

# Office of the County Attorney



## FINANCE, LEGAL & SAFETY COMMITTEE

September 12, 2023

10:30 a.m.

- APPROVAL OF MINUTES: August 15, 2023
  
- FINANCIAL
  - Safety
  - Law
  
- OLD BUSINESS
  - Litigation
  - In Rem Closings an Appraisals
  - Budget
  
- NEW BUSINESS
  - Election Worker Rules
  - Liability Fund
  - Contracts
  
- PERSONNEL
  - Paralegal Position
  - Succession Plannings
  
- RESOLUTIONS
  - AMEND EMPLOYEE HANDBOOK: SECTION IV. PERSONNEL RULES; SUBSECTION K. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA POLICY
  - AMEND EMPLOYEE HANDBOOK: SECTION II-ETHICS RULES: ADD NEW WHISTLEBLOWER POLICY
  - AMEND RESOLUTION NO. 193-18, AS AMENDED BY RESOLUTION NO. 45-23; AS AMENDED BY RESOLUTION NO. 255-23 AS AMENDED BY RESOLUTION 296-23 ADOPTION OF TIOGA COUNTY TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN, LIMITED ENGLISH PROFICIENCY PLAN, DATA COLLECTION PLAN, ADA TRANSITION PLAN AND EMPLOYEE TRAINING PLAN
  - TRANSFER OF FUNDS BUDGET MODIFICATION DISTRICT ATTORNEY

- REQUEST AND TRANSFER OF CONTINGENCY FUNDS & MODIFY 2023 BUDGET  
ASSIGNED COUNSEL
  
- PROCLAMATIONS
  - N/A
  
- EXECUTIVE SESSION
  
- ADJOURNMENT

# Office of the County Attorney

Ronald E. Dougherty County Office Building 56 Main Street Owego, NY 13827

Peter J. DeWind County Attorney ☎ 607 687 8253 📠 607 223 7003 🌐 [www.TiogaCountyNY.com](http://www.TiogaCountyNY.com)



## FINANCE, LEGAL AND SAFETY COMMITTEE

August 15, 2023

10:30 A.M.

### ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Brown, Mullen, Monell, Standinger, Roberts, Flesher, and Weston.

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Chief Accountant Jerzak, Safety Officer Holbrook, Personnel Officer Parke, Public Defender Awad, Assigned Counsel Administrator Graven, Assistant District Attorney Lillian Reardon.

**APPROVAL OF THE MINUTES:** Legislator Ciotoli asked for a motion to approve the July 11, 2023, minutes. Legislator Mullen made the motion seconded by Legislator Brown and was unanimously carried.

**FINANCIAL:** Safety's and Law's budget are tracking well.

### OLD BUSINESS:

- **Litigation:** There has been no movement for the New York City lawsuit since the last Committee meeting. The Emergency Orders still continue for Tioga County. Additional litigation matters will be discussed during executive session.
- **In Rem:** There has been no progress with New York State's new bill pertaining to In Rems in the Senate. The County auctioned off 20 parcels under tax foreclosure on August 10, 2023, at the Quality Inn in Owego. 150 people total attended with 75 bidders. Highest bids resulted in a total sales income of \$342,000, for a surplus of \$208,000, which will be put into a reserve account. There was discussion regarding staff time and resources for genealogy research costs to comply with what we expect will be required through the new In Rem process.
- **Motorola Tower Project:** The project continues to move forward.
- **Title VI Recertification:** The County has been recertified for three years.

### NEW BUSINESS:

- **Public Defender's Budget:** Public Defender Awad presented the budget, noting that there are no changes for 2024. A grant through the Office of Indigent Legal Services (ILS) covers any additional expenses. There have been no changes to this budget in 5 years.

