ATTORNEY

Scott D. McNamara
District Attorney

Michael A. Coluzza
First Assistant

Kurt D. Hameline
Laurie Lisi
Paul J. Hernon
Matthew P. Worth
Joseph A. Saba
Grant J. Garramone
Steven G. Cox
Stacey L. Paolozzi
Bernard L. Hyman, Jr.
Todd C. Carville

Dawn Catera Lupi
First Assistant

Robert L. Bauer
Michael R. Nolan
Kurt D. Schultz
Kara E. Wilson
John J. Raspante
Joshua L. Bauer
Patrick F. Scully
Christopher D. Hameline
Steven P. Feiner

September 14, 2011



The Honorable Anthony J. Picente, Jr. FN 20 11 - 305
Oneida County Executive
800 Park Avenue
Utica, New York 13501

PUBLIC SAFETY
WAYS & MEANS

Dear Mr. Picente:

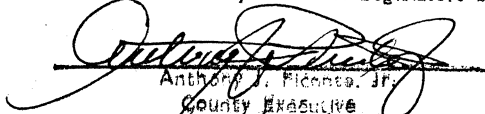
Enclosed is the proposed grant award which the New York State Division of Criminal Justice Services has rewarded our office in the amount of \$150,700.00. The grant period is from July 1, 2011 through June 30, 2012. Matching funds are not required.

I am hereby requesting your review and approval of this grant. After doing so, please forward this information to the Oneida County Board of Legislators for their review and approval.

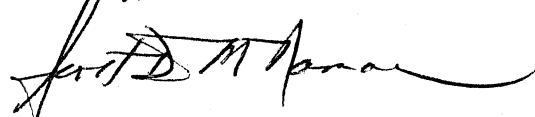
Should you have any questions or concerns, please notify me.

Thank you for your time and assistance in this matter.

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by


Anthony J. Picente, Jr.
County Executive
Date 10/26/11

Sincerely,


Scott D. McNamara
Oneida County District Attorney

SDM/jb
Enc.

ONEIDA COUNTY BOARD
OF LEGISLATORS

Name of Proposing Organization:

Oneida County District Attorney

Title of Activity or Service:

IMPACT VIII

Proposed Dates of Operation:

07/01/11 – 06/30/12

Client Population/Number to be Served:

Summary Statements:

1) Narrative Description of Proposed Services

Funds will be used to support coordinated strategic crime fighting and violence prevention initiatives. This project is New York State's multi-agency crime fighting program designed to achieve sustained, long term crime reduction through intelligence-led policing.

2) Program/Service Objectives and Outcomes:

3) Program Design and Staffing

Total Funding Requested:

\$150,700.00

Account #:

A3038

A1165.495124

Oneida County Dept. Funding Recommendation:

Proposed Funding Sources (Federal \$/ State \$/County \$):

\$150,700.00 in state dollars.

Cost Per Client Served:

Past Performance Data:

O.C. Department Staff Comments:

ONEIDA COUNTY SERVICE AGREEMENT

COUNTY

County of Oneida
800 Park Avenue
Utica, New York 13501
Acting through Oneida
County District Attorney

(Hereinafter referred to
as the County)

FUNDING SOURCE

NYS Division of Criminal Justice
4 Tower Place
Albany, New York 12203-3702

(Hereinafter referred to as the Contractor)

PERIOD OF AGREEMENT

From: 07/01/11
To: 06/30/12

COUNTY RESOLUTION NO.

Adopted on:

FINANCIAL TERMS OF AGREEMENT:

Total Program	Approved	Matching
Budget: \$150,700.00	Funds:	Funds: \$0

GENERAL LIABILITY INSURANCE:

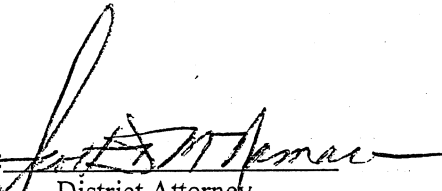
\$ 1 Million

This agreement is made between the County, a municipal corporation of the State of New York, identified above, acting through its duly constituted Oneida County District Attorney, and the Service Provider referred to above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for the consideration and in accordance with the terms, provisions and conditions of the Agreement as set forth within the following pages, as of the first day of the period of agreement.

COUNTY OF ONEIDA

By: _____
County Executive

By: 
District Attorney

Approved as to form

By: 
Oneida County Attorney

<p>STATE AGENCY Division of Criminal Justice Services 4 Tower Place Albany, NY 12203</p>	<p>NYS COMPTROLLER'S NUMBER: C484163 (Contract Number) ORIGINATING AGENCY CODE: 01490 - Division of Criminal Justice Services</p>
<p>GRANTEE/CONTRACTOR: (Name & Address) Oneida County 800 Park Avenue Utica, NY 13501</p>	<p>TYPE OF PROGRAMS: Operation IMPACT DCJS NUMBERS: OI11484163 CFDA NUMBERS:</p>
<p>FEDERAL TAX IDENTIFICATION NO: 156000460 MUNICIPALITY NO: (if applicable) 300100000000</p>	<p>INITIAL CONTRACT PERIOD: FROM 07/01/2011 TO 06/30/2012 FUNDING AMOUNT FROM INITIAL PERIOD: \$150,700.00</p>
<p>STATUS: Contractor is not a sectarian entry. Contractor is not a not-for-profit organization.</p>	<p>MULTI-YEAR TERM: (if applicable): 0 1-year renewal options.</p>
<p>CHARITIES REGISTRATION NUMBER: <input type="text"/> (Enter number or Exempt) if "Exempt" is entered above, reason for exemption. <u>N/A</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Contractor has ___ has not ___ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.</p> </div>	<p>APPENDIX ATTACHED AND PART OF THIS AGREEMENT</p> <p><input checked="" type="checkbox"/> APPENDIX A Standard Clauses required by the Attorney General for all State contracts</p> <p><input checked="" type="checkbox"/> APPENDIX A1 Agency-specific Clauses</p> <p><input checked="" type="checkbox"/> APPENDIX B Budget</p> <p><input checked="" type="checkbox"/> APPENDIX C Payment and Reporting Schedule</p> <p><input checked="" type="checkbox"/> APPENDIX D Program Workplan</p> <p><input type="checkbox"/> APPENDIX F Guidelines for the Control and Use of Confidential Funds</p> <p><input type="checkbox"/> APPENDIX G Procedural Guidelines for the Control of Surveillance Equipment</p> <p><input checked="" type="checkbox"/> Other (Identify)</p>
<p>IN WITNESS THERE OF, the parties hereto have electronically executed or approved this AGREEMENT on the dates of their signatures.</p>	
<p>NYS Division of Criminal Justice Services BY: _____ Date: _____ Office of Program Development and Funding State Agency Certification: "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract". GRANTEE: BY: Hon. Anthony J. Picente jr., County Executive Date: _____</p>	
<p>ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____</p>	<p>APPROVED, Thomas P. DiNapoli, State Comptroller _____ Title: _____ Date: _____</p>

Award Contract

Operation IMPACT

Project No.

Grantee Name

OI11-1058-D00

Oneida County

08/23/2011

AGREEMENT

STATE OF NEW YORK

AGREEMENT

This AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency (CONTRACTOR) identified on the face page hereof.

WITNESSETH:

WHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services; and

WHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to the terms of this AGREEMENT;

NOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR agree as follows:

I. Conditions of Agreement

A. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X) Amendment. Each additional or superseding PERIOD shall be on the forms specified by the particular State agency, and shall be incorporated into this AGREEMENT.

B. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each subsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix amendment for that PERIOD.

C. This AGREEMENT incorporates the face page attached as presented in the Grants Management System (GMS) AWARD online printable report, and all of the marked appendices identified on the face page hereof.

D. For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require modification, and a Modification Agreement. Any terms of this AGREEMENT not modified shall remain in effect for each PERIOD of the AGREEMENT.

To modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s). Any change in the amount of consideration to be paid, change in scope, or change in term is subject to the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency guidelines as stated in Appendix A-1.

E. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and meet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the AGREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates for facilities or licenses for an activity or program.

F. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor and the STATE.

G. Appendix A (Standard Clauses as required by the Attorney General for all State contracts) takes precedence over all other parts of the AGREEMENT.

II. Payment and Reporting

A. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identified in Appendix C) any appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agency fiscal guidelines, in a manner acceptable to the STATE.

B. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix C). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the amount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This sum shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this AGREEMENT.

C. The CONTRACTOR shall meet the audit requirements specified by the STATE.

III. Terminations

A. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.

B. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the

CONTRACTOR, if the CONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies or procedures affecting this AGREEMENT.

C. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A-1.

D. Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt requested. The termination shall be effective in accordance with the terms of the notice.

E. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the STATE.

F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMENT after the termination date.

IV. Indemnification

A. The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the CONTRACTOR or its subcontractors pursuant to this AGREEMENT. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT.

B. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.

V. Property

Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A-1.

VI Safeguards for Services and Confidentiality

A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

B. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.

C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only for the purposes intended under the contract and in conformity with applicable provisions of the laws and regulations, or specified in Appendix A-1.

Certified by - on

Award Contract

Operation IMPACT

Project No.

OI11-1058-D00

Grantee Name

Oneida County

08/23/2011

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.
2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.
3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).
4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of

all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. **NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. **INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. **SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. **RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. **IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.**

(a) **FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER.** All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification

number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. **CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. **GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. **LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. **NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. **PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. **MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. **OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803 <http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS. To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered

agency determines that such action is in the best interest of the State.

June 2011

Certified by - on

Award Contract**Operation IMPACT****Project No.****Grantee Name**

OI11-1058-D00

Oneida County

08/23/2011

APPENDIX A1

AGENCY-SPECIFIC CLAUSES

1. For grant solicitations or direct grant awards announced before April 10, 2006, if this Agreement exceeds \$15,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$15,000 or less, it shall not take effect until it is executed by both parties.

For grant solicitations or direct grant awards announced on or after April 10, 2006, if this Agreement exceeds \$50,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$50,000 or less, it shall not take effect until it is executed by both parties.

2. This Agreement sets forth the entire understanding of the parties and may not be altered or amended except in writing and signed by the parties hereto.

3. The failure of a party to enforce a contractual obligation shall not eliminate the other party's obligation to perform such contractual obligation.

4. In the event that any provision of this Agreement is determined to be null and void, all remaining provisions shall continue to be in full force and effect.

5. The Grantee must notify DCJS in writing of any change in the number, title, job duties or rate of remuneration of project staff which changes the Personal Service Project Budget line by 10 percent or under. Any change in the number, title, job duties or rate of remuneration of project staff which changes the Project Budget line more than 10 percent must be approved in writing by DCJS prior to implementation. The Grantee agrees to provide DCJS with resumes and supporting documentation upon request.

6. The Grantee shall submit detailed itemization forms for personal service and fringe benefit expenditures, in a format determined by DCJS, with any voucher and Fiscal Cost Reports requesting payment for expenditures.

7. The Grantee must maintain specific documentation as support for project related personal service expenditures, depending upon whether this grant contract project is supported by State or Federal funds:

A. For State funded grants:

For all Grantee's staff whose salaries are paid in whole or in part from grant funds provided under this Agreement, the Grantee shall maintain a time recording system which shows the time devoted to the grant project. The system shall consist of time sheets, computerized workload distribution reports, or equivalent systems. The time devoted to grant activities must be determinable and verifiable by DCJS. If time sheets are used, each must be signed by the individual and certified by the individual's supervisor in a higher level position at the end of each time reporting period.

B. For Federally funded grants:

Depending upon the nature or extent of personal service provided under this Agreement, the Grantee shall maintain semi-annual (or more frequent) personal service certifications and/or an after-the-fact personnel activity reporting system (or equivalent) which complies with the requirements of the Federal Office of Management and Budget (OMB) Circulars A-21, A-87 or A-122, as applicable:

1. OMB Circular A-21 [Item J, General provisions for selected items of cost] identifies documentation required for educational institutions as support for grant project personnel costs.
2. OMB Circular A-87 [Attachment B, Selected Items of Cost] identifies the documentation required for local government agencies as support for grant project personnel costs.
3. OMB Circular A-122 [Attachment B, Selected Items of Cost] identifies the documentation required for non-profit organizations as support for grant project personnel costs.

The most current version of these Federal OMB Circulars may be viewed on-line at:

www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with specific personal service documentation requirements of these OMB Circulars as applicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs upon audit.

8. Budget amendments are governed as follows:

A. Any proposed modification to the contract which results in a change of greater than 10 percent to any budget category must be submitted for prior approval by DCJS and the NYS Office of the State Comptroller. An Appendix X setting forth the proposed amendment must be electronically signed via the Grants Management System by the Grantee for approval by DCJS and the NYS Office of the State Comptroller before the next voucher and/or fiscal cost report will be approved.

B. For proposed modifications to the contract which result in a change of 10 percent or less to any budget category, the following shall apply:

1. The Grantee is not permitted to reallocate funds between Personal Service and Non-Personal Service budget categories without the prior approval of DCJS. A grant amendment setting forth the proposed reallocation must be approved by DCJS via the Grants Management System before the next voucher and/or fiscal cost report will be approved.

2. Prior approval by DCJS is not required for Non-Personal Service budget changes which are less than 10 percent. A letter signed by the Chief Executive Officer or Fiscal Officer authorizing these changes must be submitted to DCJS with the next voucher or fiscal cost report submission.

9. Space rental provided by this Agreement must be supported by a written lease, maintained on file and made available by the Grantee upon request.

10. The Grantee's request for travel, meals or lodging reimbursement shall be in accordance with Appendix B, Budget, and, unless prior written authorization has been received from DCJS, shall not exceed rates authorized by the NYS Office of the State Comptroller.

11. The Grantee's employment of a consultant must be supported by a written agreement executed by the Grantee and the consultant. A consultant is defined as an individual or organization hired by the Grantee for the stated purpose of accomplishing a specific task relative to the funded project. A copy of the agreement must be submitted to DCJS with the appropriate voucher for payment. All consultant services must be obtained in a manner that provides for fair and open competition. The Grantee shall retain copies of all solicitations seeking a consultant, written agreements and documentation justifying the cost and selection of the consultant. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of the consultant as if it were its own.

A. The rate for a consultant should not exceed \$450 for an eight-hour day (not including travel and subsistence costs). A rate exceeding \$450 per eight-hour day requires prior written approval from DCJS and may be approved on a case-by-case basis where adequate justification is provided and expenses are reasonable and allowable.

B. In addition to the above requirements, a Grantee that is a local government or a not-for-profit must adhere to the following guidelines at a minimum when obtaining consultant services:

1. Consultant services that cost up to \$999 under this grant agreement can be obtained at the Grantee's discretion.
2. Consultant services that cost between \$1,000 and \$4,999 under this grant agreement must be supported by at least three telephone quotes and a record created of such quotes.
3. Consultant services that cost between \$5,000 and \$9,999 under this grant agreement must be supported by at least three written quotes on a vendor's stationery and a record created of competitive procurement process utilized.
4. A Grantee obtaining consultant services that cost in excess of \$10,000 must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened;

and maintenance of a record of competitive procurement process.

