



AGENDA

Legislative Monthly Meeting for February 18, 2016 at 2:00PM

Call to Order

Pledge of Allegiance

Roll Call of Legislators

Communications

Public Comment

Resolutions:

1. Create an Investigator position within the District Attorney's Office
2. Create one Temporary Part-Time Executive Director of Human Rights position
3. Create one part-time Physician Position at the Sullivan County Jail
4. Proceed with the System Design for the new jail facility utilizing Black Creek Display touchscreen Security System
5. Authorize contract renewal between Sullivan County Adult Care center and Hospice of Orange and Sullivan Counties, Inc.
6. Authorize contract for funding and for the provision of child care related services with OCFS
7. Authorize contract with Association of Public Safety Communications Officials International, Inc., for use of their emergency medical dispatch program and software
8. Authorize contract Sullivan Legal Aid panel, Inc., for fiscal years 2016-2018
9. Authorize the submission of a CCAP Grant Application to obtain DASNY Bond Proceed Funds
10. Authorize continuation of grant renewal and submission of a 2016 Corporation for National and Community Service RSVP Grant Application and to accept if awarded
11. Authorize a Shared Service Agreement (SSA) for emergency assistance with the New York State Department of Transportation
12. Sign an authorization to proceed for Power Authority of State of New York to proceed with the 30% design documents for the Sullivan County Government Center
13. Amend Resolution No. 248 of 2014 regarding public access to contracts
14. Modify the 2015 County Budget
15. Renew contracts with authorized New York State Education Department Service Providers
16. In Support of Hyperbaric Oxygen Therapy for treatment of traumatic brain injury and post-traumatic stress disorder
17. Adopt an updated Anti-Discrimination and Harassment Policy
18. Calling on NYS to assume the costs of Indigent Legal Defense Services

Recognition of Legislators

Announcements from Chair

Adjournment or Close

**RESOLUTION NO INTRODUCED BY PERSONNEL COMMITTEE TO CREATE
AN INVESTIGATOR POSITION WITHIN THE DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the Sullivan County District Attorney requested the creation of an additional investigator position in the 2015-2016 budget for special assignment to the White Collar Task Force with the Hudson Valley Resident Office of the Federal Bureau of Investigation; and

WHEREAS, white collar investigations are generally complex and require an enormous amount of investigative resources; and

WHEREAS, the creation of this position would allow the Sullivan County District Attorney to have a law enforcement presence on this task force and would serve to benefit the residents of Sullivan County by having a task force of federal agents available to investigate white collar crime in Sullivan County with resources provided from outside the county; and

WHEREAS, the District Attorney has indicated that the creation of this position would benefit ongoing and future white collar investigations in Sullivan County.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of the following positions within the District Attorney's Office, the setting of salaries, and the authorization to fill the created position:

Create:

<u>Department</u>	<u>Position</u>	<u>Salary</u>	<u>Effective Date</u>
A1165	District Attorney Investigator	\$50,000	2/25/16

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

RESOLUTION INTRODUCED BY THE PERSONNEL COMMITTEE TO CREATE ONE (1) TEMPORARY PART-TIME EXECUTIVE DIRECTOR OF HUMAN RIGHTS POSITION

WHEREAS, there exists a vacancy in the permanent part-time Executive Director position for the Human Rights Commission, and

WHEREAS, the Human Rights Commission has requested that they be able to hire a temporary part-time Executive Director for the Human Rights Commission until such time that they can find a permanent appointment.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of one (1) temporary part-time Executive Director position for the Human Rights Commission with an hourly rate of \$20.00 an hour up to 20 hours a week, and

BE IT FURTHER RESOLVED that the position is to be abolished upon filling the permanent part-time Executive Director position for the Human Rights Commission.

RESOLUTION NO. INTRODUCED BY PERSONNEL COMMITTEE TO CREATE A PART-TIME PHYSICIAN POSITION AT THE SULLIVAN COUNTY JAIL

WHEREAS, pursuant to New York Correction Law § 501, a reputable physician, duly authorize to practice medicine must be appointed by the Sullivan County Legislature; and

WHEREAS, Gary Good, MD, is an appropriately credentialed professional that is capable of providing such services; and

WHEREAS, the Sullivan County Sheriff and the Human Resources Director recommends the creation of a Part-time Physician position at an hourly rate of \$100.00 per hour, to provide physician services at the Sullivan County Jail.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the creation of a Part-Time Physician position and appoints Gary Good, MD to said position, at the Sullivan County Jail at an hourly rate of \$100.00 per hour, and gives permission to fill this position immediately; and

BE IT FURTHER RESOLVED, that a budget modification is hereby authorized to cover this position by decreasing appropriation code A3150-40-4017 by \$20,000 and increasing appropriation code A3150-10-1011 by \$20,000.