- ILS's Budget: Assigned Counsel Administrator Graven presented the budget. New York State recently increased the assigned counselor rate from \$75 to \$158 per hour. There is a County mandate for an assigned counsel fund. The costs and budget will be changing, and there may be a request for more funds this year. Total expenditure so far this year is \$175,000. New York State reimburses the County for some costs through the Hurrell Harring Grant. The total budget for 2023 is \$368,526 and the projected need for 2024 could be \$115,000 more. New attorneys have been added to the assigned counsel list.
- District Attorney's Budget: Assistant District Attorney Lillian Reardon presented the budget, noting a zero budget with some considerations. The County has experienced an increase in homelessness and violent crime which are impacting their office. The Traffic Diversion program and temporary staff have been helpful. There is no request for additional funds at this time for the 2024 budget, but the District Attorney may request additional funds in the future for expenses related to trials.
- Safety's Budget: County Attorney DeWind presented the budget with no changes for 2024.
- Legal's Budget: County Attorney DeWind presented the budget. There were costs associated with hiring of a new Assistant County Attorney, necessitating the need for an increase in the Training/Dues, and Books object lines. Advertising needs for Fair Housing and Compliance was not included in the 2024 suggested budget, necessitating an increase in the Advertising object line. The propose 2024 budget has a slight increase from the 2023 budget projection in the amount of \$3,650.
- Real Estate Assessor: The County plans to hire a third party to assess the current value of properties eligible for foreclosure due to non-payment of taxes. The Legislature approved splitting the expense with the Land Bank.

PERSONNEL: Secretary to the County Attorney is on vacation August 8 until August 16, 2023.

RESOLUTIONS: AUTHORIZE TRANSFER OF FUNDS FOR PURCHASE OF OFFICE CHAIR FOR THE DISTRICT ATTORNEY'S OFFICE; EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT SOUTH APALACHIN ROAD, APALACHIN, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT 54 DODGE ROAD,

SPENCER, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT 246 DAVIS ROAD, TOWN OF RICHFORD, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; EXECUTE LEASE AND EASEMENT AGREEMENT OF PROPERTY LOCATED AT 110 C BABCOCK ROAD, NICHOLS, NEW YORK TO INSTALL, HOUSE, AND MAINTAIN A COMMUNICATIONS TOWER; MODIFY 2023 BUDGET AND APPROPRIATION OF FUNDS SAFETY OFFICE were moved into full Legislative session without further questions.

PROCLAMATIONS: None

EXECUTIVE SESSION: Mr. DeWind asked for an executive session to discuss litigation matters. Legislator Mullen made the motion to enter into executive session, seconded by Legislator Brown at 11:40 A.M. Legislator Brown made the motion to exit from executive session and was seconded by Legislator Flesher at 11:58 A.M.

ADJOURNMENT: Legislator Ciotoli adjourned the Finance, Legal, and Safety Committee meeting at 11:59 A.M.

Respectfully submitted,

Erin Riddle

Secretary to the First Assistant County Attorney



**Tioga County  
2023 SAFETY BUDGET REPORT**

FOR 2023 10

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>CI Liability Insurance Fund</b>							
<b>CI8042 504 Coordinator/Safety</b>							
CI8042 424010 Interest And Earn	0	0	0	-1,636.31	.00	1,636.31	100.0%
CI8042 510010 Fulltime	57,523	0	57,523	27,999.45	.00	29,523.55	48.7%
CI8042 520190 Nursing Equipment	0	1,288	1,288	.00	.00	1,287.89	.0%
CI8042 540140 Contracting Servi	164,500	-161,000	3,500	2,784.00	190.00	526.00	85.0%
CI8042 540140 M7674 Contracting	0	161,000	161,000	48,735.47	56,264.53	56,000.00	65.2%
CI8042 540340 Literature	250	0	250	.00	.00	250.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	1,420.80	.00	579.20	71.0%
CI8042 540420 Office Supplies	400	0	400	201.42	.00	198.58	50.4%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	442.90	.00	157.10	73.8%
CI8042 540733 Training/All Othe	3,500	-1,288	2,212	811.19	.00	1,400.92	36.7%
CI8042 581088 State Retirement	2,744	0	2,744	3,447.99	.00	-704.21	125.7%*
CI8042 583088 Social Security F	2,232	0	2,232	1,990.82	.00	241.28	89.2%
CI8042 584088 Workers Compensat	1,224	0	1,224	636.61	.00	587.73	52.0%
CI8042 585588 Disability Insura	0	0	0	33.93	.00	-33.93	100.0%*
CI8042 586088 Health Insurance	0	0	0	13,170.56	.00	-13,170.56	100.0%*
CI8042 588988 Eap Fringe	15	0	15	7.93	.00	6.63	54.5%
<b>TOTAL 504 Coordinator/Safety</b>	<b>235,063</b>	<b>0</b>	<b>235,063</b>	<b>100,046.76</b>	<b>56,454.53</b>	<b>78,561.49</b>	<b>66.6%</b>
<b>TOTAL Liability Insurance Fund</b>	<b>235,063</b>	<b>0</b>	<b>235,063</b>	<b>100,046.76</b>	<b>56,454.53</b>	<b>78,561.49</b>	<b>66.6%</b>
<b>TOTAL REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-1,636.31</b>	<b>.00</b>	<b>1,636.31</b>	
<b>TOTAL EXPENSES</b>	<b>235,063</b>	<b>0</b>	<b>235,063</b>	<b>101,683.07</b>	<b>56,454.53</b>	<b>76,925.18</b>	
<b>GRAND TOTAL</b>	<b>235,063</b>	<b>0</b>	<b>235,063</b>	<b>100,046.76</b>	<b>56,454.53</b>	<b>78,561.49</b>	<b>66.6%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*