C. A Grantee who proposes to obtain consultant services from a particular vendor without competitive bidding, must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and basis upon which the price was determined to be reasonable. Further, such consultant services must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

D. Notwithstanding the provisions of this paragraph, the Parties agree that DCJS' prior written approval is not required for the employment of a consultant when such employment is secured in relationship to a criminal matter as an expert witness, consultant or investigator. The Parties agree that the employment shall be supported by a written agreement and that all requests for reimbursement shall be supported by documentation identifying the criminal matter involved, services provided, time commitment and schedule. Such agreement and documentation shall be submitted to DCJS with the appropriate voucher for payment.

12. All procurements, other than consultant services, shall be conducted in the following manner. Written justification and documentation for all procurements must be maintained on file and made available upon request. Detailed itemization forms for non-personal service expenditures, in a format determined by DCJS, shall accompany each voucher and Fiscal Cost Report requesting payment. All procurements must be made in a fair and open manner and in accordance with the pre-determined methodology established for evaluating bids (e.g., lowest responsive bidder or best value).

A. A Grantee that is a state entity must make all procurements in accordance with State Finance Law Article 11, and any other applicable regulations.

B. A Grantee that is a local government must make procurements in accordance with General Municipal Law Article 5-A and any other applicable regulations.

C. In addition, a Grantee that is a not-for-profit must also make all procurements as noted below:

1. If the Grantee is eligible to purchase an item or service from a government contract or is able to purchase such item or service elsewhere at a lower than or equal price, then such purchase may be made immediately.

2. A Grantee may purchase any single piece of equipment, single service or multiples of each that cost up to \$999 at its discretion.

3. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$1,000 and \$4,999, a Grantee must secure at least three telephone quotes and create a record for audit of such quotes.

4. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$5,000 and \$9,999, the Grantee must secure at least three written quotes on a vendor's stationery and maintain a record of the competitive procurement process for audit purposes.

5. A Grantee spending in aggregate of \$10,000 and above must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.

6. A Grantee who proposes to purchase from a particular vendor without competitive bidding must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and the basis upon which the price was determined to be reasonable. Further, such procurement must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

13. Applicable equipment purchased with funds provided by this Agreement as listed in Appendix B, Budget, shall be assigned a unique inventory number. The Grantee shall list all applicable equipment purchased with such funds in the GMS Property Module and print and submit such reports to DCJS/ODPF program representatives with the final program progress report or sooner. Alternatively, the Grantee may use the Equipment Inventory reports prescribed by DCJS to list equipment purchases and submit them to DCJS via postal service. Items of equipment costing less than \$500 do not need to be reported on the Equipment Inventory Reports although the Grantee is encouraged to maintain an internal inventory for audit purposes. Upon completion of all contractual requirements by the Grantee, DCJS will consider a request for continued use and

possession of the equipment purchased with grant funds provided the equipment continues to be used in conducting a criminal justice program.

14. Grant funds may be expended only for purposes and activities set forth in this Agreement. Accordingly, the most important single requirement of accounting for this grant is the complete and accurate documentation of grant expenditures. If the Grantee receives funding from two or more sources, all necessary steps must be taken to ensure that grant-related transactions are not commingled. This includes, but is not limited to, the establishment of unique budget codes, a separate cost center, or a separate chart of accounts. Expenditures must be cross-referenced to supporting source documents (purchase orders, contracts, real estate leases, invoices, vouchers, timesheets, mileage logs, etc.). Grantee agrees it shall maintain adequate internal controls and adhere to Generally Accepted Accounting Principles for Government or Generally Accepted Accounting Principles for Not-for-Profit Organizations.

This Agreement may be subject to a fiscal audit by DCJS to ascertain financial compliance with Federal and/or State laws, regulations, and guidelines applicable to this Agreement. Such audits may include review of the Grantee's accounting, financial, and reporting practices to determine compliance with the Agreement and reporting requirements; maintenance of accurate and reliable original accounting records in accordance with governmental accounting standards as well as generally accepted accounting principles; and specific compliance with allowable cost and expenditure documentation standards prescribed by applicable Federal, State, and DCJS guidelines.

15. Where advance payments are approved by DCJS, the Grantee agrees to expend the advance payments in accordance with the purposes set forth in Appendix D and consistent with Appendix B.

16. DCJS reserves the right to suspend program funds if the Grantee is found to be in noncompliance with the provisions of this Agreement or other grant agreements between the Grantee and DCJS or, if the Grantee or principals of the Grantee are under investigation by a New York State or local law enforcement agency for noncompliance with State or Federal laws or regulatory provisions or, if in DCJS' judgment, the services provided by the Grantee under the Agreement are unsatisfactory or untimely. DCJS shall provide the Grantee with written notice of noncompliance. Upon the Grantee's failure to correct or comply with the written notice by DCJS, DCJS reserves the right to terminate this Agreement, recoup funds and recover any assets purchased with the proceeds of this Agreement. DCJS reserves the right to use approved grant related expenditures to offset disallowed expenditures from any grant funded through its offices upon issuance of a final audit report and appropriate notification to the Grantee, or upon reasonable assurance that the Grantee is not in compliance with Agreement terms.

17. The Grantee agrees, as a material condition of the Agreement, to comply with all applicable provisions of the Hatch Act (5 U.S.C. "1501 et seq.) as amended.

18. Program income earned by the Grantee during the funding period as a direct result of the grant award must be reported in writing to DCJS, in addition to any other statutory reporting requirements. This includes income received from seized and forfeited assets and cash, as well as: sale of grant purchased property; royalties; fees for services; and registration/tuition fees. Interest earned on grant funds is not program income unless specified in Appendix D. The Grantee agrees to report the receipt and expenditures of grant program income to DCJS. All income, including interest, generated by the use of these grant funds will be used to enhance the grant project.

19. If applicable, the Grantee agrees to obtain not-for-profit status, a federal identification number, and a charitable registration number (or a declaration of exemption) and to furnish DCJS with this information as soon as it is available.

20. Unless otherwise specified, in accordance with the State Finance Law, the availability of all State funds for liabilities already incurred thereunder shall cease on September 15th of the year following the fiscal year in which the funds were appropriated, unless such funds are reappropriated by the New York State Legislature. To ensure payment, vouchers must be received by DCJS by August 1st of the year following the fiscal year in which the funds were appropriated.

21. The Grantee will submit program progress reports and one final report to DCJS via the GMS system and additional information or amended data as required.

A. Program progress reports will be due within 45 days of the last day of each calendar quarter or on an

alternate schedule as prescribed in Appendix D. The first program progress report will be due within 45 days of the last day of the calendar quarter from the start date of the program.

Program progress reports thereafter will continue to be made until such time as the funds subject to this Agreement are no longer available, have been accounted for, and/or throughout the Agreement period or project duration.

Calendar quarters, for the purposes of making program progress reports, shall be as follows:

Calendar Quarter; Report Due

January 1 - March 31; May 15

April 1 - June 30; August 15

July 1 - September 30; November 15

October 1 - December 31; February 15

B. The final report, or where applicable interim progress reports, will summarize the project's achievements as well as describe activities for that quarter.

22. If for any reason the State of New York or the federal government terminates its appropriation through DCJS or fails to pay the full amount of the allocation for the operation of this program, this Agreement may be terminated or reduced at the discretion of DCJS, provided that no such reduction or termination shall apply to allowable costs already incurred by the Grantee where funds are available to DCJS for payment of such costs. Upon termination or reduction of the Agreement, all remaining funds paid to the Grantee that are not subject to allowable costs already incurred by the Grantee shall be returned to DCJS. In any event, no liability shall be incurred by DCJS or by the State of New York beyond monies available for the purposes of this Agreement. The Grantee acknowledges that any funds due to DCJS because of disallowed expenditures after audit shall be its responsibility.

23. If Appendix B, Program Budget, makes provisions for overtime payment, the Grantee agrees to submit vouchers for such payment of overtime charges within 45 days after the last day of the quarter for the reporting period. The Grantee further agrees to limit overtime earnings to no more than 25 percent (25%) of the employee's annual personnel cost (salary plus fringe benefits) during the term of this Agreement. No reimbursements for overtime charges in excess of this 25 percent (25%) limit will be made unless prior written approval has been obtained from DCJS.

24. None of the goals, objectives or tasks set forth in Appendix D shall be subawarded to another organization without specific prior written approval by DCJS. Where the intention to make subawards is clearly indicated in the application, DCJS' approval is deemed given, if these activities are funded as proposed.

If this Agreement makes provisions for the Grantee to subgrant funds to other recipients, the Grantee agrees that all subgrantees shall be held accountable by the Grantee for all terms and conditions set forth in this Agreement. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of any subgrantee as if it were its own.

The Grantee agrees that all subgrantee arrangements shall be formalized in writing between the parties involved. The writing must, at a minimum, include the following information:

- Activities to be performed;
- schedule;
- Project policies;
- Other policies and procedures to be followed;
- Dollar limitation of the Agreement;
- Appendix A, Appendix A-1, Appendix C, Certified Assurances for Federally Supported Projects, Certification Regarding Lobbying, Debarment and Suspension and any special conditions set forth in the Agreement; and
- Applicable Federal and/or State cost principles to be used in determining allowable costs.

The Grantee will not be reimbursed for subgranted funds unless all expenditures by a subgrantee are listed on certification forms. Backup documentation for such expenditures must be made available upon request. All expenditures must be programmatically consistent with the goals and objectives of this Agreement and with the financial plan set forth in Appendix B.

expenditures must reconcile to the program accounting records. Prior period adjustments shall be reported in the same accounting period that the correction was made.

VER:05/05/10

Certified by - on

Award Contract

Operation IMPACT

Project No.

Grantee Name

OI11-1058-D00

Oneida County

08/23/2011

APPENDIX B - Budget Summary by Participant

Oneida County

Oneida County Sheriffs Office - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Field Intelligence Officer	1	\$59,900.00	\$59,900.00	\$59,900.00	\$0.00
Total				\$59,900.00	\$59,900.00	\$0.00

#	Fringe Benefits	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Fringe Benefits for Field Intelligence Officer	1	\$15,000.00	\$15,000.00	\$15,000.00	\$0.00
Total				\$15,000.00	\$15,000.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$74,900.00	\$74,900.00	\$0.00

Oneida County District Attorneys Office - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Assistant District Attorney - Domestic Violence	1	\$43,900.00	\$43,900.00	\$43,900.00	\$0.00
Total				\$43,900.00	\$43,900.00	\$0.00

#	Fringe Benefits	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Assistant District Attorney	1	\$11,900.00	\$11,900.00	\$11,900.00	\$0.00
Total				\$11,900.00	\$11,900.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$55,800.00	\$55,800.00	\$0.00

Oneida County Probation Department - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Overtime for Probation Officers	1	\$20,000.00	\$20,000.00	\$20,000.00	\$0.00
Total				\$20,000.00	\$20,000.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$20,000.00	\$20,000.00	\$0.00

Total Contract Costs	Total Cost	Grant Funds	Matching Funds
	\$150,700.00	\$150,700.00	\$0.00

Award Contract

Operation IMPACT

Project No.**Grantee Name**

OI11-1058-D00

Oneida County

08/23/2011

APPENDIX C

PAYMENT AND REPORTING SCHEDULE

NOTE: Additional payment provisions associated with the schedule(s) below are detailed in Appendix A-1.

For All Grantees:

1. The Grantee agrees that this is a reimbursement-based contract; an advance may be provided through Appendix D (Special Conditions). All requests for reimbursement must reflect actual costs that have been disbursed or items received by the Grantee. A purchase order issued without receipt of the items or service is not eligible for reimbursement.
2. Grantees must submit all required fiscal reports, supporting documentation and program progress reports. Failure to meet these requirements will result in the rejection of associated vouchers. Failure to submit the final program report, or interim progress report designated as the final report, may result in a disallowance of 25 percent (25%) of the grant amount. The Grantee must also refund all unexpended advances (see item three below.) Final vouchers, reimbursement payment and reports must be submitted within 45 days of the end of the grant contract period. Failure to voucher within this period may result in the loss of grant funds.
3. If at the end of this grant contract there remains any unexpended balance of the monies advanced under this contract in the possession of the Grantee, the Grantee shall submit a certified check or money order for the unexpended balance payable to the order of the State of New York and return it to the DCJS Office of Finance with its final fiscal cost report within 45 days of termination of this grant contract.
4. Vouchers shall be submitted in a format acceptable to DCJS and the Office of the State Comptroller (see <http://www.criminaljustice.state.ny.us/ofpa/forms.htm>). Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the Project Budget (Appendix B) and during the contract period. When submitting a voucher, such voucher shall also be deemed to certify that: a) the payments requested do not duplicate reimbursement from other sources of funding; and b) the funds provided herein do not replace funds that, in the absence of this grant, would have been made available by the Grantee for this program. Requirement b) does not apply to Legislative sponsored State grants.
5. For purposes of prompt payment provisions, the Designated Payment Office for the processing of all vouchers is the DCJS Office of Financial Services. Payment of grant vouchers shall be made in accordance with the provisions of Article XI-A of the State Finance Law (<http://caselaw.lp.findlaw.com/nycodes/c113/a19.html>). Payment shall be preceded by an inspection period of 15 business days which shall be excluded from calculations of the payment due date for purposes of determining eligibility for interest payments. The Grantee must notify the Office of Finance in writing of a change of address in order to benefit from the prompt payment provision of the State Finance Law. When progress reports are overdue, vouchers will not be eligible for prompt payment.

6. Timely and properly completed New York State vouchers, with supporting documentation when required, shall be submitted to:

NYS Division of Criminal Justice Services
Office of Finance
4 Tower Place
Albany, NY 12203-3764

7. Payment Schedule

PAYMENT and PAYMENT DUE DATE

1: Pending appropriation, 30 days after commencement date of contract with proper documentation or upon receipt of proper documentation, whichever is later.

2-4: Quarterly

A not-for-profit Grantee operating on a multi-year contract may voucher for an optional fifth quarter advance against the succeeding year's appropriation, pursuant to NYS Finance Law, Section 179-u.

All submitted vouchers will reflect the Grantee's actual expenditures and will be accompanied by supporting detailed itemizations of personal service and non-personal service expenditures and other documentation as required, and by a fiscal cost report for the reporting period. DCJS reserves the right not to release subsequent grant awards pending Grantee compliance with this Agreement. In the event that any expenditure for which the Grantee has been reimbursed by grant funds is subsequently disallowed, DCJS in its sole discretion, may reduce the voucher payment by the amount disallowed. If necessary, the Grantee may be required to submit a final budget reallocation. Fiscal cost reports must be submitted showing grant expenditures and/or obligations for each quarter of the grant within 45 days after the last day of the quarter for the reporting period.