Moved by
Seconded by
and declared duly adopted on motion

RESOLUTION INTRODUCED BY PUBLIC WORKS COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO PROCEED WITH THE SYSTEM DESIGN FOR THE NEW JAIL FACILITY UTILIZING BLACK CREEK SUPER DISPLAY TOUCHSCREEN SECURITY SYSTEM (HARDWARE AND SOFTWARE)

WHEREAS, a proposal was received for design and purchase of a jail security system for the new Sullivan County Jail Facility, and

WHEREAS, Black Creek Integrated Systems Corporation, 2900 Crestwood Boulevard, PO Box 101747, Irondale, Alabama 35210, is the most qualified vendor to provide these services and equipment, and

WHEREAS, SHI, is the New York State Contract vendor and Black Creek's authorized vendor to sell the software necessary to utilize the Black Creek security system, and

WHEREAS, LaBella Associates, the County's architect for this project, requests that the County decide on the security system for the project in order to proceed with the contract documents and drawings for bidding of this project, and

WHEREAS, in order for Black Creek to provide information to LaBella Associates, for these documents and drawings, the Sullivan County Sheriff, has recommended, with approval from the Purchasing and Central Services Department that the County utilize sole source procurement with Black Creek, and

WHEREAS, it has been determined that the Black Creek system will offer the Sullivan County Sheriff's Department unique benefits in providing a security system that will be maintained and not compromise public safety, through extensive experience of operations of County Jails and Correctional Facilities, availability of parts, technical support, shorter downtime, increased compatibility, and

WHEREAS, the Sullivan County Sheriff's Department, since 2007, has been utilizing Black Creek's Sallyport New York Jail Management System and there will be significant operational benefits if this system is integrated with the Black Creek security system, allowing for seamless exporting of inmate data to other jail facilities, and

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to proceed utilizing a sole source procurement for security system design utilizing Black Creek Super Display Touchscreen Security System (hardware and software), and to incorporate Black Creek equipment and design into the bid documents, and shall be in such form as the County Attorney shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

RESOLUTION NO. _____ INTRODUCED BY THE HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE THE COUNTY MANAGER TO RENEW THE CONTRACT BETWEEN SULLIVAN COUNTY ADULT CARE CENTER AND HOSPICE OF ORANGE AND SULLIVAN COUNTIES, INC.

WHEREAS, the Sullivan County Adult Care Center has a desire to provide hospice services to qualifying residents of the facility; and,

WHEREAS, Hospice of Orange and Sullivan Counties, Inc. is qualified and has a desire to provide hospice services to qualified residents in the Adult Care Center; and,

WHEREAS, this agreement is for one year from 12/14/2015. Agreement will be renewed automatically for successive two year terms unless terminated.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to renew the contract with Hospice of Orange and Sullivan Counties, Inc., to provide hospice services to qualifying residents in the Adult Care Center; and

BE IT FURTHER RESOLVED, that the form of said contract be approved by the Sullivan County Department of Law.

Moved by _____ ,

Seconded by _____ ,

and adopted on motion _____ , 2015

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**RESOLUTION NO. INTRODUCED BY HEALTH AND FAMILY SERVICES
COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO
AGREEMENTS FOR FUNDING AND FOR THE PROVISION OF CHILD CARE
RELATED SERVICES FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016**

WHEREAS, the County of Sullivan, through the Department of Family Services, is able to provide for certain child care related services for eligible Sullivan County families by obtaining funding through a state memorandum of understanding with New York State Office of Children and Family Services (OCFS); and,

WHEREAS, the Department of Family Services desires to enter into an agreement through a memorandum of understanding with OCFS to obtain funding; and,

WHEREAS, the Department of Family Services also desires to enter into agreement with the Sullivan County Child Care Council for provision of child care registration and inspection related services, at a cost not to exceed the amount funded by OCFS.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize the County Manager to execute agreements to attain funding and provide services for the provision of child care registration and inspection related services during the period January 1, 2016 through December 31, 2016 at a cost not to exceed the amount funded by OCFS; and,

BE IT FURTHER RESOLVED, that the form of said contracts be approved by the Sullivan County Department of Law.

Moved by _____,

Seconded by _____,

and adopted on motion _____, 2016

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Resolution No. _____

RESOLUTION INTRODUCED TO PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO ENTER INTO AN AGREEMENT WITH THE ASSOCIATION OF PUBLIC SAFETY COMMUNICATIONS OFFICIALS INTERNATIONAL, INC (APCO) FOR USE OF THEIR EMERGENCY MEDICAL DISPATCH PROGRAM AND ASSOCIATED SOFTWARE.