# TIOGA COUNTY, NEW YORK

## Tioga County 2023 LEGAL BUDGET REPORT

FOR 2023 10

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
<b>A General Fund</b>							
<b>A1420 Law</b>							
A1420 412706 Shared Services-At	-50,079	0	-50,079	-19,871.88	.00	-30,207.12	39.7%*
A1420 510010 Full Time	212,439	0	212,439	138,901.92	.00	73,537.08	65.4%
A1420 510020 Part Time/Temporar	45,000	0	45,000	23,692.32	.00	21,307.68	52.6%
A1420 510050 All Other(On Call,	2,000	-2,000	0	.00	.00	.00	.0%
A1420 520200 Office Equipment	450	0	450	239.99	.00	210.01	53.3%
A1420 540010 Advertising	100	27	127	127.00	.00	.00	100.0%
A1420 540040 Books	500	563	1,063	1,027.55	.00	35.45	96.7%
A1420 540180 Dues	1,200	0	1,200	678.00	.00	522.00	56.5%
A1420 540330 Legal Fees	65,000	0	65,000	31,089.38	21,194.87	12,715.75	80.4%
A1420 540331 Legal Fees-Adolesc	0	1,410	1,410	750.00	.00	660.00	53.2%
A1420 540390 Mileage Expense	100	0	100	100.00	.00	.00	100.0%
A1420 540420 Office Supplies	825	-85	740	226.11	.00	513.89	30.6%
A1420 540480 Postage	150	0	150	148.07	.00	1.93	98.7%
A1420 540485 Printing/Paper	400	0	400	114.43	.00	285.57	28.6%
A1420 540731 Training/State Req	200	85	285	285.00	.00	.00	100.0%
A1420 581088 State Retirement F	17,918	0	17,918	14,473.83	.00	3,444.59	80.8%
A1420 583088 Social Security Fr	15,182	0	15,182	12,099.54	.00	3,082.64	79.7%
A1420 584088 Workers Compensati	3,673	0	3,673	3,427.90	.00	245.12	93.3%
A1420 585588 Disability Insuran	204	0	204	140.94	.00	62.64	69.2%
A1420 586088 Health Insurance F	49,507	0	49,507	59,597.98	.00	-10,090.60	120.4%*
A1420 588988 Eap Fringe	44	0	44	42.70	.00	.98	97.8%
<b>TOTAL Law</b>	<b>364,813</b>	<b>0</b>	<b>364,813</b>	<b>267,290.78</b>	<b>21,194.87</b>	<b>76,327.61</b>	<b>79.1%</b>
<b>TOTAL General Fund</b>	<b>364,813</b>	<b>0</b>	<b>364,813</b>	<b>267,290.78</b>	<b>21,194.87</b>	<b>76,327.61</b>	<b>79.1%</b>
<b>TOTAL REVENUES</b>	<b>-50,079</b>	<b>0</b>	<b>-50,079</b>	<b>-19,871.88</b>	<b>.00</b>	<b>-30,207.12</b>	
<b>TOTAL EXPENSES</b>	<b>414,892</b>	<b>0</b>	<b>414,892</b>	<b>287,162.66</b>	<b>21,194.87</b>	<b>106,534.73</b>	
<b>GRAND TOTAL</b>	<b>364,813</b>	<b>0</b>	<b>364,813</b>	<b>267,290.78</b>	<b>21,194.87</b>	<b>76,327.61</b>	<b>79.1%</b>