Advance payments shall be permitted as specified in Appendix A-1, and in the amount specified in Appendix D (Special Conditions).

Payment requests need to include the following documents as required:

- Detailed Itemization of Personal Service Expenditures
- Detailed Itemization of Non-Personal Service Expenditures
- Detailed Itemization of Consultant Expenditures
- Expert witness agreement and supporting documentation
- Voucher and Fiscal Cost Report signed
- Written documentation of all required DCJS prior approvals as follows:
 - DCJS approval of non-competitive consultant.
 - DCJS approval of non-competitive vendor for services.
 - DCJS approval of consultant services reimbursement greater than \$450 per eight hour day.
 - DCJS approval of change to Personal Services by more than 10 percent.
 - DCJS approval to exceed NYS Office of the State Comptroller travel, meals and lodging rates.
 - DCJS approval to subaward to another organization.
 - DCJS approval for overtime payments exceeding 25 percent of an employee's annual personnel cost.
 - DCJS and NYS Office of the State Comptroller approval to modify Personal Services and Non Personal Services budget categories by more than 10 percent.
 - DCJS approval to reallocate funds between Personal Services and Non Personal Services.

8. CONTRACT PAYMENTS: Contractor shall provide complete and accurate billing invoices to the agency in order to receive payment. Billing invoices submitted to the agency must contain all information and supporting documentation required by the Contract, the Agency and the State Comptroller. Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The Contractor shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

VER012510

Certified by - on

Award Contract

Operation IMPACT

Project No.
OI11-1058-D00

Grantee Name
Oneida County

08/23/2011

APPENDIX D - Work Plan

Goal

See attached documents for reponses I, IIA, IIB and III.

Objective #1

See attached documents for reponses I, IIA, IIB and III.

Task #1 for Objective #1

See attached documents for reponses I, IIA, IIB and III.

Performance Measure

1 See attached documents for reponses I, IIA, IIB and III.

Award Contract

Notwithstanding the provisions of paragraph 10 of Appendix A1, the parties agree that DCJS' prior approval is not required for the employment of a consultant when such employment is secured in relationship to a criminal matter as an expert witness, consultant or investigator. The parties agree that the employment shall be supported by a written agreement and requests for reimbursement supported by documentation identifying the criminal matter involved, services provided, time commitment and fee schedule.

Grantee agrees that these funds will be used to supplement and not supplant existing funds and services. This contract may be extended, increased, decreased, terminated, renewed, amended or renegotiated at the discretion of the Commissioner of the Division of Criminal Justice Services.

Strategy Special Conditions

Grantee agrees that if funding is being provided for the implementation of any DCJS crime reduction strategies, the implementing agency(s) will coordinate their IMPACT strategy with those other strategy initiatives in the county.

The following condition will apply to contracts between two New York State governmental entities: This is an agreement between two New York State governmental entities, and as such the provisions contained herein with respect to grants are applicable only to the extent that the provisions would otherwise be applicable between New York State governmental entities.

As per NYS Executive Law, Article 35, §837-a (8), DCJS is mandated to submit an Operation IMPACT Annual Report. As such, agencies receiving IMPACT funds shall be required to submit separately, in a consolidated report to be compiled and submitted by the District Attorney's Office and/or primary IMPACT police department on behalf of the full partnership, a detailed written report regarding their Operation IMPACT initiatives for the calendar year 2011. This report will be submitted to DCJS no later than November 11, 2011 and shall include:

- (a) The types of crime data obtained, analyzed and used regularly by the IMPACT Partnership;
- (b) A description of the local IMPACT crime reduction strategy, including any modifications;
- (c) The number of personnel from each local, state and federal agency participating in various Operation IMPACT activities;
- (d) A description of training provided to participating personnel in connection with Operation IMPACT;
- (e) The number of arrests made by law enforcement as a direct result of Operation IMPACT;
- (f) The number of prosecutions as a direct result of Operation IMPACT activities and the disposition of those cases;
- (g) The number of IMPACT related cases and IMPACT related gun crime cases transferred for federal prosecution;
- (h) Any available demographic information about persons arrested and prosecuted and the disposition of such matters;
- (i) Any other information about the program's effectiveness in reducing crime.

Participating law enforcement agencies receiving IMPACT funding shall submit all crime guns and guns recovered under conditions requiring investigation into the New York State Criminal Gun Clearing House via NYSPIN GGUN. Law enforcement agencies shall also submit all crime guns and guns recovered under conditions requiring investigation to the respective Firearms Laboratory for testing and requested entry into NIBIN (National Integrated Ballistics Identification Network).

Primary and DCJS-designated secondary IMPACT police departments will submit Monthly IMPACT Gun Data Reports within 30 days following the end of each month. Said monthly reports will include the number of shooting incidents involving injury or death, the number of shooting victims and the number of crime guns recovered.

Participating law enforcement agencies receiving IMPACT funds shall enforce the provisions of Orders of Protection, particularly with respect to those provisions prohibiting the ownership or possession of firearms, when so ordered in family or criminal court and served upon the defendant and will enforce the firearms prohibition provisions of the federal Violence Against Women Act.

All IMPACT funded agencies that are responsible for the management of sex offenders will be vigilant in maintaining current addresses for all sex offenders assigned to their jurisdiction and promptly report any action taken with regard to address verification on eJusticeNY. All IMPACT funded agencies are monitored for this requirement.

All IMPACT funded agencies that are responsible for obtaining photos due from sex offenders under their supervision will do so in a timely manner and promptly upload the updated photos to eJusticeNY. All IMPACT funded agencies are monitored for this requirement.

Participating law enforcement agencies shall ensure that their department's process for submitting fingerprint

cards to DCJS includes a mechanism to flag those arrests where a Domestic Incident Report (DIR) is filed in the criminal incident. All IMPACT funded agencies are monitored for this requirement.

All agencies receiving IMPACT funding that have a responsibility to collect DNA samples from offenders under their supervision who, by law, are required to submit said sample will ensure that the sample is collected in a timely manner as is required by law. All IMPACT funded agencies are monitored for this requirement.

IMPACT partnership meetings are required to be held monthly and structured to maximize the coordination, collaboration and accountability of partner agencies. The IMPACT co-Chairs or their designees who have the authority to make command decisions and at least one representative from every IMPACT funded agency within the partnership must attend all monthly meetings. The meetings must include an in-depth analysis of the IMPACT crime focus, performance measure outcomes and the need for strategy modification when applicable. Documented summaries including performance measure outcomes from each meeting with general plans and contributions of funded agencies in addressing crime problems shall be forwarded to DCJS within five (5) business days of the meeting.

For each month that a Grantee receiving IMPACT funds fails to: (1) comply with IMPACT Partnership meeting requirements as required above; and/or (2) submit full UCR Part 1 crime reports within 30 days of the end of each month, as required above; and/or (3) submit monthly gun data within 30 days following the end of each month, as required above, 1/12 of 20% of the total grant award will be deducted for the respective non-compliant agency. At no time will the amount deducted for non-compliance with these conditions exceed 20% of the total grant award.

Award Contract

Operation IMPACT

Project No.
OI11-1058-D00

Grantee Name
Oneida County

08/23/2011

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, 'the contract' or 'this contract') agree to be bound by the following clauses which are hereby made a part of the contract (the word 'Contractor' herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of

\$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, 'the Records'). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the 'Statute') provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All

invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the 'Work') except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency

shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. **CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. **GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. **LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. **NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ('CPLR'), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. **PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. **MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. **OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803 <http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. **RECIPROCITY AND SANCTIONS PROVISIONS.** Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. **COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.** Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. **COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.** If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. **PROCUREMENT LOBBYING.** To the extent this agreement is a 'procurement contract' as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. **CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.** To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax

Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

June 2011

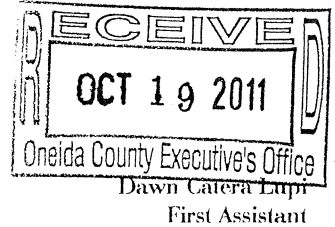
Certified by - on

ONEIDA COUNTY
OFFICE OF THE DISTRICT ATTORNEY

Scott D. McNamara
District Attorney

Michael A. Coluzza
First Assistant

Kurt D. Hameline
Laurie Lisi
Paul J. Hernon
Matthew P. Worth
Joseph A. Saba
Grant J. Garramone
Steven G. Cox
Stacey L. Paolozzi
Bernard L. Hyman, Jr.
Todd C. Carville



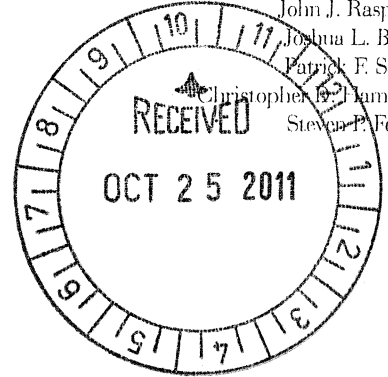
Robert L. Bauer
Michael R. Nolan
Kurt D. Schultz
Kara E. Wilson
John J. Raspante
Joshua L. Bauer
Patrick F. Scully
Christopher G. Hameline
Steven P. Feiner

FN 20 11 - 306

October 17, 2011

PUBLIC SAFETY

WAYS & MEANS



The Honorable Anthony J. Picente, Jr.
Oneida County Executive
800 Park Avenue
Utica, New York 13501

Dear Mr. Picente:

By this letter, I am requesting your approval, as well as that of the Board of Legislators, for the following supplemental appropriation within the District Attorney's Drug Enforcement Task Force cost center. The money will be used to balance a current deficit as well as anticipated expenses for the remainder of the year.

TO:

A3430.495 Drug Enforcement Task Force, Other Expenses	\$8,500
A3430.456 Drug Enforcement Task Force, Gasoline & Oil	\$6,500

This supplemental appropriation will be fully funded by:

A2678 Federal Seizure - Task Force	\$15,000
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This 2011 supplemental appropriation will be fully supported by forfeiture funds that are already on deposit.

At your earliest convenience, please submit this request to the Board of Legislators for their approval.

If you have any questions or concerns, please contact me.

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

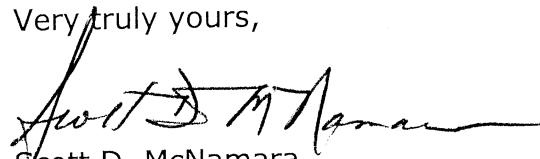
Anthony J. Picente, Jr.
Anthony J. Picente, Jr.
County Executive

Date 10/21/11

The Honorable Anthony J. Picente, Jr.
October 17, 2011
Page Two

Thank you.

Very truly yours,



Scott D. McNamara
Oneida County District Attorney

se

cc: Hon. Gerald J. Fiorini, Chairman
Hon. David J. Wood, Majority Leader
Hon. Patricia A. Hudak, Minority Leader
Hon. Les Porter, Chairman, Ways & Means Comm.
Hon. Richard A. Flisnik, Chairman, Public Safety
Thomas Keeler, Budget Director

ONEIDA COUNTY
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Todd C. Carville

FN 20 11 - 307

October 17, 2011

PUBLIC SAFETY

WAYS & MEANS

The Honorable Anthony J. Picente, Jr.
Oneida County Executive
800 Park Avenue
Utica, New York 13501

Dear Mr. Picente:

By this letter, I am requesting your approval, as well as that of the Board of Legislators, for the following supplemental appropriation within the District Attorney's Law Enforcement cost center. The money will be used to purchase computer hardware/software for the Utica Police Department

TO:

A1162.212 Law Enforcement, Computer Hardware	\$7,954
A1162.492 Law Enforcement, Computer Software	\$2,234
A1162.495 Law Enforcement, Other Expenses	\$2,000

This supplemental appropriation will be fully funded by:

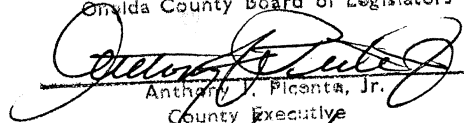
A1207 Law Enforcement, Approp. F.B. Year Forfeitures	\$12,188
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This 2011 supplemental appropriation will be fully supported by forfeiture funds that are already on deposit.

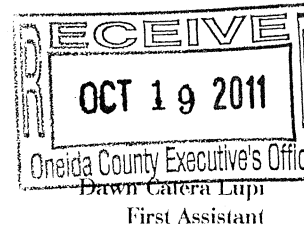
At your earliest convenience, please submit this request to the Board of Legislators for their approval.

If you have any questions or concerns, please contact me.

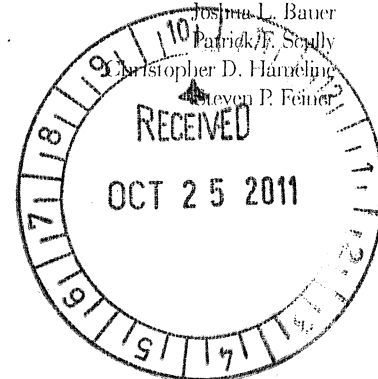
Reviewed and Approved for submittal to the
Oneida County Board of Legislators by


Anthony J. Picente, Jr.
County Executive

Date 10/21/11

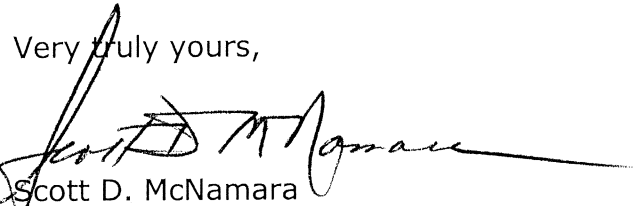


Robert L. Bauer
Michael R. Nolan
Kurt D. Schultz
Kara E. Wilson
John J. Raspante
Joseph L. Bauer
Patrick F. Scally
Christopher D. Hameling
Steven P. Feiner



The Honorable Anthony J. Picente, Jr.
October 17, 2011
Page Two

Thank you.

Very truly yours,

Scott D. McNamara
Oneida County District Attorney

se

cc: Hon. Gerald J. Fiorini, Chairman
Hon. David J. Wood, Majority Leader
Hon. Patricia A. Hudak, Minority Leader
Hon. Les Porter, Chairman, Ways & Means Comm.
Hon. Richard A. Flisnik, Chairman, Public Safety
Thomas Keeler, Budget Director



Office of the Sheriff

County of Oneida

Robert M. Maciol, Sheriff

Robert S. Swenszkowski, Undersheriff

Jonathan G. Owens, Chief Deputy

Gabrielle O. Liddy, Chief Deputy

FN 20 11-308

October 17, 2011

The Honorable Anthony J. Picente, Jr.
Oneida County Executive
Oneida County Office Building
800 Park Avenue
Utica, NY 13501

PUBLIC SAFETY



WAYS & MEANS

Dear County Executive Picente:

I am requesting a transfer of funds from the Board of Legislators to cover the costs of pharmaceuticals for the remainder of 2011.