WHEREAS, Sullivan County 911 has been utilizing the Priority Dispatch Inc. emergency medical dispatch system for many years, and

WHEREAS, the APCO dispatch system provides a more robust solution which includes EMS, Fire and Law Enforcement dispatch protocols in a more flexible and cost effective manner, and

WHEREAS, the APCO dispatch system is a nationally used and recognized dispatch system, and

WHEREAS, the County has received grant funding for 100% of the costs associated with the transition to the APCO dispatch system, and

WHEREAS, it is in the County's best interest to utilize the APCO dispatch system and associated software, and

WHEREAS, the total cost of the APCO system agreement shall not exceed \$30,000.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute an agreement with the Association of Public-Safety Communications Officials International, Inc. for the use of their Emergency Medical Dispatch System and associated software (9-1-1 Advisor Software) at a cost not to exceed \$30,000.00. Such agreement is to be in a form as approved by the County Attorney's Office.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

RESOLUTION NO. _____ INTRODUCED BY THE PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE TO AUTHORIZE A CONTRACT WITH SULLIVAN LEGAL AID PANEL, INC. FOR THE FISCAL YEARS 2016 THROUGH 2018

WHEREAS, pursuant to County Law Section 722, Sullivan County is required to provide counsel to persons charged with a crime or who are entitled to counsel pursuant to Section 262 or Section 1120 of the Family Court Act, Article 6-C of the Correction Law or Section 407 of the Surrogate's Court Procedure Act, who are financially unable to obtain counsel; and

WHEREAS, Sullivan Legal Aid Panel, Inc., a not-for-profit corporation, has provided, under an existing contract, such services and legal representation of indigents in all matters in Sullivan County which are mandated by statute or case law; and

WHEREAS, the contract with Sullivan Legal Aid, Inc. expired on December 31, 2015 and both parties are desirous of renewing said contract.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a contract with Sullivan Legal Aid Panel, Inc. for three (3) years commencing January 1, 2016 through December 31, 2018, in an amount not to exceed Seven Hundred Forty-One Thousand and Six Hundred and Fifty-Eight Dollars (\$741,658) per year, said contract be in such form as the County Attorney shall approve.

BE IT FURTHER RESOLVED, that the Sullivan Legal Aid Panel, Inc. deliver a document of financial guarantee to the County Attorney.

**Moved by,
Seconded by,
and adopted on motion, 2016**

RESOLUTION NO. _____ INTRODUCED BY THE PUBLIC WORKS COMMITTEE TO AUTHORIZE THE PREPARATION AND SUBMISSION OF A COMMUNITY AND CAPITAL ASSISTANCE PROGRAM (CCAP) GRANT APPLICATION, TO OBTAIN DORMITORY AUTHORITY OF THE STATE OF NY (DASNY) BOND PROCEED FUNDS, FOR A CAPITAL COST PROJECT ASSOCIATED WITH FABRICATION AND INSTALLATION OF SIGNAGE AT THE SULLIVAN COUNTY INTERNATIONAL AIRPORT (SCIA).

WHEREAS, the Division of Public Works (“DPW”), has identified a need for capital cost upgrade of the Sullivan County International Airport (“SCIA”) signage; and

WHEREAS, the NYS Assembly has previously offered \$100,000.00 for this project and is now offering \$125,000.00 in funding for capital improvements at the SCIA, and made available through NYS Assemblywoman Aileen Gunther’s Office a Capital Project Description and Nomination Form#120370 for completion and return to the Assemblywoman by the County; and

WHEREAS, the funds will be available through the Community and Capital Assistance Program (“CCAP”), a reimbursement program, which is made available by the NYS Assembly and Senate, which is funded via bond proceeds from the Dormitory Authority of the State of NY (“DASNY”), whom is administering the program on the NYS Assembly and Senate’s behalf; and

WHEREAS, the County of Sullivan is deemed eligible to submit the project nomination form and an application for CCAP funding, wherein there is no matching requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager, Chairman of the County Legislature, and / or their authorized representative (*as required by the funding source award agreement*) to execute any and all necessary documents to submit the CCAP application for funding; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager, and / or Chairman of the County Legislature (*as required by the funding source*) to accept the award, and enter into an award agreement or contract to administer the funding secured, in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the CCAP funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding; and

BE IT FURTHER RESOLVED, that this resolution recinds Resolution No. 376-15.

**Moved by,
Seconded by,
and adopted on motion,**

2016.

RESOLUTION _____ INTRODUCED BY THE HEALTH & FAMILY SERVICES COMMITTEE TO AUTHORIZE THE CONTINUATION OF GRANT RENEWAL AND SUBMISSION OF A 2016 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS)/ RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) GRANT APPLICATION; AND TO ACCEPT AN AWARD OF FUNDS IF GRANTED.

WHEREAS, the Sullivan County Office for the Aging (*SC OFA*) presently operates a Retired Senior Volunteer Program (*RSVP*) federally funded via the Corporation for National and Community Service (*CNCS*); and

WHEREAS, the *CNCS* has notified the *SC OFA* that they are eligible for a continuation of the Grant Renewal as the incumbent agency for federal funds of \$57,323.00 for the period of April 1, 2016 through March 31, 2017 (year one of a 3 year cycle). The total projected 2016 budget of 236,741.00*(this includes \$5972.00 in State funding and \$8000.00 in in-kind and fund raising match) with the actual total county match being 179,418.00.

