

**SIXTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, March 28, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, March 28, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Maha assisted with the audit. Prayer was offered by Legislator Maha followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Bausch opened a Public Hearing on Local Law Introductory No. Two Year 2018, A Local Law Declaring The Opioid Epidemic And Its Effects On The County Of Genesee A Public Nuisance, And Establishing A Cost Recovery Procedure For The County's Expenditures Incurred In Providing Service Related To The Opioid Epidemic. All interested parties were invited to be heard.

The minutes of the March 14, 2018 Legislature meeting were approved upon motion of Legislator Deleo seconded by Legislator Maha, carried unanimously.

Chairman Bausch reported on his attendance at GAM where there was discussion on Fire Service and the benefits and drawbacks of consolidation or shared services.

The following out-of-state travel requests were presented: J. Bouton/ Emergency Management Services to Emmitsburg, MD for NYS Weekend-National Fire Academy April 13-15 cost to County \$134.00 motion to approve made by Legislator Stein seconded by Legislator Young, carried unanimously. C. Iburi/ Office for the Aging to Arlington, VA for National Senior Corps Conference July 15-18, 2018 cost to County \$1,457 motion to approve by Legislator Stein seconded by Legislator Dibble, carried unanimously.

United Way Campaign Chairmen Jocelyn Sikorski and Steve Zimmer were joined by United Way Director Erik Fix to present the campaign goal for County employees; \$20,000. Total United Way goal for 2018 is \$388,000. In 2017, County employees donated \$21,000 and exceeded the goal. Donors can contribute on-line or using paper forms.

The Clerk stated an e-mail regarding FOIL appeals had been received. Mr. Mark Nicodemus explained that he has made FOIL requests of the County Treasurer some of which have been denied and subsequently appealed. The appeals have been denied also. He requested the Legislature reconsider his appeals in an effort to avoid legal action.

County Manager Jay Gsell explained that state leaders are in the home stretch of finalizing the 2018-19 state budget. NYSAC continues to advocate for Counties on the prioritized issues including mandate relief as well as restoring some proposed cuts.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 93 LEASE TERMINATION – SHERIFF'S OFFICE / VERIZON WIRELESS – APPROVAL OF

Legislator Hilchey offered the following resolution:

WHEREAS, New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless renewed its lease agreement, for space on the county's telecommunications tower located at 153 Cedar Street, Batavia NY, 14020, pursuant to Resolution 160, dated April 26, 2012, and

WHEREAS, Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless has succeeded the previous owner

WHEREAS, On June 23, 2017, Verizon Wireless informed the County of Genesee of their intent to terminate the lease on September 30, 2017 pursuant to the terms of the lease agreement, and

WHEREAS, Verizon Wireless removed its associated equipment and performed a structural analysis of the tower prior to the termination of the lease, and

WHEREAS, The Sheriff, Director of Emergency Communications, and County Attorney recommend the County Legislature terminate the lease with Verizon Wireless, and

WHEREAS, The Committee on Public Service did review this request and do recommend approval at this time. Now therefore be it

RESOLVED, That the Chair of the Legislature is hereby authorized and directed to terminate the lease with Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 as of September 30, 2017.

Budget Impact: None.

Legislator Deleo seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

**RESOLUTION NO. 94 RESOLUTION CALLING FOR STATE FUNDING OF A
SCHOOL RESOURCE OFFICER FOR EVERY
ELEMENTARY AND SECONDARY SCHOOL IN NEW
YORK STATE**

Legislator Maha offered the following resolution:

WHEREAS, our children are deserving of the best protection possible when they are away from their homes and in the care and custody of our educational institutions, and

WHEREAS, we are, unfortunately, in an era where children in schools have too often become a target for evil persons wishing to cause mayhem and terror, and

WHEREAS, chief among the things that can be done quickly to increase the safety of our children and their schools is to provide an armed police presence in the schools, and

WHEREAS, due to budget constraints, tax caps and limited sources of revenue, it is beyond the fiscal capability of many school districts and other local government entities to fund the placing of an armed police officer in every school, and

WHEREAS, the current threat to the safety of our children in their schools is a public safety emergency requiring a statewide response by our state government, with its multiple revenue sources, to address this emergency, now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby support the New York State Sheriffs' Association in its call for the state funding of an armed school resource officer in every elementary and secondary school in New York State, and does hereby call upon the New York State Legislature and the Governor to include in the 2018 Annual State Budget funding for that purpose.