<u>Transfer from Expense Account</u>	<u>Amount</u>	<u>Transfer to Expense Account</u>	<u>Amount</u>
A3150.101 Salaries	\$89,000	A3150.447 Pharmaceuticals	\$89,000
Total:	\$89,000		\$89,000

If I can be of further assistance, please feel free to contact me. Thank you for your cooperation.

Sincerely,

Robert M. Maciol,
Sheriff

Cc: Tom Keeler, Budget Director

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive
Date 10/24/11



Administrative Office
6065 Judd Road Oriskany, NY 13424
Voice (315) 736-8364
Fax (315) 765-2205

Law Enforcement Division
6065 Judd Road Oriskany, NY 13424
Voice (315) 736-0141
Fax (315) 736-7946

Correction Division
6075 Judd Road Oriskany, NY 13424
Voice (315) 768-7804
Fax (315) 765-2327

Civil Division
200 Elizabeth Street Utica, NY 13501
Voice (315) 798-5862
Fax (315) 798-6495

ONEIDA COUNTY FIRE COORDINATOR



Kevin W. Revere - Fire Coordinator

Gerald Pedersen, Deputy Director

Deputy Fire Coordinators: Jack Nester, Garry Johnson Daniel Schwertfeger, Doug Dean

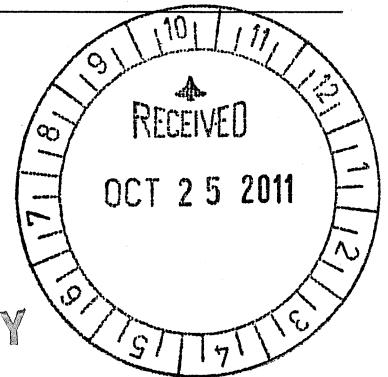
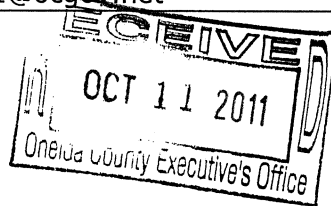
Assistant Fire Coordinators: Brian McQueen - Training, Joe Luker - Operations,

Glenn Block - Public Education, Jared Pearl - Special Ops, Michael Carl - Communications

Anthony J. Picente, Jr.
County Executive

120 Base Road
Oriskany, NY 13424
oc911@ocgov.net

Phone: (315) 765-2526
Fax: (315) 765-2529



FN 20 11 - 309

PUBLIC SAFETY
WAYS & MEANS

October 10, 2011

Mr. Anthony J. Picente, Jr.
Oneida County Executive
800 Park Avenue

Dear County Executive Picente,

After months of planning and a multitude of reviews, I am submitting the recently updated Oneida County Arson Control Plan. The original plan was completed in the early 1980's. This plan provides a framework in the fight against arson in our community. It also includes the standards for the newly formed Origin and Cause team, which is a collective effort involving both law enforcement and fire personnel throughout Oneida County. This plan was submitted to the New York State Office of Fire Prevention and Control and has been approved (attached).

I respectfully request you forward this plan for legislative approval.

I thank you for your support and your commitment to the fire service.

Sincerely,

Kevin W. Revere
Fire Coordinator

Cc: Arson Control Plan file

Reviewed and Approved for submittal to the
Oneida County Board of Legislators by

Anthony J. Picente, Jr.
County Executive

Date 10/21/11



NEW YORK STATE
DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
OFFICE OF FIRE PREVENTION AND CONTROL



Andrew M. Cuomo, Governor

James M. Sherry, Acting Commissioner

October 6, 2011

Kevin Revere, Coordinator
Oneida County Emergency Management
120 Base Road
Oriskany, New York 13424

Dear Coordinator Revere,

The New York State Office of Fire Prevention and Control congratulates you and your staff on the recent revision of the Oneida County Arson Control Plan.

The Plan has been reviewed by OFPC staff and found to fulfill the requirements under General Municipal Law 204-C as it provides for the coordination of responsible agencies and investigation of suspicious and incendiary fires within Oneida County.

As a final step, the plan should now be submitted to your County Legislature for adoption. When this step is complete, please return a copy to OFPC whereby we will replace the previous plan as filed in 1982.

Again, thank you for your efforts and interest in maintaining a focus on arson control measures as a means of enhancing safety within your jurisdiction.

Sincerely,

Paul Martin, Chief
Inspections and Investigations Branch

PM/jk

cc: File

ONEIDA COUNTY ARSON CONTROL PLAN

ONEIDA



COUNTY

SEPTEMBER 2011

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I. COMMUNITY DEMOGRAPHICS:

Oneida County is comprised of 26 towns, 19 villages and 3 cities. It is commonly referred to as Central New York due to its geographic location, which is positioned almost directly in the center of the State of New York. Oneida County is located East of Syracuse and West of Albany and measures 1,257 square miles total, 1,213 square miles of land and 44 square miles of water.

Central New York, Oneida County in particular, is often referred to as the “crossroads” of New York State. The New York State Thruway (Interstate 90), which runs east to west across the state splits Oneida County from east to west. State Route 12 stretches from the north to the south, as does State Route 8.

The county is also home to Griffiss International Airport, a growing airport facility and business park. Other local means of transportation include Greyhound bus service and Amtrak at the Utica Train Station and the extensive Centro bus company, servicing the City of Utica and its suburbs.

Oneida County has a population of 231,044, according to the 2009 Census Bureau. This total includes the population of the City of Utica, 59,082 (2006), and the population of the City of Rome, 34,220 (2006).

PERCENTAGE POPULATION BY RACE:

	White	Black or African American	American Indian and Alaska Native	Asian	Bosnian	Other single race	Two or more races	Hispanic or Latino
Oneida County	90.6	6.3	.3	1.5	n/a	.8	1.3	4.6
City of Utica	79.4	12.9	.3	2.2	n/a	.9	3.0	5.8
City of Rome	87.9	7.6	.3	.9	n/a	.8	2.0	4.7

[Information collected from local law enforcement, fire department, and emergency services office in Oneida County. All other census and statistical data collected from OFPC.gov and quickfact.census.gov.]

Oneida County remains one of the largest areas of economic activity in Central New York. The region enjoys a diversified workforce that includes major manufacturing, higher education, healthcare and service industries. The largest employers in Oneida County are the Turning Stone Casino, St. Elizabeth's Hospital, Faxton-St. Lukes Hospital, and The Utica Club Brewery, to name a few. Other longtime and notable employers in CNY include National Grid, Goodrich, and the Defense Finance and Accounting Service. Oneida County is also home to four New York State prisons.

Oneida County's economy has faced many challenges during the last 20 years as the regional economy has shifted away from an industrial manufacturing base. That is not to say, however, that the area has not evolved with time. Even with the number of local and state government jobs dwindling, Central New York has picked up in the areas of education, service and healthcare, all illustrative of the area's top employers.

The local economy is not dominated by one particular company or even one industry. Instead, the area boasts a balance of employers in a variety of fields, including areas of rapid modern growth like technology and research.

In general, structural conditions vary widely throughout the county and even within cities. This depends largely on particular neighborhoods and the time period in which most of the development occurred. Many older residential structures within both cities and towns have been converted to businesses and have been drastically updated.

It is difficult to generalize about structural conditions because of the differences inherent in code enforcement and assessment procedures of the 26 towns, 19 villages, and 3 cities. Beyond the problem of collecting data over multiple jurisdictions, the data that is often available is incomplete.

HOUSING OWNERSHIP & OCCUPATION:

	Oneida County	City of Utica	City of Rome
	2009	2000	2000
Housing Units	103,876	29,186	16,272
House Holds	90,496	25,100	13,653
Persons Per Households	2.43	2.28	2.30
Housing Ownership Rate	67.2%	48.8%	57.1%
Housing units in multi-unit structures	33.7%	n/a	n/a
Median value of owner-occupied housing units	\$76,500	\$61,500	66,200

**Statistics provided by Oneida County Census*

PERCENTAGE POPULATION BY SEX:

	Male	Female
Oneida County	50%	50%
City of Utica	47%	53%
City of Rome	51.2%	48.8%

**Statistics provided by Oneida County Census*

PERCENTAGE POPULATION BY AGE GROUP:

Persons...	Under age of 5	Under age of 18	Age 65 or Older	Median Age
Oneida County	5.6%	21.5%	16.3%	14.5%
City of Utica	6.7%	24.1%	18.8%	37.1%
City of Rome	5.9%	22.1%	17.2%	15.1%

**Statistics provided by Oneida County Census. 2009 are the most recent statistics available.*

II. ARSON DILEMMA:

The arson dilemma in Oneida County has diminished significantly since the mid 1990s, where at least several arsons would occur on a daily basis.

In the 1990s, arson had reached epidemic levels in the City of Utica which led to the creation of a special task force; The "Utica Arson Strike Force," comprised of local, state, and federal agencies.

Through the success of this strike force, arson numbers in Oneida County significantly diminished. Through this effort the arson dilemma was brought to the attention of Oneida County residents.

There is still an arson problem in Oneida County, however, nowhere near the extent of what it once was. Oneida County continues its fight against arson and holds an unprecedented conviction rate.

III. ARSON STATISTICS:

Statistically, the majority of arsons are still concentrated within the City of Utica. However, as indicated, incendiary fires within the City of Utica have been drastically reduced.

Arsons that occur in Oneida County are no different than arsons occurring in other areas; the motivations are insurance fraud, vandalism or revenge. The drug problems present in the inner-city areas of Utica and Rome also contribute to the arson problem.

Classifications of Investigated Fires:

Oneida County Sheriff's Office Fire Investigations:

	2009	2010
Exceptional Clear	1	0
Open	0	0
Arrests	1	0
No Crime Committed	1	2
Death Investigation	1	0
Closed by Investigation	2	3
No Leads	1	3
Total	7	8

**Statistics provided by the Oneida County Sheriff's Office*

City of Utica:

Causes	Structures	Autos	Structures	Autos
	2009	2009	2010	2010
Incendiary	25	5	14	3
Accidental	28	2	28	2
Undetermined	10	1	6	1
Total:	63	8	56	6

**Statistics provided by the City of Utica Fire Department*

City of Rome:

Cause	Structures	Autos	Structures	Autos
	2009	2009	2010	2010
Incendiary	10	2	5	2

Accidental	35	27	73	26
Undetermined	2	3	5	1
Total:	47	32	83	29

**Statistics Provided by the City of Rome Fire Department*

Oneida County Vehicle Fire Report by Mobile Property Use 2009:

Vehicle fire by Dollar Loss:	Unclassified	Pass/Road Transport	Freight Road	Rail Transport	Water Transport	Aircraft	Industrial, Agriculture, Const.	Special Mobile Property	Total
No Loss	27	9	30	70	0	0	0	0	136
1-99	1	0	0	0	0	0	0	0	1
100-999	2	0	0	0	0	0	0	0	2
1000-9999	5	1	0	10	0	0	0	0	16
10000-24999	3	0	0	3	0	0	0	0	6
25000-49999	0	0	0	0	0	0	0	0	0
50000-249999	0	0	0	1	0	0	0	0	1
250000 or More	0	0	0	0	0	0	0	0	0
Total	38	10	30	84	0	0	0	0	162

**Statistics obtained from the OFPC website*

Structure Fires Report by Fixed Property Use 2009:

Structure Fire by: Dollar Loss	Unclassified	Public Assembly	Educ.	Institutional	Residential	Store Office	Basic Inds Utility Defense	Manufacturing	Storage	Special	Total
No Loss	95	13	4	32	496	23	11	5	29	3	711
1-99	1	0	0	7	4	0	0	0	0	0	12
100-999	0	0	0	2	16	1	0	0	2	0	21
1000-9999	1	0	0	2	18	1	0	1	2	2	27
10000-24999	0	0	0	1	11	1	0	0	3	0	16
25000-49999	0	0	0	0	8	0	0	0	0	0	8
50000-249999	0	1	0	0	9	1	0	0	2	0	13
250000-999999	0	0	0	0	0	0	0	0	0	0	0
1000000 or more	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	1	0	0	0	1
Total	97	14	4	44	562	27	12	6	38	5	809

*Statistics obtained from the OFPC website

Structure Fires Report by Fixed Property Use 2010:

Structure Fire by: Dollar Loss	Unclassified	Public Assembly	Educ.	Institutional	Residential	Store Office	Basic Inds Utility Defense	Manufacturing	Storage	Special	Total
No Loss	80	16	6	28	486	20	4	3	31	3	677
1-99	0	0	0	1	4	1	0	0	1	0	7
100-999	1	0	1	2	18	0	0	0	0	1	23
1000-9999	1	0	0	0	26	0	0	1	0	0	28
10000-24999	0	0	0	0	5	0	0	0	2	0	7
25000-49999	0	1	0	0	6	0	0	0	2	0	9
50000-249999	1	0	0	0	12	0	0	0	1	0	14
25000-999999	0	0	0	0	0	0	0	0	0	0	0
1000000 or more	0	0	0	0	0	0	0	0	1	0	1
Unknown	0	0	0	0	0	0	0	0	0	0	0
Total	83	17	7	31	557	21	4	4	38	4	766

**Statistics obtained from the OFPC website*

2010 Fire Investigations:

Causes	City of Utica	City of Rome	Oneida County
Unintentional	28	73	
Undetermined	6	5	
Under Investigation	9	0	
Incendiary	14	7	11
Arrests	3	1	4
Total Fire Investigations	57	85	77

**Statistics obtained from the City of Utica, City of Rome and Oneida County Office of Emergency Services*

Fires with Juvenile Involvement:
Oneida County:

	2009	2010	Total
All types of property	11	9	20

Oneida County Fires with Juvenile Involvement:

	2009	2010
Intentional	3	1
Unintentional	1	1
Natural	0	1
Total	4	3
Male	2	2
Female	1	1

**Statistics obtained from Rome Fire Department*

Oneida County Fire Injury or Death report for 2009 – 2010

Year	FF Injury	FF death	Civilian Injury	Civilian Death
2009	21	0	2	6
2010	42	0	7	1
Total:	63	0	9	7

Year	Fatalities In the City of Utica
2009	5
2010	1

**Statistics provided by the Oneida County Office of Emergency Services*

Oneida County Structure Fires Report by Fixed Property Use 2009:

Injuries	Unclassified	Public Assembly	Education	Institution	Resident	Store Office	Basic Inds. Utility Defense	Manufacturing	Storage	Special	Total
Fire Service	0	0	0	0	15	1	2	0	0	0	18
Other	0	0	0	0	6	0	0	0	0	0	6
Total	0	0	0	0	21	1	2	0	0	0	24

Fatalities	Unclassified	Public Assembly	Education	Institution	Resident	Store Office	Basic Inds. Utility Defense	Manufacturing	Storage	Special	Total
Fire Service	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	7	0	0	0	0	0	7
Total	0	0	0	0	7	0	0	0	0	0	7

**Statistics obtained from the OFPC website*

ONEIDA COUNTY STRUCTURE FIRES REPORT BY FIXED PROPERTY USE

2010:

Injuries	Unclassified	Public Assembly	Education	Institution	Resident	Store Office	Basic Inds. Utility Defense	Manufacturing	Storage	Special	Total
Fire Service	2	0	0	0	26	0	0	0	0	0	28
Other	0	0	0	0	8	0	0	0	1	0	9
Total	2	0	0	0	34	0	0	0	1	0	37

Fatalities	Unclassified	Public Assembly	Education	Institution	Resident	Store Office	Basic Inds. Utility Defense	Manufacturing	Storage	Special	T o t a l
Fire Service	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	1	0	0	0	0	0	1
Total	0	0	0	0	1	0	0	0	0	0	1

**Statistics obtained from the OFPC website*

IV. ARSON/FIRE SERVICE AGENCIES:

There are 48 volunteer and 2 career fire departments that provide fire services in Oneida County. A few volunteer fire departments are supplemented by paid personnel, while the City of Utica and the City of Rome have fully staffed and paid personnel. A complete list of Oneida County fire departments and their respective towns is attached in Appendix B and C.