WHEREAS, the *SC OFA* seeks to continue the *RSVP* as part of the effort to improve lives, strengthen our communities and foster civic participation through senior service and volunteering; and

WHEREAS, the *SC OFA* is considered eligible to submit a renewal application for 2016-2019 *RSVP* funding.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby authorizes the County Manager and / or the Chairman of the County Legislature (*as required by the funding source award agreement / contract*) to execute any and all necessary documents to submit the *RSVP* renewal application for funding, to accept the award should one be granted, and enter into an award agreement or contract to administer the funding secured, in such form as the County Attorney shall approve; and

BE IT FURTHER RESOLVED, that should the 2016-2019 *RSVP* funding be terminated, the County shall not be obligated to continue any action undertaken by the use of this funding.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

**RESOLUTION NO. INTRODUCED BY PUBLIC WORKS COMMITTEE TO
AUTHORIZE A SHARED SERVICE AGREEMENT FOR EMERGENCY ASSISTANCE
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)**

WHEREAS, NYSDOT has a mechanism that allows for emergency assistance to municipalities in the absence of a Governors Emergency Declaration; and

WHEREAS, under this program services or materials up to \$10,000 can be utilized; and

WHEREAS, in order to be eligible a Shared Services Agreement (SSA) must be in place between the County and the State of New York.

NOW, THEREFORE, BE IT RESOLVED, that the County Highway Superintendent is hereby authorized to execute a SSA with the NYSDOT; and

BE IT FURTHER RESOLVED, that such SSA shall be in a form approved by the County Attorney.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

**RESOLUTION NO. INTRODUCED BY PUBLIC WORKS COMMITTEE TO
AUTHORIZE THE COUNTY MANAGER TO SIGN AN AUTHORIZATION TO
PROCEED FOR POWER AUTHORITY OF STATE OF NEW YORK (PASNY) TO
PROCEED WITH THE 30% DESIGN DOCUMENTS FOR THE SULLIVAN COUNTY
GOVERNMENT CENTER (SCGC)**

WHEREAS, NYPA through a sub consultant PRES Energy has completed a feasibility study of the SCGC which is the second phase in regard to the NYPA Statewide Energy Services Program (SESP); and

WHEREAS, the DPW and the OSE staff have reviewed and commented on the 30% Design documents; and

WHEREAS, the feasibility study has indicated potential energy savings project opportunities; and

WHEREAS, the next phase of the NYPA SESP involves the continuation of the documents; and

WHEREAS, NYPA has extended an authorization to proceed; and

WHEREAS, DPW recommends the County proceed with the next phase of the SESP.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is authorized to execute the authorization to proceed in such form as the County Attorney's Office shall approve.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

**RESOLUTION INTRODUCED BY THE MANAGEMENT AND BUDGET
COMMITTEE TO AMEND RESOLUTION 248 OF 2014 REGARDING PUBLIC
ACCESS TO CONTRACTS**

WHEREAS, resolution 248 of 2014 requires that all contracts worth more than \$50,000 in the aggregate be made available via a publically available website, and

WHEREAS, staff is able to publish all contracts via a publically available website, regardless of dollar value, and

WHEREAS, resolution 248 of 2014 requires certain data be published that is difficult or not feasible to make available.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby amends resolution 248 of 2014 to require that all contracts be made available via a publically available website regardless of dollar amount, and

BE IT FURTHER RESOLVED, that requirement 5 through 7 of resolution 248 of 2014 is not required to be part of the publically available information, and

BE IT FURTHER RESOLVED, that the annual service contractor expenditure budget is not required to be part of the annual Operating Budget.

**RESOLUTION NO. INTRODUCED BY MANAGEMENT AND BUDGET
COMMITTEE TO MODIFY THE 2015 COUNTY BUDGET**

WHEREAS, the County of Sullivan Budget requires modification,

NOW, THEREFORE, BE IT RESOLVED, that the attached budgetary transfers be authorized.

Moved by:

Seconded by:

December 2015 Budget Modifications (Resolution 2)
 Modifications to the 2015 Sullivan County Budget

G/L Account	Revenue Increase	Revenue Decrease	Appropriation Increase	Appropriation Decrease
A-1165-47-4724 - DEPT DRUG FORFEITURE PROCEEDS NYS			11,542	
A-1165-47-4792 - DEPT FORFEITURE PROCEEDS - COUNTY			4,449	
A-1165-R2626-R307 - FORFEITR CRIME PROCD S STATE	11,542			
A-1165-R2626-R419 - FORFEITR CRIME PROCD S COUNTY	4,449			
A-1330-204-40-4003 - CONTRACT AUCTION SERVICES			4,545	
A-1330-204-40-4003 - CONTRACT AUCTION SERVICES			4,545	
A-1330-204-R1232-R272 - TAX COLLECTR FEE PUBLIC AUCTN BUYER PREM	4,545			
A-1420-40-4008 - CONTRACT LEGAL SERVICES			69,000	
A-1680-43-4304 - COMPUTER MAINTENANCE/SERVICE FEES			49,917	
A-1680-R1289-R247 - GEN GOV DEPT INCOME MISC FEE/REIMBURSMNT	49,917			
A-1930-46-4613 - MISC SERV/EXP JUDGEMENTS/CLAIMS			375,000	
A-1989-99-47-4736 - DEPT CONTINGENT				69,000
A-1989-99-47-4736 - DEPT CONTINGENT				4,560
A-3520-40-4001 - CONTRACT AGENCIES			4,560	
A-9999-R2680-R338 - INSURANCE RECOVERY OTHER	375,000			
*H42-3997-40-4006 - CONTRACT ENGINEER/ARCHITECT/DESIGN SERV	140,000		140,000	
*H42-3997-R5031-R209 - INTERFUND TRANSFR GENERAL FUND	585,453			
Total			659,013	73,560