\*\* END OF REPORT - Generated by Freyvogel, Christine \*\*

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK: SECTION IV.  
PERSONNEL RULES; SUBSECTION K.  
EQUAL EMPLOYMENT OPPORTUNITY/  
AFFIRMATIVE ACTION/ADA POLICY

WHEREAS: The County Attorney has reviewed the Employee Handbook for compliance with Title VI recertification and has identified the need to amend Section IV. Personnel Rules; Subsection k. Equal Employment Opportunity/Affirmative Action/ADA Policy with the revision of Sections III, IV and V; and

WHEREAS: The Employee Handbook and Tioga County Title VI Plan requires updating of the Equal Employment Opportunity/Affirmative Action/ADA Policy; and

WHEREAS: The County Attorney has updated and proposed Subsections III., IV. and V. of the Equal Employment Opportunity/Affirmative Action/ADA Policy; therefore be it

RESOLVED: That Section III. Implementation Responsibilities is hereby amended to read as follows:

### **III. Implementation Responsibilities**

- A. Personnel Officer:** The Personnel Officer shall have the ultimate authority and responsibility for ensuring that the objectives of the County EEO/Affirmative Action/ADA policy are met with regard to employment practices, and for enforcing Federal and State equal employment opportunity and anti-discrimination laws within County government. Specific responsibilities include, but are not limited to:
- Effectuating corrective action, to the extent permissible under Federal, State, and County laws, collective bargaining agreements, and as otherwise deemed necessary to implement the objectives of this policy and the fact-finding determinations resulting from any investigation.
  - Reviewing and approving all goals and objectives of the EEO/Affirmative Action/ADA Policy.
  - Shall serve as the Equal Employment Opportunity/Affirmative Action Officer. Specific responsibilities include, but are not limited to:



1. Providing administrative oversight for development and implementation of the EEO/Affirmative Action/ADA Policy.
2. Monitoring personnel procedures and policies that relate to recruitment, classification, compensation, training, resignation, retirement, and other terms, conditions, and benefits of employment.
3. Ensuring distribution of the EEO/Affirmative Action/ADA Policy to all new hires through the New Employee Orientation process.
4. Consulting with the County Attorney, as needed, on the overall policy, plan, and program administration.

**B. Commissioners/Department Heads/Appointing Authorities**

**("Department Heads")**: Department Heads are generally responsible for ensuring that the County's EEO/Affirmative Action/ADA Policy is fully implemented within their departments. Specific responsibilities include, but are not limited to:

- Disseminating the EEO/Affirmative Action/ADA Policy to their employees on an on-going basis.
- Ensuring the implementation of any actions as determined or requested by the Personnel Officer, with regard to attaining the goals of the EEO/Affirmative Action/ADA Policy within their department, including corrective actions.

c. **County Attorney**: The County Attorney shall be the recipient of all complaints filed under this policy and shall arrange for necessary investigations, in consultation with the County Legislative Chair.

d. **ADA Coordinator(s)**: The ADA Coordinator(s) is responsible for investigation of all issues of accessibility to County buildings and shall forward recommendations on issues/problems requiring legislative action through the County Attorney to the Legal, Finance and Safety Committee.

And be it further

RESOLVED: That Section IV. Employment Discrimination Complaint Procedure paragraphs three and four be amended to read as follows:

Any complaint of discrimination from an employee or applicant for employment shall be handled in the same manner as outlined in the Title VI Plan: Title VI Complaint Procedures. The Tioga County Title VI Complaint Form can be found on the County's website under County Attorney-Compliance Reporting Forms or by using the link below:

<https://www.tiogacountyny.gov/media/t5fohl1yh/civil-rights-complaint-form.pdf>.

In addition, complaints may be filed with the New York State Division of Human Rights regional office located at: 44 Hawley Street, Room 603, Binghamton, New York 13901 or emailed to [complaints@dhr.ny.gov](mailto:complaints@dhr.ny.gov).