The Oneida County Office of Emergency Services and The Fire Coordinator's Office provide a County resource to the fire service for fire investigation, HAZ MAT and other needs as deemed necessary.

V. ARSON/FIRE INVESTIGATION PROCEDURE:

In accordance with New York State General Municipal Law, 204-d, it is the responsibility of the Fire Chief to determine the origin and cause of each fire or explosion the fire department is called to suppress. Thus, all requests for fire investigators shall come from the Fire Chief or his designated representative through the Oneida County 911 Center. Any requests for fire investigators outside Oneida County shall go through the Fire Coordinator's Office of the requesting county and then must be approved by the Oneida County Fire Coordinator or his designated deputy coordinators. Requests for assistance by members of law enforcement in Oneida County shall be routed through the normal chain of command and communication channels. The first arriving fire investigator at a fire scene is routinely responsible for coordinating the efforts of any subsequent fire investigators. He is also responsible for the written report including face/cover sheets, response synopsis and origin and cause narrative report, including on-scene activities and investigative findings.

In the event of a fatality, the coordination of the investigative activities becomes the responsibility of the ranking police officer at the scene. Immediate notification will be made to the designated Oneida County assistant district attorney of Oneida County. Fire investigators will also make notification to the Oneida County Fire Coordinator or designated representative. If at any time there is a reasonable belief that the fire is incendiary in nature or that a crime has been committed, the ranking fire officer will notify law enforcement. The law enforcement agency will then become responsible for directing the activities of all those involved in the remainder of the investigation, including fire investigators.

During the course of the fire investigation, the on-scene activities of the fire investigator shall include the following tasks: taking all necessary photographs, interviewing and securing affidavits when necessary from witnesses, victims and others who may have pertinent knowledge of the fire, recording all date-required data on printed forms and securing proper information for a narrative statement that illustrates and documents the origin and cause of the fire.

Prior to departing the fire scene, the lead fire investigator is responsible to ensure that the fire chief or his representative and the investigating police officer are briefed on the status of the fire investigation. Following the fire investigation, the lead fire investigator shall ensure that a face/cover sheet has been completed and a copy of such has been delivered to the fire chief and County Fire Coordinator. This cover sheet should provide a synopsis of the fire investigation. Copies should be completed and delivered by the end of the next business day, if possible, and the synopsis should have also been reviewed by peers and supervisors.

In the Cities of Utica and Rome, all fire investigations will be conducted per standard operating procedure.

In addition, fires caused or suspected to have been caused by a cigarette will be investigated and reported as mandated in New York State General Municipal Law 204-d.

VI. INVESTIGATIVE AGENCIES:

- A. Oneida County Sheriff's Office: The Oneida County Sheriff's Office is the primary law enforcement unit in Oneida County. The department is staffed by full-time personnel consisting of deputies, investigators, and correctional division. The Sheriff's Office also maintains an active Forensics Unit. The Oneida County Sheriff's Office maintains investigative personnel certified to NYS minimum professional standards of Part 426 as a Level II certified Fire Investigator.

The Oneida County Sheriff's Office has investigatory jurisdiction throughout the entire county. The Oneida County Sheriff's main office is located in Oriskany, New York, which is centrally located in the county. The Sheriff's Office also maintains field offices in the Village of Camden, the Village of Waterville, and the Village of Barneveld.

- B. New York State Police: The New York State Police have investigatory jurisdiction over the entire State of New York. The State Police maintain patrol personnel as well as a Bureau of Criminal Investigations. The State Police

maintain investigative personnel certified to NYS minimum professional standards of Part 426 as a Level II certified Fire Investigator.

The State Police have a station in the Town of Marcy and maintain substations in the towns of Lee and villages of Remsen, Waterville, and Sylvan Beach.

Troop D headquarters is also located in the City of Oneida, in Madison County, which borders Oneida County to the West.

- C. Town and Village Police Departments: Oneida County is also serviced by ten Town and Village Police Departments (see Appendix G and H). Generally, these agencies will rely on the Sheriff's Office or the State Police for assistance with fire investigations.

The Town of New Hartford Police Department would be the exception, as they maintain investigative personnel certified to NYS minimum professional standards of Part 426 as a Level II certified Fire Investigator.

- D. Rome Police Department: The Rome Police Department has jurisdiction over incidents occurring within its city limits. The department has approximately 77 sworn personnel consisting of patrol, investigators, detectives and a forensics unit. The Rome Police Department maintains investigative personnel certified to NYS minimum professional standards of Part 426 as a Level II certified Fire Investigator.

The Rome Police Department works in conjunction with the Rome Fire Department for arson investigations.

- E. Utica Police Department: The Utica Police Department has jurisdiction over incidents occurring within its city limits. The department has approximately 185 personnel consisting of patrol, investigators, and a forensics unit. The Utica Police Department maintains investigative personnel certified to NYS minimum professional standards of Part 426 as a Level II certified Fire Investigator.

The Utica Police Department works in conjunction with the Utica Fire Department for arson investigations.

- F. New York State Office of Fire Prevention and Control - Arson Bureau: The New York State Office of Fire Prevention and Control (OFPC) - Arson Bureau provides fire investigation technical assistance resources throughout the state to fire, law enforcement and prosecutors on a 24/7 basis as established through OFPC procedures and protocols. Such services can be obtained by contacting the

headquarters office at (518) 474-6746. OFPC Arson Bureau Investigators are certified Peace Officers and respond to calls for assistance with the investigations of fires or explosions with high dollar loss, fatalities, or unusual circumstances; provide Juvenile Fire Setter Interventions, Canine Accelerant Detection Services, and also conduct case reviews to assist prosecutors as necessary.

- G. Oneida County District Attorney's Office: The prosecutorial function is the responsibility of the District Attorney's Office. Locally, the District Attorney has assumed a very aggressive stance with respect to arson cases and has a designated Assistant District Attorney assigned to all arson prosecutions in Oneida County. All cases that will proceed to prosecution will be reported directly to the District Attorney's Office.
- H. Fire Departments: Duties of Fire Chiefs and Fire Departments-General Municipal Law Article 204-d states "The Fire Chief of any fire department or company shall, in addition to any other duties assigned to him by law or contract, to the extent reasonably possible, determine, or cause to be determined, the cause of each fire or explosion which the fire department or company has been called to suppress. He shall file with the office of fire prevention and control of the department of state, a report containing such determination and any additional information required by such office regarding the fire or explosion. The report shall be in the form designated by such an office. He shall contact, or cause to be contacted, the appropriate investigatory authority if he has reason to believe the fire or explosion is of incendiary or suspicious origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days, after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required in subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased"

The City of Utica has a dedicated Fire Marshall's Office that investigates all fires within their jurisdiction. The Fire Marshall's Office works in conjunction with the Utica Police Department and the Oneida County District Attorney.

The City of Rome Fire Department has dedicated personnel that investigate fires in their district. These investigators work in conjunction with the Rome Police Department.

The volunteer fire departments throughout the county work in conjunction with the local police departments, Sheriff's Office or State Police (See Appendix H).

- I. Oneida County Origin and Cause Team: In 2011, the Oneida County Origin and Cause team was created by Oneida County through resolution of the Oneida County Legislature as a resource provided and coordinated through the Oneida County Department of Emergency Services. The team is organized under GML 209-bb legislation governing specialized teams. All members are Volunteers. All members of the Origin and Cause team must have an authorization form signed by their respective Fire Chiefs before being appointed to the team. The team is available to any agency in the County or Cities of Utica and Rome. The purpose of this team is to assist fire departments with determining the origin and cause of a fire, See Appendix D.

- J. Oneida County Coroner's Office: The Oneida County Coroner's Office has investigatory jurisdiction throughout the entire county. There are currently four County Coroners; with no medical examiner. Oneida County utilizes Albany County's medical examiners when necessary.

VII. REPORTING SYSTEM:

It is mandatory, based on General Municipal law 204-d, for the respective Fire Chief to complete a report for each fire incident. There are fifty municipal fire departments in Oneida County and all of these agencies utilize the State NFIRS Version 5.0 Fire Reporting System.

All the fire departments have attended workshops presented by the state field representative on the new reporting forms. These have been done using the state system and it is believed that they will continue to do so, providing the state can periodically inform Oneida County as to which departments are participating. The Oneida County Fire Coordinator will meet one-on-one with non-participants to seal the program.

VIII. PUBLIC AWARENESS PROGRAMS:

Currently, Oneida County has no funding available for public awareness programs. Any public awareness is conducted by individual fire departments through their own fire prevention programs. The Oneida County Arson Task Force also provides annual training to local agencies. See Section (X).

IX. ORIGIN & CAUSE TEAM MEMBER TRAINING & CERTIFICATION REQUIREMENTS:

The Oneida County Origin and Cause team is comprised of Level I and Level II Fire Investigators and Associate Members. It is the intent of the Origin and Cause Team to have all members meet NYS Level II standards. The number of team members is dictated by the Oneida County Fire Coordinator.

Team qualifications and training are listed below:

- A. Complete the Fire Behavior/Arson Awareness course and the Principle of Fire Investigations course; these can be done together.
- B. Apply to the Origin and Cause Team as an Associate Member.
- C. Begin earning the required 30 hours for Level I Investigator certification, with 12 months to complete the requirement.
- D. Upon completion of the required hours, submit the application to NYS OFPC for Level I Certification. Upon certification, request status change to full member of Origin and Cause Team.
- E. Complete Fire/Arson Investigation course at the NYS Academy of Fire Science. You may take this course at any time following completion of the Fire Behavior/Arson Awareness course. Not mandatory to be a Level I to take the course. However, the Fire Coordinator's signature must be on the affidavit to register.
- F. Begin earning hours toward Level II Certification. The required hours for Level I must be completed prior to accumulating hours for Level II.
- G. Upon completion of required hours, submit application to NYS OFPC for Level II Certification.

Fire Investigators I and II shall annually complete a minimum of 6 hours of in-service Arson related training OR a minimum of 20 hours of documented fire investigation activity and maintain Minimum Professional Standard Part 426. In the event this criterion is not achieved for a period of two years, the member shall be dismissed from the team. A leave of absence from active duty investigations may be requested by filing a written request with the Oneida County Fire Coordinator.

It is the intent to have all members of the Origin & Cause Team to attain New York State Level II fire investigator status. Currently, there are three classifications;

Apprentice Membership:

- A. Complete Fire Behavior/Arson Awareness course and the Principles of Fire Investigation.
- B. Apply to the Origin & Cause Team as an Associate member.
- C. Complete earning the required 30 hours for Level I investigator certification. Unless exigent circumstances exist, Apprentice members will have 12 months to complete this requirement.
- D. Upon completion of the required hours, submit the application to New York State Office of Fire Prevention and Control for Level I Investigator certification. Upon certification, apprentice member will request their status changed to full member of the Origin & Cause Team.
- E. Apprentice members will work under the direct supervision of a Level I or II investigator.

Level I Membership:

- A. Complete Fire/Arson Investigation course at the New York State Academy of Fire Science. You must have the Oneida County Fire Coordinators' signature on the affidavit to register.
- B. Begin earning the required hours toward Level II Investigator certification.

- C. Upon completion of the required hours, submit application to New York State Office of Fire Prevention and Control for Level II Investigator Certification.
- D. Level I members will work under the direct supervision of a Level II Investigator.

Level II Membership:

- A. Level II members will be lead investigators at any fire investigation. Level II members will be under the supervision of the Oneida County Deputy Fire Coordinator's Office.

In addition to maintaining minimum certification as fire investigators, advanced training programs are also used to further fire investigation education and skills to include attending; New York State Fire Academy, New York State OFPC outreach training, International Association of Arson Investigator programs and seminars, and conferences as they pertain to fire and arson investigation. All members must seek all types of training in order to meet current trends. Training records shall be maintained by the Oneida County Fire Coordinator's Office.

X. RESOURCE ANALYSIS & GOAL DEVELOPMENT:

- A. Origin & Cause Determination: In Oneida County each Fire Chief is responsible for determining the cause of fires and explosions within his/her jurisdiction. Since there are fifty departments in Oneida County, the extent to which local fire service agencies are active in such a determination varies widely.

GOAL: To assist all fire agencies in Oneida County in determining Origin and Cause of fires in their jurisdiction and maintain a consistency in the investigations.

- B. Investigatory Response: The Oneida County Origin and Cause team is available 24 hours a day, seven days a week and 365 days a year to respond to a scene when requested by an incident commander. The Oneida County Origin and Cause team may be called to determine the origin and cause of a fire, however if

it is determined to be suspicious or incendiary in nature, the appropriate Law Enforcement agency will be notified for transfer of jurisdiction.

Laboratory work as needed is generally performed by the New York State Police Forensics Crime Center, located in Albany, New York. Evidence collection, preservation, and submission will be made to the appropriate laboratory.

- C. Cooperative Arrangements: Existing cooperative arrangements among various public agencies have worked extremely well. Their informal nature allows for maximum flexibility in accommodating the differing needs of specific situations.

GOAL: Maintain informal cooperative arrangements to maximize the flow of information regarding ongoing investigations.

- D. Private Sector Involvement: Private sector involvement has been highly successful where it has been cultivated and encouraged. Private sector involvement offers tremendous potential when insurance and private investigators work with public sector investigators on those investigations requiring both disciplines. Private sector involvement is also evident with the membership of the Oneida County Arson Task Force.

GOAL: Maintain existing private sector involvement.

- E. Records System: The records management system will be utilized by both the City and County. It will provide a way to determine the extent and type of arson occurring in the community. The accuracy of the total data is dependent on consistency and thorough record-keeping.

GOAL: Maintain and upgrade the new records management system to the best of its ability for the City and County.

- F. Public Awareness Programs: Public Awareness Programs, where they have been used, appear to have been successful in focusing public attention on the arson problems locally.

There is no funding available for these programs. However, there is a newly formed position of an assistant fire coordinator of fire prevention and public relations. Duties will include raising public awareness of arson and fire safety.