*This budget modification authorizes the transfer of funds to H-42 Capital Account to pay previously authorized agreements per resolutions 8-06, 302-14, 301-14 and 300-14.

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**RESOLUTION INTRODUCED BY HEALTH & FAMILY SERVICES COMMITTEE
RESOLUTION TO RENEW CONTRACTS WITH AUTHORIZED NEW YORK STATE
EDUCATION DEPARTMENT SERVICE PROVIDERS FOR SERVICES RENDERED**

WHEREAS, Sullivan County provides *mandated* Early Intervention and Developmental Preschool Educational Services to eligible children from Sullivan County and is *mandated* to pay for such services at State-set rates, and

WHEREAS, Sullivan County has existing Pre-School contracts with the authorized New York State Education Department Service Providers on the attached list, which need to be authorized for the period beginning July 1, 2016 to June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager be and is hereby authorized to execute contract renewals with the authorized New York State Education Department Service Providers on the attached list for the period beginning July 1, 2016 to June 30, 2019, and

BE IT FURTHER RESOLVED, that the form of such contract renewals be approved by the Sullivan County Department of Law.

Moved by
Seconded by
and declared duly adopted on motion

Authorized NYS Education Department Service Providers
Requesting Renewal of Contracts 7/1/2016 to 6/30/2019

Dawn Barrett
PO Box 673
Sparrowbush, NY 12780
Services: Speech Therapy
858-6278 cell 699-3732
brian42101@frontiernet.net

Hebrew Academy for Special Children, Inc.
5902 14th Avenue
Brooklyn, NY 11219
Susan Slater: 718-686-5900

Jack & Jill Developmental Services:
SLP, OT & Psychology, PLLP
17 North Main Street
Liberty, NY 12754
Services: Speech, OT Psych
jeff jensen: 292-4134 cell 796-8272
abby greene: cell 866-5523
jacknjillds@gmail.com

Leah Padawer
164 Laurel Park Road
Fallsburg, Ny 12733
Services: Speech Therapy
436-9566 cell 665-6913
leahpadawer@yahoo.com

Karen Sue Scott
PO Box 276
White Lake, NY 12786
Services: Speech Therapy
583-7278 cell 845-798-8840
ascott6@hvc.rr.com

Tri-Valley School
34 Moore Hill Road
Grahamsville, Ny 12740
Services: OT
Christine Snow
985-2296 ext 5308
christinesnow@trivalleycsd.org

15A

**RESOLUTION NO. INTRODUCED BY VETERANS COMMITTEE IN SUPPORT OF
HYPERBARIC OXYGEN THERAPY FOR TREATMENT OF TRAUMATIC BRAIN
INJURY AND POST TRAUMATIC STRESS DISORDER**

WHEREAS, Hyperbaric Oxygen Therapy has been proven effective in the treatment of persons suffering from traumatic brain injury and post-traumatic stress disorder, and

WHEREAS, various materials have been presented to the Sullivan County Legislature to prove that Hyperbaric Oxygen Therapy is being used successfully for the treatment of traumatic brain injury and post-traumatic stress disorder, and

WHEREAS, Hyperbaric Oxygen Therapy, also known as HBOT, is the administration of 100 percent oxygen in the presence of pressure which allows the body to heal from conditions in which low oxygen in the tissues inhibits or complicates the healing process, and

WHEREAS, HBOT therapy does not require administration of numerous medications including narcotics, and has been shown to relieve the symptoms associated with traumatic brain injury and post-traumatic stress disorder including suicide.

NOW, THEREFORE BE IT RESOLVED, that HBOT treatment is not covered by Veterans Administration (VA) or by private health insurance.

BE IT FURTHER RESOLVED, that the Sullivan County Legislature hereby supports support of Hyperbaric Oxygen Treatment for traumatic brain injury and post-traumatic stress disorder.

BE IT FURTHER RESOLVED that a certified copy of this resolution be emailed to U.S. Senators Schumer and Gillibrand and U.S. Congressman Gibson.