And be it further

RESOLVED: That Section V. Accessibility Complaint Procedure be amended to read as follows:

Tioga County will make every effort to ensure all facilities meet Federal guidelines for accessibility. Employees are expected to report problems in this regard, whether affecting the public or themselves promptly.

Complaints may be filed with a Supervisor, Department Head, County Attorney or Personnel Officer. The incumbents of all the above listed positions are eligible to receive such complaints and are obliged to document the complaint and forward it to the ADA Coordinator(s) to allow for investigation and coordination of avenues to correct or mitigate identified issues.

And be it further

RESOLVED: That the remainder of the Section IV. Personnel Rules, Subsection k. Equal Employment Opportunity/Affirmative Action/ADA Policy remains unchanged.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE  
LEGISLATIVE WORKSESSION  
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:  
SECTION II-ETHICS RULES; ADD NEW  
WHISTLEBLOWER POLICY

WHEREAS: By Local Law No. 5 of the Year 1990 Tioga County adopted the Tioga County Ethics Law to provide guidance to county officers, employees, and appointed officials regarding Tioga County's expectations for standards of ethics and conduct; and

WHEREAS: The County Attorney, in conjunction with the Legislative Clerk, have determined Tioga County would benefit from a comprehensive whistleblower policy codified in a single location and that provides greater clarity and guidance to county officers, employees, and appointed officials regarding the reporting of unlawful and unethical activity without fear of retaliation and provides procedures for reporting and investigating such activity; and

WHEREAS: The County Attorney has written and proposed a new program entitled Whistleblower Policy; therefore be it

RESOLVED: That Section II-Ethics Rules: Whistleblower Policy is hereby added to read as follows:

## **SECTION II – ETHICS RULES**

### **WHISTLEBLOWER POLICY**

Sections:

- I. Purpose
- II. Provisions
- III. Definitions
- IV. Reporting Wrongdoing
- V. Protections
- VI. No Retaliation or Interference
- VII. Other Legal Rights Not Impaired
- VIII. Trainings

## **I. PURPOSE**

It is the policy of Tioga County to afford certain protections to individuals who in good faith report violations of Tioga County's Code of Ethics or instances of potential wrongdoing within Tioga County.

## **II. PROVISIONS**

New York State Labor Law section 740 and the Federal False Claims Act of 1863 (revised 1986) provides protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action covered by the Labor Law or under the False Claims Act.

## **III. DEFINITIONS**

**Good faith:** Information concerning potential wrongdoing is disclosed in "good faith" when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

**Personnel Action:** Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement, or evaluation of performance.

**Qui Tam:** A provision of the Federal Civil False Claims Act that allows private citizens to file a lawsuit in the name of the U.S. Government charging fraud by government contractors and others who receive or use government funds, and to share in any money recovered.

**Tioga County Employee:** All employees employed with Tioga County whether full-time, part-time, employed pursuant to contract, employees on probation, temporary employees, and interns.

**Whistleblower:** Any Tioga County employee who in good faith discloses information concerning wrongdoing by another Tioga County employee or concerning the business of Tioga County itself.

**Wrongdoing:** Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by a Tioga County employee that relates to Tioga County.

#### **IV. REPORTING WRONGDOING**

All employees who discover or have knowledge of potential wrongdoing concerning employees of Tioga County, or a person having business dealings with Tioga County, or concerning Tioga County itself, shall report such activity in accordance with the following procedure:

- a. The Tioga County employee shall disclose any information concerning wrongdoing either orally or in a written report to their supervisor or to the County Attorney and/or Personnel Officer. However, reports may be submitted anonymously by mailing or interofficing a written statement to the County Attorney and/or the Personnel Officer.
- b. All Tioga County employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c. The identity of the whistleblower and the substance of their allegations will be kept confidential to the best extent possible. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal right of defense.
- d. The County Attorney and/or Personnel Officer or their designee will investigate and document the claim in a timely and reasonable manner.
- e. Should a Tioga County employee believe in good faith that disclosing information would likely subject them to adverse personnel action or be wholly ineffective, the employee may instead disclose the information to an appropriate law enforcement agency.