- G. Oneida County Arson Task Force: The Oneida County Arson Task Force was formed in 1980 and is currently active and comprised of members of law enforcement, fire personnel and the insurance industry within Oneida County. OCATF meets on a monthly basis, except for the months of July and August to discuss arson issues and training initiatives. Each year, the Oneida County Arson Task Force hosts a six hour arson seminar for agencies within Oneida, Madison, Herkimer and Onondaga Counties.

The Oneida County Arson Task Force also offers a monetary "tip" to award those providing information that leads to the arrest and conviction of any person(s) suspected of arson.

- H. Training: The current training program is adequate for the funding that's available. Should more funding become available for training purposes, it would benefit all fire and police agencies within the City and County.

GOAL: Increase the training opportunities for all investigators through funding for seminars and classes or through new technological advances that would make Internet or wireless training a possibility.

XI. ARSON PLAN OBJECTIVES:

- A. Plan implementation will be through the combined efforts and cooperation of the following agencies: Oneida County Fire Coordinator's Office, Oneida County Sheriff's Office, Utica Fire Department, Utica Police Department, Rome Fire Department, Rome Police Department, Oneida County District Attorney's Office, New York State Police, and other agencies stated on Appendix G and H. Each of these agencies is responsible for the investigation and detection of suspected arsons. The Oneida County District Attorney's Office is responsible for the prosecution of these cases.
- B. A cooperative function within the Oneida County Origin and Cause Team response will be dictated by the Oneida Fire Coordinator Office and/or Deputy Fire Coordinator. It is the intent of the program to have the minimum of four investigators to respond to each incident. A Level II Fire Investigator shall be present at all investigations.
- C. Priority is given to ongoing annual training for all Origin and Cause investigators.

- D. In-house training at the local fire department level is also a priority of the county Origin & Cause Team.

- E. All county fire department officials are encouraged to enhance their member training by using the county Origin & Cause Team to supply and support fire incident awareness and understanding of the resources and the procedures for fire and explosion events within their jurisdiction.

- F. As more member volunteers receive training in the area of arson and fire determination, a more concise record can be managed by the county. By increasing their department's standards of training, they become familiar with county team functions and activities.

- G. The District Attorney's Office works closely with city and county investigative personnel.

- H. Oneida county fire prevention personnel are committed and will continue to place a high priority on public awareness programs. Oneida County is supportive of public awareness programs to prevent fires, to minimize the devastation of fires and to drastically reduce death, injury and property damage due to fires.

- I. Juvenile Fire Setters Intervention Program: The City of Rome Fire Department is currently under contract with the County of Oneida to provide for the Juvenile Fire Setters program, see Appendix K. It is the intent of the Fire Coordinator's Office to implement a new plan in 2012 that would make the Program fall under the authority of the Fire Coordinator's Office.

The intent of this program is to provide a cooperative working relationship between the fire agencies, law enforcement, prosecutors, social services, schools and justice systems in addressing the appropriate needs as associated with juvenile fire setting.

XII. ARSON PLAN EVALUATION:

Plan evaluation will occur on a number of levels. The Oneida County Fire Coordinators Office will receive and evaluate reports and data generated by various agencies.

XIII. COST OF ARSON PLAN:

Operational costs of the Oneida County Fire Investigative Team will be part of the budget of the County Fire Coordinator as necessary for equipment, contracts and any other needs as deemed appropriate.

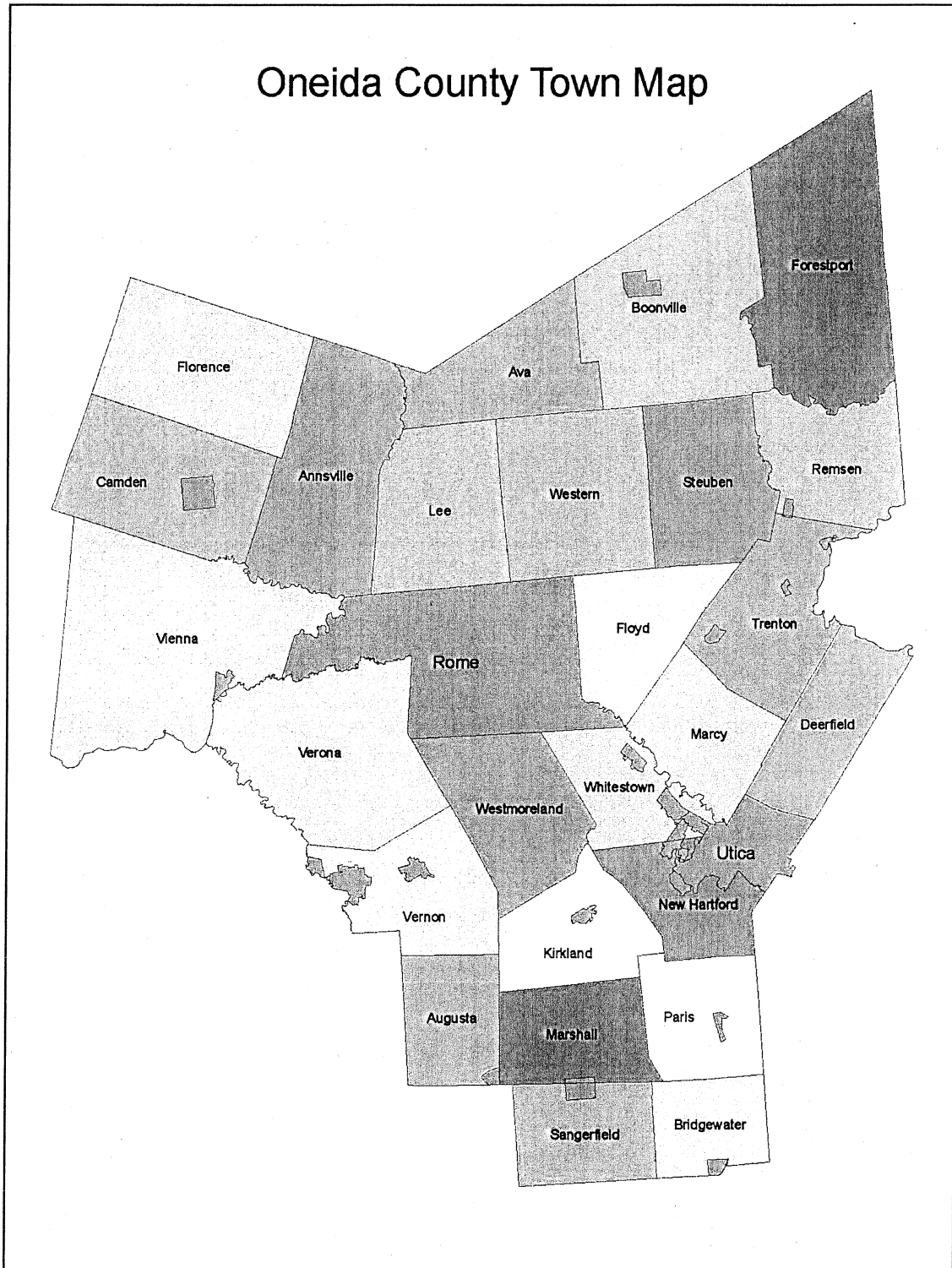
XIV. FIRE PREVENTION EDUCATIONAL PROGRAMS:

Fire Prevention Education programs are largely based upon an individual community's needs and are handled by local departments.

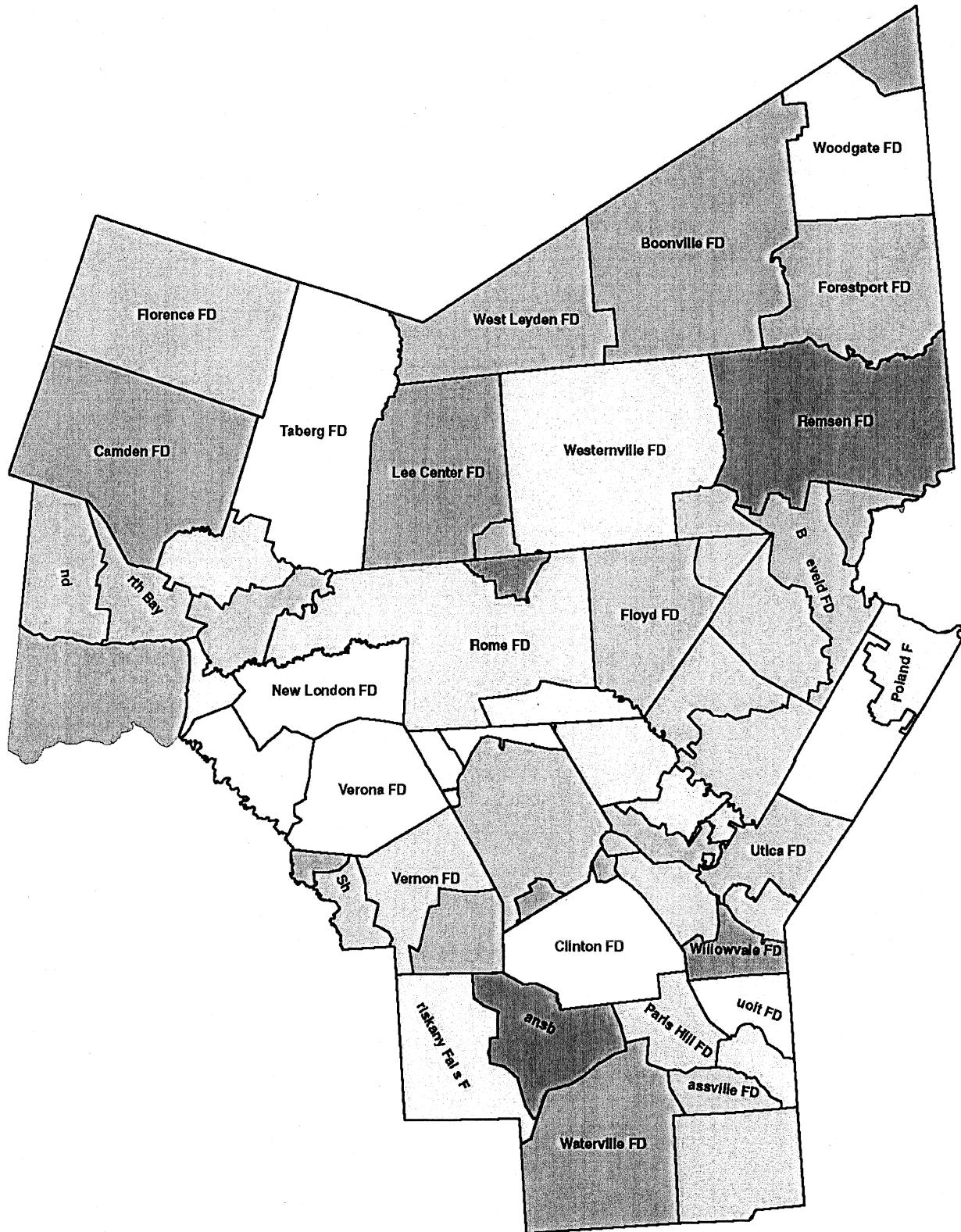
APPENDIX:

- A. Oneida County Town Map
- B. Fire District Map
- C. Oneida County Fire Departments
- D. Oneida County Origin and Cause Team Organizational Chart
- E. Oneida County Local Police Department Agency Map
- F. Oneida County Police Departments
- G. Oneida County Sheriff Zone Map
- H. Oneida County State Police Post map
- I. Oneida County Juvenile Fire Setters Prevention Program
- J. Rome City District Police Map
- K. Utica Police Zone Map
- L. Oneida County Origin and Cause Standard Operating Procedures