Prior to the vote, Legislator Stein commented on the attention and coverage this issue is getting on social media. She stated that the County has the pressure of staying under the tax cap and therefore can't take on the financial responsibility alone. Legislator Maha stated he understands there is support from the Sheriff's Association. Sheriff Sheron stated his support and that he had conversations with all school districts in the County. Legislator Stein clarified this does not include private schools. Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

**RESOLUTION NO. 95 GRANT ACCEPTANCE/BUDGET AMENDMENT-
JUSTICE FOR CHILDREN ADVOCACY
CENTER/PLANNED PARENTHOOD OF CENTRAL
AND WESTERN NEW YORK-APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Justice for Children Program coordinator has been notified that Planned Parenthood of Western and Central New York has been awarded grant funds to support a multidisciplinary response to sexual abuse, and

WHEREAS, As a member of the multidisciplinary team in Genesee, Orleans, and Wyoming Counties, the Justice for Children Advocacy Center was awarded \$1,500.00 to support multidisciplinary team coordination and participation, and

WHEREAS, The Justice for Children Program Coordinator has requested permission for the County to accept an award in the amount of \$1,500.00 from Planned Parenthood of Central and Western New York, and

WHEREAS, Funds from this grant will support a multidisciplinary response to child sexual abuse in Genesee, Orleans, and Wyoming Counties, and

WHEREAS, Funds from this grant will enable to Justice for Children Advocacy Center to meet the growing demand for the services in the Batavia, Warsaw, and Albion offices, and

WHEREAS, The Committees on Public Service and Ways & Means did review this request and do recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for acceptance of this grant funding in the amount of \$1,500.00, and that the Genesee County Treasurer is hereby authorized and directed to make the following budget amendment as follows:

Increase revenue A.3152.2705 (Gifts and Donations)	\$1,500.00
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Increase appropriation A.3152.4550.0000 (Personnel Training)	\$1,500.00
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Budget Impact: Funds from this grant will support a multidisciplinary response to child sexual abuse in Genesee, Orleans, and Wyoming Counties.

Legislator Young seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

**RESOLUTION NO. 96 GRANT ACCEPTANCE-GENESEE JUSTICE/NYS
DIVISION OF CRIMINAL JUSTICE SERVICES-
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Program Coordinator of the Genesee Justice Program did receive notification of the award of grant funding from the New York State Division of Criminal Justice Services for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for a one-year contract term starting July 1, 2018 through June 30, 2019, and

WHEREAS, The Public Service Committee did review and does recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby accept grant funding from the New York State Division of Criminal Justice Services in the amount of \$41,876 for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for 2018-2019, and Be it further,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary form for the acceptance of funds for the period of July 1, 2018 through June 30, 2019 in the amount of \$41,876.

Budget Impact: There is no amendment for the 2018 County Budget as we receive this grant yearly, and we have already placed monies in our 2018 county budget. There was no change in amount of the grant award.

Legislator Maha seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

**RESOLUTION NO. 97 2018 BUDGET TRANSFER/SALARY SCHEDULE
AMENDMENT – PUBLIC DEFENDER – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHERE AS, The Public Defender did request an amendment to the 2018 Employee Salary schedule to better utilize the personnel in the Public Defender’s Office, and

WHERE AS, The Committees on Public Service and Ways and Means Committees did review the request and recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and the Human Resources Director are hereby authorized and directed to amend the 2018 Genesee County Employees Salary Schedule by creating one (1) full-time, Legal Clerk Typist, CSEA-General, Grade 7 position, and deleting two (2) part-time, Legal Clerk Typist, CSEA-General, Grade 7 positions effective May 28, 2018
And Be it, Further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following 2018 budget transfer:

\$2,365 from A.1170.4660.2000 Contracted Other

\$2,365 to A.1170.8030.0000 Medical

Budget Impact: This increase is at a cost of \$2,365 for the remainder of 2018, offset by transfer of funds from the Contracted Other budget line which has funds remaining for the year 2018.

Legislator Dibble seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

Legislator Young made a motion to return **ENERGY PERFORMANCE CONTRACT-JOHNSON CONTROLS**-to the Public Service Committee seconded by Legislator Maha, carried unanimously.

**RESOLUTION NO. 98 AWARD OF BIDS – HIGHWAY CONSTRUCTION
MATERIALS – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent advertised specifications for the various construction materials used by Genesee County for highway and bridge maintenance and construction, and

WHEREAS, The Highway Superintendent did review these bids and does recommend their award at this time, and

WHEREAS, The Committee on Public Service did review this request and does recommend an award at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Highway Superintendent is hereby authorized and directed to award bids to the various vendors on the annual construction materials bid as allowed for under the specifications for each item and as budgeted for within the 2018 County Budget and capital projects as established.

Budget Impact: This is an annual bid that allows the Highway Superintendent to purchase materials in compliance with the General Municipal Law. The cost of most asphalt related materials are expected to remain fairly flat through the construction season. The purchase of materials is limited by budgeted amounts within the County Road Fund and the various capital projects in place for the repair and replacement of highways and bridges. The Highway Superintendent uses low bid, as adjusted by the contract hauling formula. The Highway Superintendent also reserves the right to award bids in the best value for the County based on availability of product, equipment failures and long wait times.