#### **V. PROTECTIONS**

Tioga County employee disclosures are protected if the employee who first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or client(s) and the employee believes in good faith that reporting to a supervisor would not result in corrective action. This policy is intended to support the reporting of illegal activities and to protect officers and employees from retaliation who, in good faith, have reported a concern of improper governmental action. This policy implements New York State Labor Law §740 and Civil Service Law §75-b.

Any officer or employee of the County who becomes aware of improper governmental action by an officer or employee of Tioga County must report

such conduct. No office or employee of Tioga County shall take retaliatory action against an employee because the employee makes a good faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule, or regulation governing officers and employees of Tioga County. Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation.

## **VI. NO RETALIATION OR INTERFERENCE**

No Tioga County employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority.

No Tioga County employee shall interfere with the right of any other Tioga County employee by any improper means aimed at deterring disclosure of potential wrongdoing.

Any attempts at retaliation or interference are strictly prohibited and:

- a. No Tioga County employee who in good faith discloses potential violations of this Public Authority Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation, or adverse personnel action.
- b. Any allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by Tioga County.
- c. Any Tioga County employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of Tioga County's Code of Ethics or other instances of potential wrongdoing is subject to disciplinary action, which may include termination of employment.
- d. Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

## **VII. OTHER LEGAL RIGHTS NOT IMPAIRED**

The Whistleblower Policy and procedures set forth herein are not intended to limit, diminish, or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

Specifically, this Whistleblower Policy and procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York.

### **VIII. TRAININGS**

Supervisors will be trained on this policy and Tioga County's prohibition of retaliation in accordance with this policy.

REFERRED TO: PERSONNEL COMMITTEE  
LEGISLATIVE WORKSESSION  
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION NO. 193-18, AS AMENDED BY  
RESOLUTION NO. 45-23; AS AMENDED BY  
RESOLUTION NO. 255-23 AS AMENDED BY  
RESOLUTION 296-23 ADOPTION OF TIOGA COUNTY  
TITLE VI PLAN, ENVIRONMENTAL JUSTICE PLAN,  
LIMITED ENGLISH PROFICIENCY PLAN, DATA  
COLLECTION PLAN, ADA TRANSITION PLAN AND  
EMPLOYEE TRAINING PLAN

WHEREAS: The Tioga County Legislature adopted the Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan by way of Resolution No. 193-18 on August 17, 2018, and amended the Plan by way of Resolution No. 45-23 on January 10, 2023, and Resolution No. 255-23 on June 13, 2023, and Resolution No. 296-23 on July 11, 2023; and

WHEREAS: The Department of Labor recently audited the County's Title VI Plan for recertification purposes; and

WHEREAS: The Department of Labor is requiring revisions to the County's Title VI Plan as follows:

- Title VI Plan Table of Contents Attachment 6: Public Participation Plan be added.
- Title VI Plan Table of Contents Attachment 7: American with Disabilities (ADA) Transition Plan be added.
- Title VI Plan Table of Contents Attachment 8: ADA Authorizing Resolution(s) be added.
- Tioga County Public Participation Plan be added to the Title VI Plan.
- American with Disabilities (ADA) Transition Plan be added to the Title VI Plan.
- Amend Equal Employment Opportunity/Affirmative Action/ADA Policy.
- Font is updated to Century Gothic 12.

Therefore be it

RESOLVED: That this resolution shall amend Resolution No. 193-18, as amended by Resolution No. 45-23, as amended by Resolution No. 255-23, as amended by Resolution 296-23 only for the following revisions to the Tioga County Title VI Plan:

- Title VI Plan Table of Contents Attachment 6: Public Participation Plan be added.



- Title VI Plan Table of Contents Attachment 7: American with Disabilities (ADA) Transition Plan be added.
- Title VI Plan Table of Contents Attachment 8: ADA Authorizing Resolution(s) be added.
- Tioga County Public Participation Plan be added to the Title VI Plan.
- American with Disabilities (ADA) Transition Plan be added to the Title VI Plan.
- Amend Equal Employment Opportunity/Affirmative Action/ADA Policy.
- Font is updated to Century Gothic 12.

And be it further

RESOLVED: That Attachment 6 Tioga County Public Participation Plan is hereby added to read as follows:

## **ATTACHMENT 6 TIOGA COUNTY PUBLIC PARTICIPATION PLAN**

### **Introduction:**

The purpose of this Public Participation Plan ("the Plan") is to describe Tioga County's Public Participation Program which comprises the various outreach activities that Tioga County engages in to ensure that all members of the public, including populations that have lacked access to the decision-making process, are given the opportunity to participate in the planning processes that shape Tioga County.