Oneida County Town Map



Appendix A

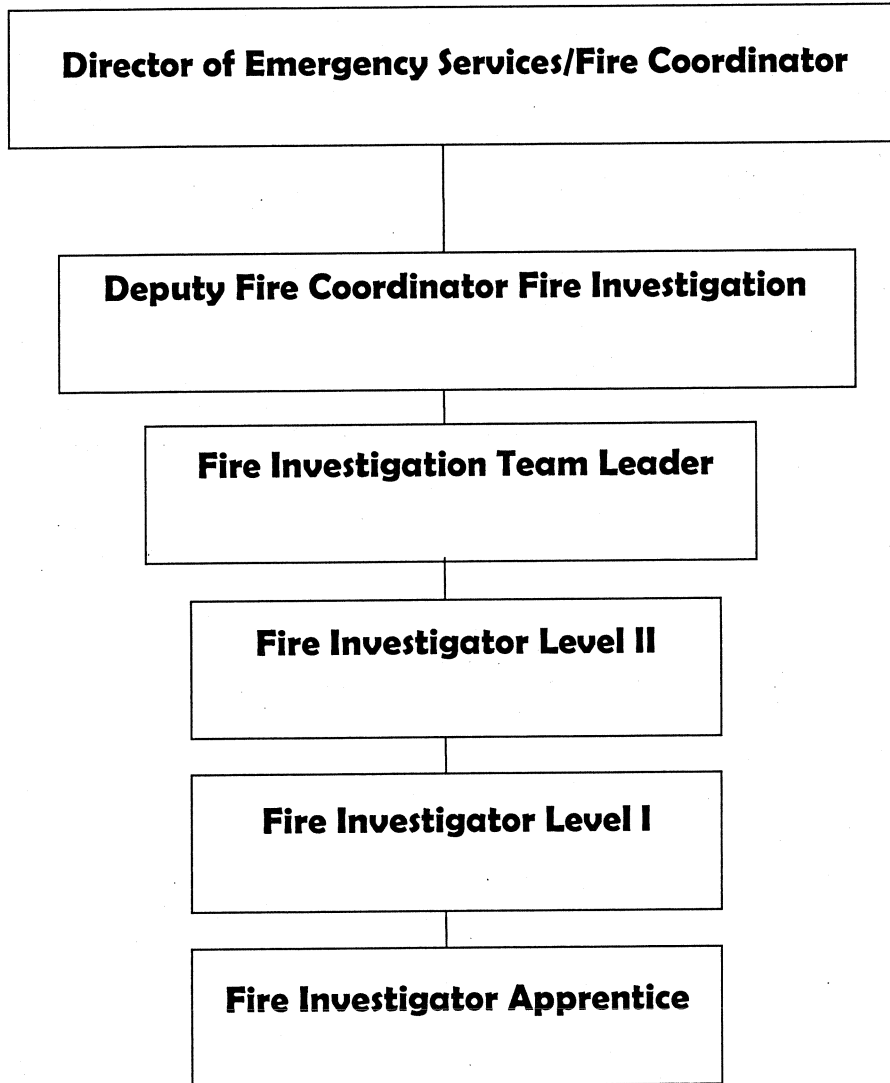


Appendix B

Oneida County Fire Departments

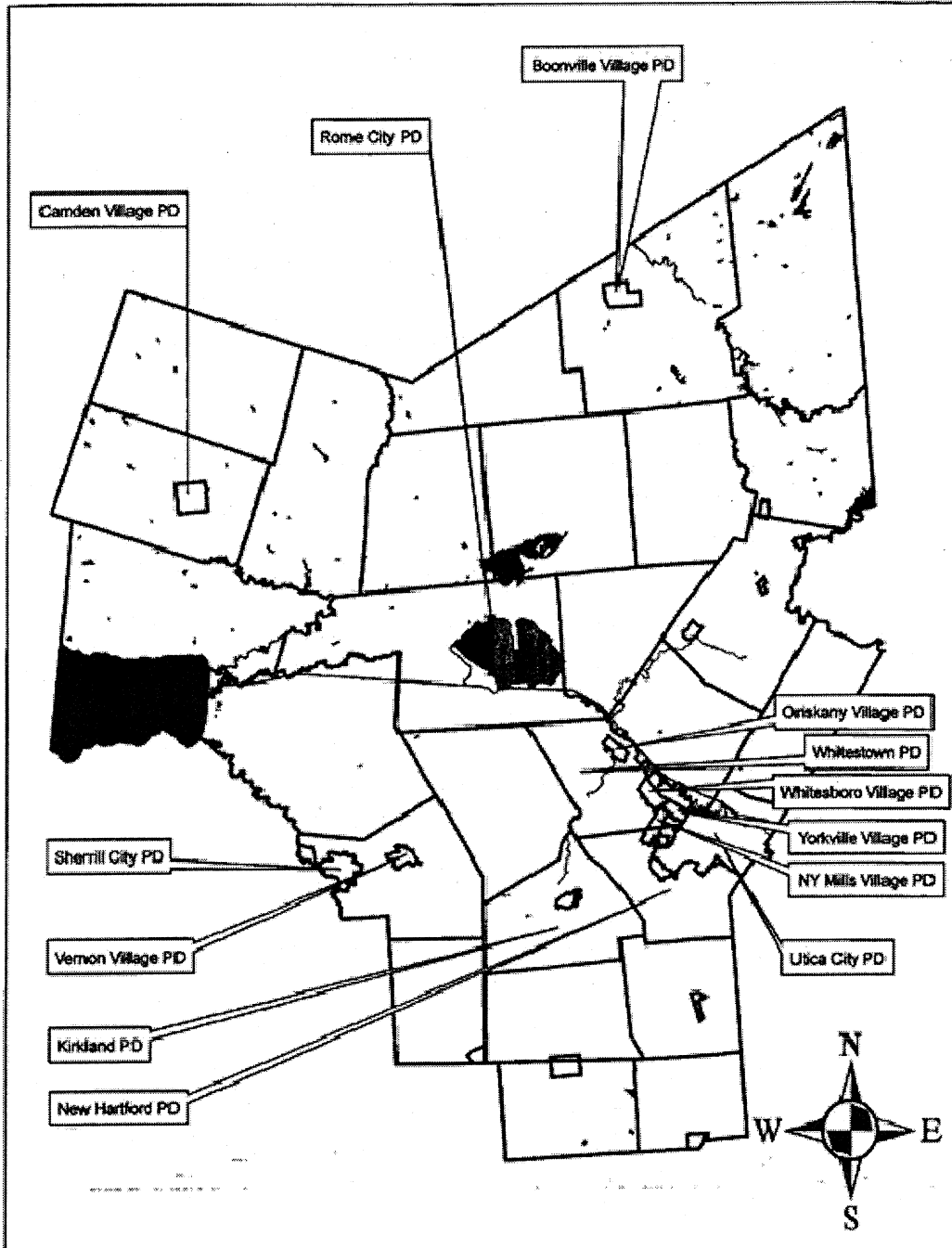
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|--------------------|---------------------|---------------------|
| 1. Barneveld | 18. Lake Delta | 35. Sauquoit |
| 2. Boonville | 19. Lee Center | 36. Sherrill |
| 3. Bridgewater | 20. Maynard | 37. Stanwix Heights |
| 4. Camden | 21. McConnellsville | 38. Stittville |
| 5. Cassville | 22. New Hartford | 39. Sylvan Beach |
| 6. Clark Mills | 23. New London | 40. Taberg |
| 7. Clayville | 24. New York Mills | 41. Utica |
| 8. Cleveland | 25. North Bay | 42. Vernon |
| 9. Clinton | 26. Oneida Castle | 43. Vernon Center |
| 10. Deansboro | 27. Oriskany | 44. Verona |
| 11. Deerfield | 28. Oriskany Falls | 45. Vienna |
| 12. Durhamville | 29. Otter Lake | 46. Waterville |
| 13. Florence | 30. Paris Hill | 47. West Leyden |
| 14. Floyd | 31. Poland | 48. Westernville |
| 15. Forestport | 32. Prospect | 49. Westmoreland |
| 16. Holland Patent | 33. Remsen | 50. Willowvale |
| 17. Kenwood | 34. Rome | 51. Woodgate |

Oneida County Origin and Cause Team Organizational Chart



Appendix D

Local Police Department Agency Map

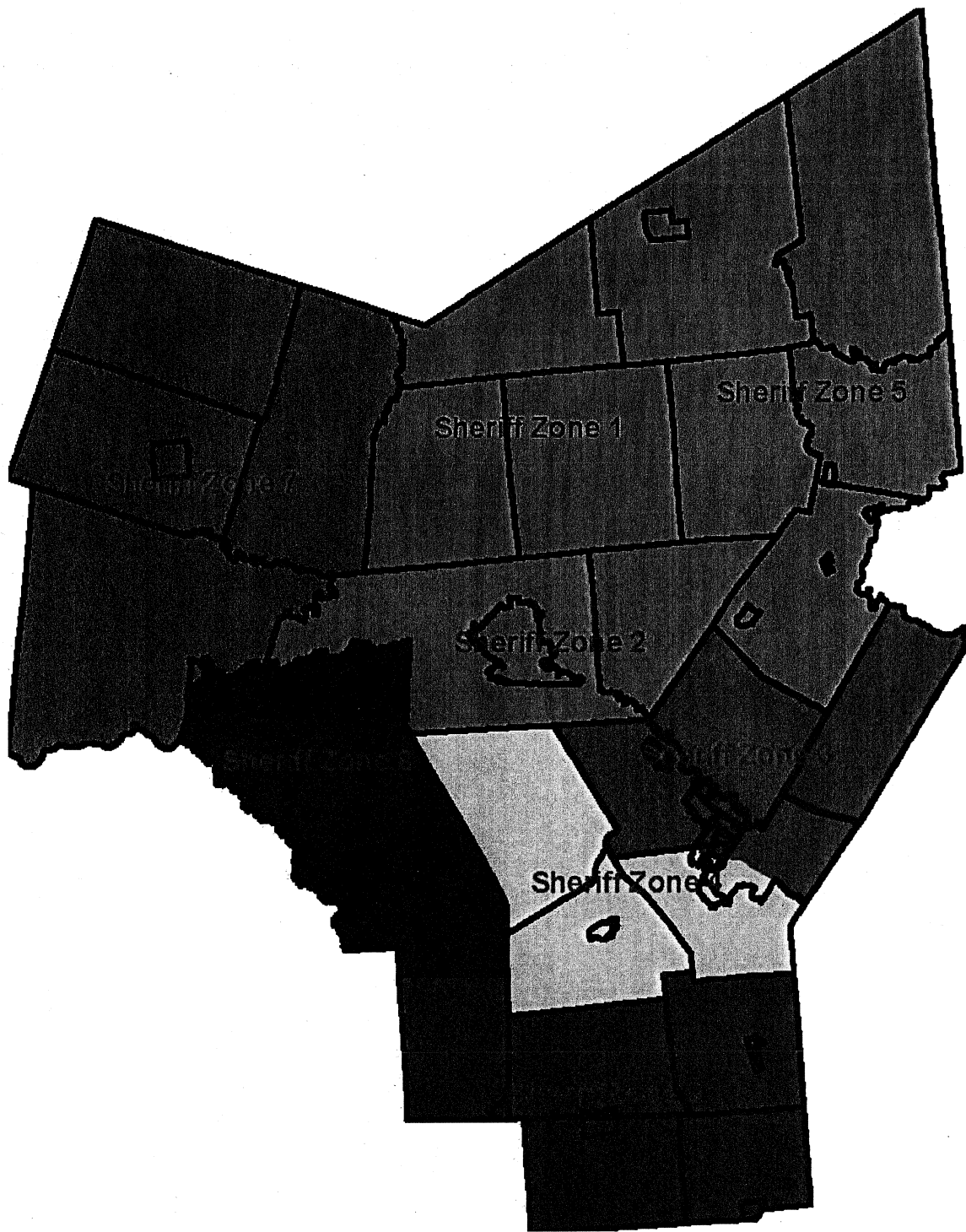


Appendix E

Oneida County Police Departments:

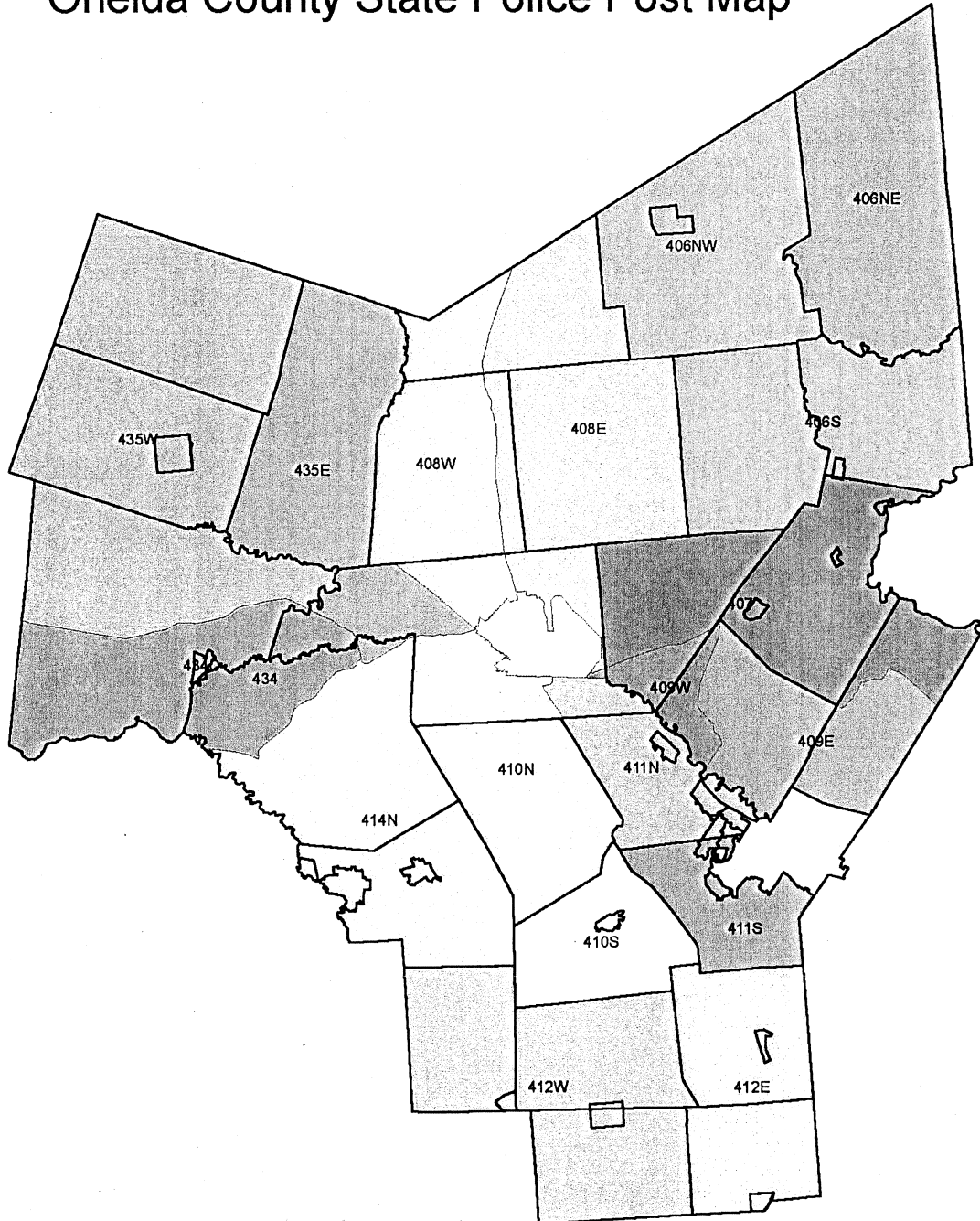
1. Boonville Village Police Department
2. Camden Village Police Department
3. Kirkland Town Police Department
4. New Hartford Town Police Department
5. New York Mills Village Police Department
6. New York State Police
7. Oneida County Sheriff's Office
8. Oriskany Village Police Department
9. Rome City Police Department
10. Sherrill City Police Department
11. Utica City Police Department
12. Vernon Village Police Department
13. Whitesboro Village Police Department
14. Whitestown Town Police Department
15. Yorkville Village Police Department

Appendix F



Appendix G

Oneida County State Police Post Map



Appendix H

Juvenile Fire Setter Intervention Program

A. Purpose:

The Juvenile Fire Setter Intervention Program, on the advice of the Oneida County Fire Advisory Board, has the intent to identify and evaluate individual juvenile fire setters and to provide appropriate counseling to address correcting this behavior. It is the intent of the Juvenile Fire Setter Program to provide a cooperative working relationship, between fire agencies, law enforcement, prosecutors, social services, schools and justice systems in addressing the appropriate needs as associated with juvenile fire setting.

B. Background:

Juvenile fire setting is not a new phenomenon. What is different is how we in the Fire Service and the Community react and adjust to this type of individual. We must not quickly label or categorize these individuals. Each case is different. A child's background, environment, and upbringing need to be taken into account. Therefore, adjusting to a conceptual method of prevention, support, and documentation will be a key component to saving lives.

C. Identification/Assessment:

1. Identify Individual who has been involved with fire setting.
2. Assess and assist both the individual and their family members.
3. Provide adequate service to correct situation.