Legislator Stein seconded the resolution which was adopted by 270 votes, Clattenburg absent (28), Hilchey abstain (28).

RESOLUTION NO. 99

REJECTION OF BIDS – COUNTY PARK AND FOREST PAVILION D – APPROVAL OF

Legislator Hilchey offered the following resolution:

WHEREAS, Genesee County advertised bid specifications for this project and received only one bid, and

WHEREAS, The Genesee County Highway Superintendent and the Committee on Public Service have reviewed this bids and found it to significantly exceed the budget for this project and recommend rejecting the bids at this time Now, therefore, be it

RESOLVED, That the Genesee County Legislature hereby rejects any and all bids received for the reconstruction of Pavilion D in the Genesee County Park and Forest.

Budget Impact: The lowest bid submitted was for \$166,354.00 which exceeded the budget authorized for construction.

Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

RESOLUTION NO. 100 INTERMUNICIPAL AGREEMENT/APPOINTMENT-SOIL AND WATER/WATER QUALITY BLACK CREEK- APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Manager of Soil and Water Conservation District did present an agreement among the counties of Genesee, Orleans, Monroe and Wyoming for a cooperative effort to achieve improved water quality in the Black Creek watershed, and

WHEREAS, The Committees on Public Service and Ways & Means did review the document and does recommend entering into an agreement at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Intermunicipal Agreement Regarding Water Quality in the Watershed of Black Creek with Monroe, Orleans and Wyoming County for the period effective immediately, through December 31, 2023, and Be it further

RESOLVED, That Ms. Molly Cassatt, Manager of Genesee County Soil and Water Conservation District is hereby appointed as the Genesee County Representative to serve on the Black Creek Watershed Coalition, effective immediately through December 31, 2023.

Budget Impact: No county cost.

Legislator Hilchey seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

RESOLUTION NO. 101 2018 SALARY SCHEDULE AMENDMENT/BUDGET TRANSFER- DISTRICT ATTORNEY/ SALARY INCREASE- APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager did request an amendment in the 2018 Management Salary Schedule in accordance with the New York State Commission on Legislative, Judicial and Executive Compensation recommendations which mandates an increase in the full time District Attorney salary pursuant to Judiciary Law 183-a, which links judicial salaries with county district attorneys' salaries and requires district attorneys' salaries to be at least as high as the County Court Judge in the County, and

WHEREAS, Federal judges are due to receive a COLA increase on April 1, 2018, requiring Genesee County to increase the full time District Attorney's salary respectively , and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do concur with the County Manager's recommendation. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2018 Genesee County Management Salary Schedule by increasing the District Attorney’s annual salary from \$185,200 to \$197,600, effective April 1, 2018. Be it Further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following 2018 Budget transfer:

\$3,922	from	A.1990.4800.0000	Contingency, Program Expense
\$3,344	to	A.1165.1010.0000	District Attorney, Personal Services
\$ 49	to	A.1165.8011.0000	District Attorney, Medicare Tax
\$ 529	to	A.1165.8020.0000	District Attorney, Retirement

Budget Impact: Increased salary and benefit expenses totaling \$6,683 were placed in the 2018 Budget to cover a portion of the increase. The additional expense will be covered by the Contingency account. Annual salary and benefit increase expense = \$14,540. There is no State funding in place for this State mandated increase.

Prior to the vote, Legislator Young stated that he will vote “no” as a matter of principal and that his vote is not an indication of his satisfaction with the work of the DA. Legislator Maha and Legislator Deleo both stated that the County has no control over this cost/salary increase. Legislator Maha seconded the resolution which was adopted by 251 votes, Clattenburg absent (28), Young no (47).

**RESOLUTION NO. 102 CAPITAL PROJECTS/AUTHORIZATION TO AMEND/
CLOSE – BUDGET AMENDMENT/DSS, EMS, CAPITAL–
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Assistant County Manager and County Treasurer reported that one existing Capital Project has been completed and recommend that said Project be closed at this time and the remaining balances be transferred to the 2017 Security Enhancements Project, and

WHEREAS, The Assistant County Manager and County Treasurer have determined that the existing Financial System .Net Capital Project will be under budget and funds from the project can be transferred to the County Manager, 2017 Security Enhancement Project, and

WHEREAS, The scope of the County Manager, 2017 Security Enhancement Project has broadened requiring increased funding for the project, and

WHEREAS, The Assistant County Manager and County Treasurer recommend using 1% sales tax to fund the project while outside funding sources are being sought for portions of the project, and

WHEREAS, The Committee on Ways and Means have reviewed these requests and recommend that said Capital Projects be established or closed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make the following transfers:

\$10,143.67 from Capital Project, County Treasurer, Enhanced Security Project
to Capital Project, County Manager, 2017 Security Enhancements