### **Strategies and Desired Outcomes:**

To promote inclusive public participation, Tioga County will employ the following strategies, as appropriate:

- Provide for early, frequent, and continuous engagement by the public.
- Select accessible and varied meeting locations and times.
- Employ different meeting sizes and formats.
- Use social media in addition to other resources to gain public involvement.
- Use newspaper ads in publications that serve LEP populations.
- Contract with outside agency(ies) for additional outreach methods to engage minority and LEP populations.

### **Public Outreach Activities:**

The public outreach and involvement activities conducted by Tioga County since the last Title VI Program submission in 2018 are summarized below.

Tioga County staff have reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 1,496 individuals in the Tioga County service area comprising 3.2% of the population speak a language other than English.
- b. Of those, 503 individuals have limited English proficiency; that is; they speak English less than "very well" or "not at all." This is only 1.046% of the overall population in the service area.
- c. In the Tioga County service area, of those persons with limited English proficiency:
  - 0.2 % speak Asian and Pacific Island languages.
  - 0.01% speak other languages.
  - 1.9% speak other Indo-European languages.
  - 1% speak Spanish.

Tioga County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits and found Tioga County staff members have had little to no contact with LEP persons.

There is not a large geographic concentration of any type of LEP individuals in the service area for Tioga County. The overwhelming majority of the population, 96.8%, speaks only English. As a result, there are few social; service; or professional and leadership organizations within the Tioga County service area that focus on outreach to LEP individuals.

Tioga County has identified organizations willing to provide voluntary language and document translation and interpretation services if needed within a reasonable time frame. Other translation services are provided by telephone from LanguageLine for which Tioga County pays a fee for. Language Identification Tool posters were sent to all departments to be posted in areas open to the public with trainings offered on use of the poster.

Services to use for Hearing-impaired was updated to include information for the NYS Call 711 Relay Service, Southern Tier Independence Center (STIC), and Registry of Interpreters of the Deaf (RID).

### **Getthere:**

Tioga County does not have public transportation services but does have a contract for the administration of Getthere Mobility Management Project. Getthere does extensive marketing and outreach for this project and has a dedicated website, (<https://gettherescny.org/home>) to announce any changes or events. Getthere does outreach to many non-profits within the project area. Tioga County, Achieve, AVRE and the Office of the Aging actively participate in the Getthere quarterly advisory meetings to ensure outreach efforts are appropriate and accessible to all residents. Tioga County attends quarterly meetings of the Binghamton Metropolitan Transportation Study.

Getthere is the mobility management program of the Rural Health Network of South-Central New York, whose mission is to advance the health and well-being of rural people and communities. Getthere operates a transportation information and assistance call center, open Monday-Friday, 7 AM to 5:30 PM, that helps those with transportation needs to find workable, affordable solutions. Serving five counties, Getthere provides transportation information and case management services, financial assistance for eligible individuals who need transportation to healthcare appointments, transportation to employment services, and training on how to use public transportation. Getthere works collaboratively with partners and stakeholders in Broome, Chenango, Delaware, Otsego, and Tioga counties.

### **Public Meetings:**

The Tioga County Legislature meets three times per month, departmental committees meet once a month, and numerous boards and sub-boards meet once per month. All meetings and public hearings are noticed for public involvement.

All Tioga County Legislative meetings are held at the Ronald E. Dougherty County Office Building, an accessible facility. Legislative meetings are recorded and available to the public with written minutes of departmental committee meetings provided on the County's website. Special language services are provided in response to citizen requests. Tioga County posts all information, agendas, minutes, and public documents on its public website which is fully accessible by both computer and cellular technologies and is designed to be maximally acceptable by people with disabilities.