D. Educational Component:

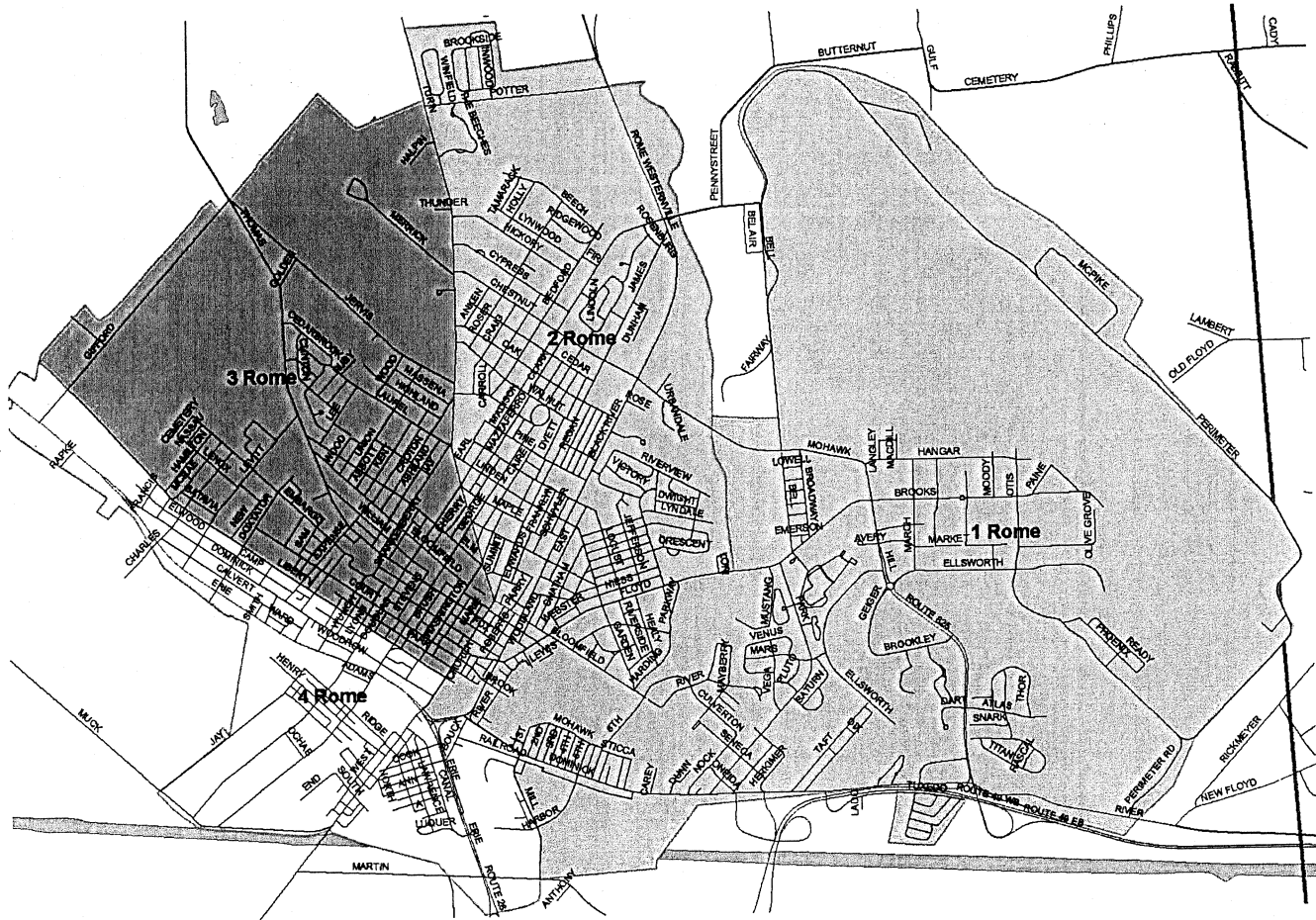
1. Provide education to the individual involved with fire setting.

2. Provide education through the local school via BOCES superintendent's office.
3. Provide education to the various fire departments throughout the county.
4. Record-Referral-Follow up:
 - a. Keep current records of cases involved in the Juvenile Fire Setting Program.
 - b. Refer individuals/families to appropriate services as deemed necessary.
 - c. Follow up on cases to track outcomes.
5. Provide data and statistical interpretation.
6. Continue Program evaluation.

E. Juvenile Fire Setters Program Training:

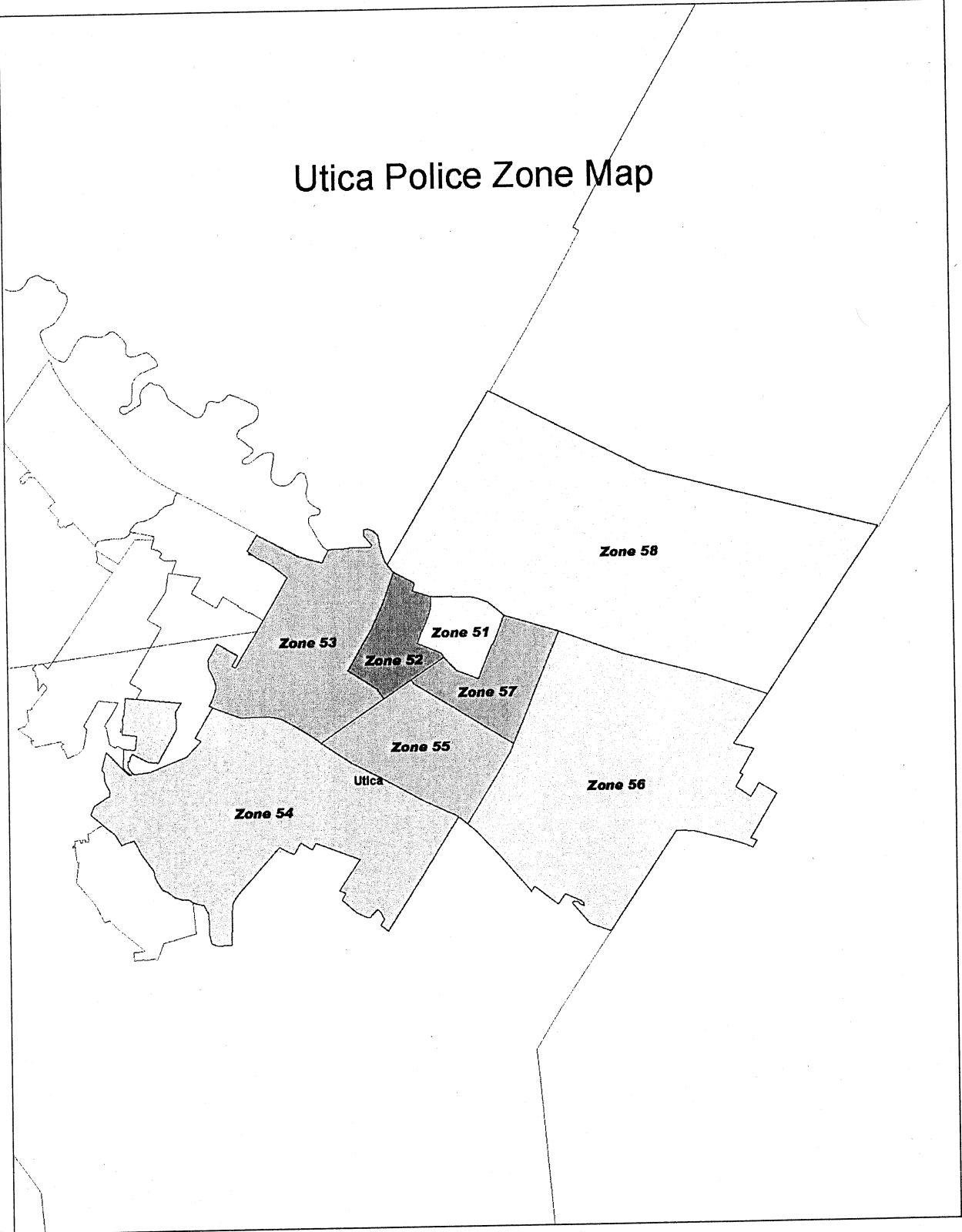
1. Currently, all members of the Juvenile Fire Setter Program are career fire fighters with the Rome Fire Department. It is the intent in 2012 to turn these duties over to the Oneida County Fire Coordinator's Office. These members will complete the USFA support fire service training program as it applies to Juvenile Fire Setter Intervention.
2. In-service training through local law enforcement.
3. Oneida County Probation Department.
4. Area Mental Health Professionals (specialized in children)

Appendix I



Appendix J

Utica Police Zone Map



Appendix K

ONEIDA COUNTY ORIGIN AND CAUSE TEAM STANDARD OPERATING PROCEDURES

The purpose of these standard operating procedures is to ensure the safety of all persons at an investigation and to guide the investigators in the most up-to-date procedures, ethical behavior and use of the most appropriate equipment available to the team in the field.

I. MEMBERSHIP:

- A. Members must be certified fire investigators as per NYS Executive Law Part 426 for Minimum Professional Standards. Volunteers may also apply for Apprentice Membership with the intent of obtaining Level II Fire Investigator Certification within a four year period.
- B. Investigators shall only participate in investigations within the scope of their ability and level of certified training.
- C. The team is organized under GML 209-bb legislation governing specialized teams. All members are Volunteers. All members of the Origin and Cause Team must submit an application and have an authorization form signed by their respective Fire Chiefs before being considered for the Origin and Cause Team. Applications will be submitted to the Oneida County Fire Coordinator for final review and approval.

II. TRAINING:

- A. All members must be familiar with the latest editions of NFPA 921, Guide for Fire & Explosion Investigations, and NFPA 1033, Standard for Professional Qualifications for Fire Investigator. All members shall be encouraged to apply for Pro-Board F1 Certification.

Appendix L: Oneida County Origin & Cause Team Standard Operating Procedures

- B. All member documentation of training must be placed on file with the Training Officer, within the Office of the Oneida County Fire Coordinator.
- C. Oversight of the Oneida County Fire Investigation team members training to maintain certification shall be the responsibility of the Training Officer, as appointed by the Oneida County Fire Coordinator. Oneida County Fire Investigation Team members must annually complete a minimum of six hours of in-service arson-related training or a minimum of 20 hours of documented Fire Investigation activity and maintain Minimum Professional Standard Part 26.

III. SAFETY:

- A. The minimum dress standard for members shall be safety work boots, hard hat, coveralls and work gloves. Turnouts shall be worn when deemed necessary by the lead investigator.
- B. Electrical wires should not be touched until it has been verified that they are not energized or live.
- C. Chimneys, walls and floors shall be checked for structural stability before members may work in the collapse zone (standard= $1\frac{1}{2}$ times the height of the structure).
- D. Air quality must be verified before entry.
- E. Any standing water shall be pumped out when necessary before entry to ensure the safety of the investigator.
- F. The investigator shall be aware of and follow the requirements of safety-related laws (OSHA, federal, state or local codes, rules and regulations) or

those policies and procedures for safety that have been established by their agency, company or organization.

G. Members shall apply the current 204d regulation that relating to "Suspected cigarette caused fire reporting."

H. All members must provide documentation of their physical fitness to their Department prior to submitting an application.

IV. EXCEPTIONS:

A. If it becomes necessary to deviate from these guidelines due to unforeseen circumstances, such exceptions shall be the responsibility of the lead investigator to determine and allow.

V. DISPATCH:

A. The Incident Commander or Fire Coordinator shall request 911 to call out Fire Investigators to respond to the scene, when needed.

B. Each investigator responding to the scene shall advise the 911 Center of their investigator identifier.

VI. RESPONSE:

A. When a notification is made, all available members shall respond and report to the on-scene Incident Commander upon arrival.

- B. Emergency or blue lights are not authorized or allowed when responding to an investigation.
- C. Members shall obey all Vehicle and Traffic Laws when proceeding to respond to the scene of an incident or returning from one.

VII. ON-SCENE DUTY ASSIGNMENTS:

A. Duties:

1. Efforts shall be made to have a minimum of four investigators at every scene, however a Level II Fire Investigator shall be present at all investigations.
2. All members shall work as a team and follow the instructions of the lead investigator at the scene in cooperation with other investigative agencies.
3. A Level II fire investigator must be the lead investigator at each and every scene.
4. The Lead Investigator shall coordinate the investigation, assign responding members tasks, work with respective agencies, facilitate lab exams and be the first level of review for reports.
5. The Lead Fire Investigator shall be a Level II Investigator. Duties will include, coordinating the investigation and work with the respective fire department Chief Officer. The Lead Fire Investigator shall assign responding members their specific duties pertaining to the investigation. The Lead Investigator will also be responsible for preparing and reviewing reports and case files for each investigation.

Appendix L: Oneida County Origin & Cause Team Standard Operating Procedures

6. The Deputy Fire Coordinator for Fire Investigation shall be responsible for the organization of staff, to include scheduling, compliance and act as a liaison between fire department Chief Officers, the Origin & Cause Team, and the Director of Emergency Services. The Deputy Fire Coordinator for Fire Investigation will also assign the Lead Fire Investigator to each incident and also be responsible for conducting final Peer review of all case reports and providing oversight of the maintenance of fire investigation case files.

B. Conduct of Interviews:

1. Introduce yourself as a member of the Origin and Cause Team.
2. Inform all parties on the scene that you are there to determine the cause and origin of the fire.
3. Interview a subject away from the immediate fire scene and media.
4. Identify the interviewee (1st firefighter, caller, witness, owner, etc) and provide the interviewee's full name, DOB, address and telephone number.
5. All documented interviews must be lead by a Level II fire investigator and can be supplemented with assistance from Level I fire investigators.
6. If the interview must be conducted as an interrogation, law enforcement agency personnel are highly trained in conducting such interrogations and the interview should then be turned over to law enforcement personnel.

C. Evidence:

1. Physical evidence should be gathered by the following accepted methods as directed by the lead investigator at the scene. The lead investigator must be Level II F1 certified.

Appendix L: Oneida County Origin & Cause Team Standard Operating Procedures

2. Any evidence gathered shall be secured within the chain of custody to ensure its validity by the lead investigator.
3. Evidence collected during an investigation is turned over to the law enforcement agency having jurisdiction and to the NYS Police Forensic Laboratory for testing analysis. The Origin and Cause Team does not have the facilities to provide the necessary storage and safe keeping of evidence.

D. Scene Security:

1. Efforts shall be made to secure the scene until the origin and cause is determined.
2. Fire personnel or police agencies shall be called in to protect and preserve the scene when necessary.

E. Photography:

1. A photograph log shall be kept of all investigations. The content of such a log shall be as determined by the lead investigator.

F. Origin and Cause:

1. All efforts shall be made to determine the origin and cause of every fire.
2. The fire cause may be classified as accidental, natural, incendiary or undetermined.

G. Reports:

1. All reports submitted shall contain only factual information concerning the scene, evidence and statements of individuals.
2. The report shall contain all information gathered and be presented in a completed form to the lead investigator who will then submit such report to the Oneida County Fire Coordinator's Office.
3. Any final determination or conclusion as to the origin and cause shall be the duty of the lead investigator.
4. Investigators shall keep all of their field notes with original files.
5. All case files of fire investigations as conducted by the Oneida County Origin and Cause Team shall be maintained in the Office of the Oneida County Fire Coordinator.

VIII. LAW ENFORCEMENT:

- A. A law enforcement agency shall immediately be notified and the scene will be secured when it is determined that a crime scene exists, or at such a time that the fire's cause is considered suspicious or determined to be incendiary.

IX. COURT APPEARANCE:

- A. The investigator must be prepared to appear in court when required.
- B. The investigator shall give testimony in an unemotional and factual manner.

- C. The investigator shall appear in court appropriately dressed and shall maintain a professional appearance.

X. REVIEW AND REVISION:

- A. These procedures shall be reviewed annually by the Team to ensure compliance with current standards.