**RESOLUTION INTRODUCED BY PERSONNEL COMMITTEE TO ADOPT AN
UPDATED ANTI-DISCRIMINATION AND HARASSMENT POLICY**

WHEREAS, the County of Sullivan adopted a General Anti-Discrimination and Harassment Protection Policy and Procedure by Resolution No. 178-01 on April 26, 2001; and

WHEREAS, since the adoption of the aforementioned policy there have been numerous changes to state and federal laws regarding this subject matter; and

WHEREAS, the Director of Human Resources/Personnel Officer has been working with the firm of Roemer Wallens Gold and Mineaux, LLC, the County's retained labor counsel, to update the aforementioned policy to ensure that the County's policy is in full compliance with the current state of the law.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature hereby adopts the attached Sullivan County Anti-Discrimination and Harassment Policy.

Moved by _____,
Seconded by _____,
and adopted on motion _____, 2016.

Sullivan County Anti-Discrimination and Harassment Policy

I. PURPOSE

The County of Sullivan (“County”) is an equal opportunity employer committed to compliance with federal, state and local laws prohibiting employment discrimination. It is the policy of the County to maintain a work environment which is free from unlawful discrimination based on sex (with or without sexual conduct), race, creed, color, religion, national origin, age, disability, sexual orientation, military status, marital status, predisposing genetic characteristics or genetic information, domestic violence victim status and any other class protected by law. Harassment based on any of these characteristics (“discriminatory harassment”) is a form of unlawful discrimination. Discrimination and discriminatory harassment is prohibited in each and every work environment and each and every situation which directly impacts the work environment.

II POLICY

The County considers unlawful discrimination and discriminatory harassment to be forms of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and/or discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

All employment decisions at the County shall be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination on the basis of sex, race, creed, color, religion, national origin, age, disability, sexual orientation, military status, marital status, predisposing genetic characteristics or genetic information, domestic violence victim status and any other class protected by law.

Retaliation against any individual making a harassment complaint or assisting in the investigation of such a complaint is also unlawful and prohibited. Retaliation is a serious violation of this policy which may result in disciplinary action.

III DEFINITIONS

A. Sexual Harassment is defined as:

Unwanted sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of

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an individual's employment (e.g., promotion, training, assignments, etc.), or submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual ("quid pro quo" harassment); or

2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of specific behaviors that may be considered sexual harassment include, but are not limited to :

- Spoken or written words related to an employee's sex
- Any sexual advance that is unwelcome
- Sexually oriented comments
- Showing or displaying pornographic or sexually explicit objects or pictures in the workplace
- Offensive touching, patting or pinching
- Requests for sexual acts or favors
- Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- Threats, demands or suggestions that an employee's work status is contingent upon his/her toleration of or acquiescence to sexual advances
- Subtle pressure for sexual activities
- Leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender.

B. Discriminatory Harassment

In addition to sexual harassment, harassment on the basis of any other protected characteristic also constitutes discriminatory harassment and is prohibited.

Discriminatory harassment includes conduct that constitutes "quid pro quo" harassment (see section III(A) above) or that which creates a hostile work environment. Hostile work environment harassment includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, creed, color, religion, gender, national origin, age, disability, or sexual orientation (and any other class or characteristic protected by law), or that of his/her relatives, friends, or associates, and that (i) has the purpose or effect of creating a hostile, intimidating or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Discriminatory harassment includes, but is not limited, to, epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a protected class or

characteristic. This also includes acts that purport to be "jokes" or "pranks", but that are hostile or demeaning acts regarding member(s) of a protected class and any written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on a protected class or characteristic that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace.

C. Other Unacceptable Conduct

This policy also prohibits conduct which may not rise to the level of discrimination or discriminatory harassment in violation of the law, but nonetheless creates a degree of hostility or intimidation that adversely affects the work environment. Conduct which is not based on a legally protected characteristic, but is nonetheless intended to annoy, personally attack, belittle or embarrass another individual is inappropriate and unacceptable in the workplace. The County encourages the use of its complaint procedure by employees or interns who believe they have been subject to inappropriate conduct by another individual, even if such conduct may not constitute discrimination or discriminatory harassment. The County endeavors to create an environment in which employees and interns may feel free to raise concerns and confident that those concerns will be addressed.

D. Discrimination

Discrimination on the basis of any class or characteristic protected by law is prohibited. Discrimination is defined as any adverse treatment of an individual in the terms, conditions or privileges of employment because of his/her race, creed, color, religion, national origin, age, disability, sexual orientation, military status, marital status, predisposing genetic characteristic or genetic information, domestic violence victim status, or any other class protected by law.

E. Retaliation

Retaliation is any adverse action taken against an individual because he/she filed a complaint of discrimination or harassment or because he/she participated in the investigation of such complaint. Adverse actions may include, but are not limited to, firing, demotion or harassment.

IV SCOPE OF THE POLICY

This policy applies to all applicants for employment with the County and all County employees (including officers, managers, supervisors and all other employees), interns, contractors, and volunteers. This policy may be applied to the conduct of those who are not employees, volunteers, contractors or interns of the County with respect to any illegal discrimination or illegal harassment of County employees, volunteers, applicants, contractors or interns in the workplace, depending on the nature of the alleged conduct.