And be it further

RESOLVED: That the Equal Employment Opportunity/Affirmative Action/ADA Policy amended policy be added to the Title VI Plan; and be it further

RESOLVED: That Attachment 7 Americans with Disabilities (ADA) Transition Plan is hereby added to read as follows:

## **ATTACHMENT 7 AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

### **AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN**

This ADA Transition Plan reflects Tioga County's long-term commitment to ADA compliance, and details the stages of Tioga County's plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

### **INTRODUCTION**

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, Tioga County has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that Tioga County identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

The ADA requires that the Transition Plan include the following components:

1. Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
2. Identification of the methods to be used to remove any barriers limiting accessibility;
3. A schedule for completion of the necessary steps to achieve accessibility in public facilities; and

4. The name of the public entity's ADA Coordinator.

## **STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN TIOGA COUNTY FACILITIES**

The first phase of the ADA Transition Plan is to evaluate Tioga County's public facilities for accessibility. The ADA Coordinator along with Public Works will coordinate to conduct accessibility evaluations of the following:

- Sidewalks, crosswalks, and curb ramps
- Publicly accessible buildings
- Parking lots serving publicly accessible buildings

For each facility evaluated, a Survey of Tioga County's Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey.

### **Schedule for Completion**

The ADA Coordinator and Public Works will coordinate each spring to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. The evaluations will be scheduled to evaluate outdoor facilities prior to the winter months to avoid snow cover that may impede a thorough review and will be completed by May 31 of each year.

## **STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS**

The second phase of Tioga County's ADA Transition Plan is a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements.

Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented to the Tioga County Legislature at the public meeting of the Tioga County's Finance, Legal and Safety Committee. It is Tioga County's practice to provide public notice of the dates and agendas of Committee meetings on the Tioga County's website. This will provide the public with an opportunity to participate in the formulation of the ADA Transition Plan.

### **A. Nature of Improvements and Structural Feasibility**

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of Tioga County facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that the ADA Coordinator determines are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

## B. Priority of Improvements

### Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition Plan is to address all ADA noncompliant facilities.

The priority of improvements to these facilities will be as follows:

1. Those serving publicly accessible Tioga County facilities;
2. Those serving commercial and employment centers; and
3. Those serving other areas.

### Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in Tioga County buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. All new construction or renovations to existing facilities have complied with ADA standards. As such, Tioga County does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

## **STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS**

Once the Survey of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, Tioga County will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements.

**ADA COORDINATOR:**

Kevin Humes  
ADA Coordinator  
Tioga County  
56 Main Street, Room 102  
Owego, NY 13827  
607-687-8677  
[HumesK@tiogacountyny.gov](mailto:HumesK@tiogacountyny.gov)

**PUBLIC COMPLAINT/GRIEVANCE PROCESS**

Formal complaints or grievances regarding ADA compliance of public facilities can be made directly to the Tioga County ADA Coordinator using the [Civil Rights Complaint Form](#) found on Tioga County's website; and be it further

RESOLVED: That the remainder of the Tioga County Title VI Plan remains unchanged.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23 TRANSFER OF FUNDS  
BUDGET MODIFICATION  
DISTRICT ATTORNEY

WHEREAS: The District Attorney's Office has a need for an external/stackable storage tower with software for the voluminous data received from law enforcement that will need to be provided to defense attorneys for criminal cases; and

WHEREAS: The ITCS Department has provided the recommended quote through the Omnia Cooperative Purchase Program; and

WHEREAS: Amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That the District Attorney's budget be modified and the following sums be transferred from within the District Attorney's budget to cover the costs of said office furnishings.

From: A1165 540140 Contracting Services	\$3,285.74
To: A1165 520090 Computer	\$3,285.74



REFERRED TO:

FINANCE/LEGAL COMMITTEE

RESOLUTION NO. - 23

REQUEST AND TRANSFER OF CONTINGENCY  
FUNDS & MODIFY 2023 BUDGET  
ASSIGNED COUNSEL

WHEREAS: The Assigned Counsel Attorney reimbursement rate was increased effective April 1, 2023 and the Assigned Counsel account will not have sufficient funds for the remainder of 2023; and

WHEREAS: Contingency Funds will need to be transferred from the Contingency Account to the Assigned Counsel Account, & Modify Assigned Counsel 2023 Budget to accommodate the increase in the rates for 2023; therefore be it

RESOLVED: That the Tioga County Legislature authorizes a transfer as follows:

From: A1990 540715 Contingency Account	\$60,000
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To: A1172 540030 Assigned Counsel	\$60,000
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