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All employees, volunteers, contractors or interns will be expected to comply with this policy and take appropriate measures to ensure that discrimination or harassment does not occur. When discrimination or harassment is suspected, employees, volunteers, contractors and interns are encouraged to use the complaint and investigation procedures set forth in this policy.

Conduct prohibited by the policy is unacceptable in the workplace and in any work-related settings outside the normal workplace, such as during business trips, business meetings and business-related social events.

Anti-discrimination protections described in this policy apply to all of the terms and conditions of employment including, but not limited to: recruitment, testing, hiring, work assignments, salary and benefits, performance evaluations, promotions, training opportunities, transfers, discipline, discharge and working conditions.

V RESPONSIBILITIES

A. Responsibilities of Department Heads

All Department Heads shall be responsible for enforcing this policy within their Department in conjunction with the County Personnel Officer, and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, harassment and its effects.

All Department Heads who receive complaints or become aware of potential instances of discrimination or discriminatory harassment within the work environment under their supervision are responsible for immediately forwarding the complaint to the Personnel Officer. Failure of a Department Head to comply with this responsibility may result in disciplinary action.

B. Responsibilities of Managerial/Supervisory Personnel

All managerial and supervisory personnel who receive discrimination or discriminatory harassment complaints or become aware of potential instances of discrimination or discriminatory harassment within the work environment under their supervision will be responsible for immediately forwarding such complaints to the Department Head or the Personnel Officer. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

C. Responsibilities of the County

The County of Sullivan will conduct periodic training for Department Heads, managerial and supervisory personnel in each Department of the County on the

issues surrounding discrimination and discriminatory harassment, its effects and its appearances, and the role and responsibility of Department Heads and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

The County shall distribute this policy to all County employees and all others covered by its parameters. Copies of this policy will be distributed to new employees as they are hired.

VI REPORTING PROCEDURE

If an individual is subject to a situation which he/she believes constitutes harassment, it is recommended that the employee confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated; note that neither this policy nor state/federal law requires that an individual tell an alleged accused to stop his/her actions. Employees should feel free to keep written records of any alleged harassment incidents, including the date, time, location, names of people involved, witnesses (if any) and who said what to whom. If an alleged incident of harassment cannot be resolved directly between the parties involved, a written or verbal complaint should be filed as prescribed below.

An individual covered by this policy who is subject to a situation which he/she believes constitutes discrimination, discriminatory harassment or retaliation should file a written or verbal complaint with the individual's Department Head, or directly with the Personnel Officer.

A manager, supervisor or Department Head who becomes aware that discrimination or discriminatory harassment may be occurring must immediately report it in accordance with Section V of this policy.

VII COMPLAINT INVESTIGATION

All complaints will be handled confidentially to the extent possible, and information obtained from the complainant will not be discussed with other personnel except as necessary to investigate and resolve the complaint.

All complaints will be investigated as promptly as possible and resolved within a reasonable time after receipt of the complaint by the Personnel Officer.

The County, through an investigator and with the oversight of the Personnel Officer or his/her designee, will coordinate an investigation of the complaint. Following the investigation, the investigator shall issue a written report of findings and conclusions to the Personnel Officer.

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Thereafter, an initial determination on the complaint will be issued by the Personnel Officer and the results communicated, in writing, back to the complainant.

VII APPEAL PROCEDURE

- A. The Complainant may appeal the Personnel Officer's determination by providing a written appeal request to the County Attorney. This appeal request should be filed within seven (7) business days of the individual's receipt of the Personnel Officer's written determination and should state the reason(s) for objecting to those findings.
- B. The County Attorney will refer the appeal to a Review Board who will review the evidence gathered, the investigative findings, and the Personnel Officer's decision to determine if the decision reached was reasonable, based upon the facts.
- C. The Review Board shall consist of the County Attorney, County Manager or their designees and the Commissioner of the respective division.
- D. Within thirty (30) days of receipt of a written appeal request, the County Attorney shall issue a written report of findings of the Review Board to the parties.

VIII RESPONSE PROCEDURES

Any person found to be engaging in discrimination, harassment, retaliation or other behavior prohibited by this policy (including the failure of a Department Head, manager or supervisor to comply with their responsibilities under Section V of this policy) will be subject to disciplinary action in accordance with the provisions of his/her collective bargaining agreement or applicable state law. Based upon the seriousness of the offense, discipline may include, but is not limited to, a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the County shall take such steps as may be necessary to address the impact that any unlawful discrimination has had upon the complainant.

IX RETALIATION WILL NOT BE TOLERATED

Retaliation against any individual making a good faith complaint or assisting in the investigation of such a complaint is strictly prohibited and will not be tolerated. Retaliation is a serious violation of this policy which may result in disciplinary action.

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X MISCELLANEOUS

Reporting of a false complaint is a serious act. In the event it is found that the individual making the complaint has made knowingly false accusation, the County may take disciplinary action in accordance with the provisions of the applicable collective bargaining agreement and/or applicable state law.

This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuit of any other remedies permitted by law.

revised February 18, 2016

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DISCRIMINATION/HARASSMENT COMPLAINT FORM:

(Submit to Department Head and/or Personnel Officer)

This form may be used to file a charge of discrimination or harassment prohibited by federal law, the New York State law, and Sullivan County's Anti-Discrimination and Harassment Policy.

Filing of this complaint form in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____ Phone Number _____

Residence _____

Mailing Address (if different from residence)

City _____ State _____ Zip Code _____

2. Department that you work in _____

3. (a) Have you filed this charge with a Federal, State or local government agency?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(b) Have you instituted a suit or court action on this charge?
YES/NO: _____ When _____ Where _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP SULLIVAN COUNTY'S REVIEW OF YOUR COMPLAINT)

4. Alleged Discrimination/Harassment Occurred on or about:
Month: _____ Day: _____ Year: _____ Time: _____

Is this alleged discrimination/harassment continuing: YES _____ NO _____

Describe the alleged act of discrimination/harassment. Use additional sheets if necessary.

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5. Indicate the name(s) of the alleged harasser(s): _____

6. State the name(s) of any potential witness(es): _____

7. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____
(sign your name)

-INFORMATION PROVIDED WILL BE CONFIDENTIALLY MAINTAINED-

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RESOLUTION NO. INTRODUCED BY PUBLIC SAFETY AND LAW ENFORCEMENT COMMITTEE CALLING ON THE STATE TO ASSUME THE COSTS OF INDIGENT LEGAL DEFENSE SERVICES AND FOR THE COMPLETE REIMBURSEMENT TO ALL COUNTIES EXPENSES ASSOCIATED WITH THE INDIGENT LEGAL DEFENSE UNFUNDED MANDATE

WHEREAS, in 1963 the United States Supreme Court held in *Gideon v. Wainwright* that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this STATE responsibility to counties, adding another unfunded mandated expense to the counties; and

WHEREAS, the decision to entrench responsibility at the county level by the State of New York has resulted in a system in which the county and local property tax payers are burdened with the vast majority of cost for this State responsibility; and

WHEREAS, public defense services are inadequately financed by the State of New York; and

WHEREAS, in 2006 the Kaye Commission on the Future of Indigent Defense Services declared the New York State System of County-Delivered Indigent Services to be in crisis, and urged the expeditious establishment of an Independent Public Defense Commission overseeing a STATE-FUNDED, statewide defender system; and

WHEREAS, the State of New York settled the *Matter of Hurrell-Harring, et al v. State of New York*, a systemic lawsuit seeking to transform the indigent defense system into a statewide defender system consistent with the State's responsibility under *Gideon v. Wainwright*; and

WHEREAS, in settlement of *Hurrell-Harring*, the State accepted its responsibility to ensure that each person charged with a crime in the five (5) counties names in the lawsuit, is represented by counsel at arraignment; that Indigent Legal Services (ILS) caseload/workload standards are implemented; that dedicated funding be provided to implement specific quality improvements; and that the State will undertake its best efforts to pay in full for these long-needed measures; and

WHEREAS, the settlement of the *Hurrell-Haring* matter has resulted in disparity between the five named counties of the lawsuit and the remaining fifty-seven (57) counties with respect to the financial benefit provided by the State to individual county indigent legal defense plans; and

WHEREAS, Assemblywoman Patricia Fahy has introduced legislation (A6202-a) designed to address the inequity created by the *Hurrell-Harring* settlement, through a phase-in indigent legal defense funding model that would ultimately see the State assume its responsibility to fund indigent defense and reimburse all Counties for their indigent legal defense expenditures delegated to them in 1965; and

WHEREAS, State Senator Joseph Griffo and other Senators are working in the State Senate toward a Bill designed to address this inequity and unfunded mandate delegated to the Counties; and

WHEREAS, the Sullivan County Legislature seeks to support these efforts and proposed Bills.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature supports the efforts of Assemblywoman Patricia Fahy and Senator Griffo in their respective efforts to bring forth legislation designed to alleviate the financial burdens imposed upon the fifty-seven (57) counties by the continued unfunded mandate of indigent legal defense; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature calls upon the State Assembly and Senate to enact legislation as Assemblywoman Fahy has proposed, to address the inequity created by the *Hurrell-Harring* settlement through a phase-in funding model for indigent legal defense that would ultimately have the State reimburse all counties for indigent legal defense expenditures, thereby having the State assume its responsibility to fully fund indigent legal defense; and

BE IT FURTHER RESOLVED, that the Sullivan County Legislature declares that the State funding of indigent criminal defense will relieve the financial strain on county governments for these unfunded mandates, and will provide proper justice to indigent defendants, and the fair and appropriate fiscal responsibility for same; and

BE IT FURTHER RESOLVED, that the Clerk to the Legislature is hereby directed to forward a copy of this resolution to Governor Andrew M. Cuomo, Sullivan County representatives of the NYS Senate and NYS Assembly, New York State Defenders' Association, New York State Office of Indigent Legal Services, New York State Association of Counties (NYSAC), and all others deemed necessary and proper.

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