\$25,000 from Capital Project, County Treasurer, Financial System .Net
to Capital Project, County Manager, 2017 Security Enhancements

and Be it Further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing A.3640.2080.0710 - EMS, Prog Ex – Homeland Security in the amount of \$ 18,028 offset by an increase in A.3640.4305.2 – EMS, Fed Aid – Homeland Security in a like amount, and Be it further

RESOLVED, That the Genesee County Treasure is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing A.6010.2060.0070, DSS – Security Equipment by \$34,356 offset by an increase in A.6010.3610 – DSS, St. Aid, Social Services Admin in the amount of \$15,800 and A.6010.4610.3610 – DSS, Fed Aid, Social Services Admin in the amount of \$3,435 and A.1000.1110.1 – 1% Sales Tax in the amount of \$15,121, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by Increasing A9950.9 – Transfer to Capital in the amount of \$230,788 offset by an Increase in A.1000.1110.1- 1% Sales Tax in a like amount, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Capital Project, County Manager, 2017 Security Enhancement by increasing appropriation H1997.2080.0000-Equipment & Capital Outlay in the amount of \$230,788 offset by an increase in revenues H1997.5031 – Equipment & Capital Outlay, and Be it Further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the County Treasurer, Enhanced Security, Capital Project

Budget Impact Statement: Federal/state aid reimbursements totaling \$165,813 will be used to fund the upgrades, while the remaining costs will be covered by 1% sales tax. Additional state reimbursements are being investigated to reduce reliance on the 1% sales tax share.

Legislator Deleo seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

**RESOLUTION NO. 103 CONTRACT - SECURITY UPGRADES –
CAPITAL PROJECT – APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Assistant County Manager did receive an Access Control Security System Proposal and a Video Surveillance Security System Proposal from Linstar Inc., which are both under NYSOGS Contract #PT-63106. The proposed contracts with Linstar are to consolidate and upgrade existing security systems, add new security systems and provide a County wide security system hardware and software maintenance contract, and

WHEREAS, The Assistant County Manager and County Attorney have reviewed the contract and do recommend awarding a contract at this time, and

WHEREAS, The Ways and Means Committee did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Linstar Inc., 430 Lawrence Bell Drive, Suite 1, Buffalo, New York 14221 for Video Surveillance Security System Installations and Upgrades, NYSOGS Contract #PT-63106, including a 1 year warranty on all hardware and software installed for a cost of \$134,815. The contract includes a second year of software and hardware maintenance for a cost of \$13,349, and further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract Linstar Inc., 430 Lawrence Bell Drive, Suite 1, Buffalo, New York 14221 for Access Control Security System Installations and Upgrades, NYSOGS Contract #PT-63106, including a 1 year warranty on all hardware and software installed for a cost of \$259,065. The contract includes a second year of software and hardware maintenance for a cost of \$36,286.

Budget Impact: Contract expense of \$443,515 will be covered by 2017 Security Enhancement Capital Project which is funded by 1% Sales Tax and State and Federal reimbursements/grants.

Prior to the vote, Legislator Young stated his concern with the scope and extent of the project and that he will vote no. Legislator Stein seconded the resolution which was adopted by 251 votes, Clattenburg absent (28), Young no (47).

NO. 104 LEASE – LEGAL AID OF ROCHESTER AGREEMENT – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with Legal Aid of Rochester for the lease of space at County Building #2, 3837 West Main Street, Batavia, for administrative purposes for the period of April 1, 2018 – March 31, 2019, at a rate of \$2,224.80 annually, and

WHEREAS, The Committee on Ways and Means did review said agreement and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Legal Aid of Rochester and the County of Genesee for the lease of space at County Building #2, 3837 West Main Street, effective April 1, 2018 through March 31, 2019; at a cost of \$2,224.80 per year.

Budget Impact: Additional revenue of \$2,224.80 annually

Legislator Deleo seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

Chairman Bausch again asked if anyone wished to speak at the Public Hearing on Local Law Introductory No. Two Year 2018, A Local Law Declaring The Opioid Epidemic And Its Effects On The County Of Genesee A Public Nuisance, And Establishing A Cost Recovery Procedure For The County’s Expenditures Incurred In Providing Service Related To The Opioid Epidemic. There were no speakers that spoke on the matter and the Public Hearing was closed at 6:01 PM.

RESOLUTION NO. 105 LOCAL LAW INTRODUCTORY NO. TWO YEAR 2018, A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON THE COUNTY OF GENESEE A PUBLIC NUISANCE, AND ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY’S EXPENDITURES INCURRED IN PROVIDING SERVICE RELATED TO THE OPIOID EPIDEMIC-APPROVAL OF

Legislator Young offered the following resolution:

BE IT ENACTED by the Genesee County Legislature as follows:

SECTION 1: TITLE

This Local Law shall be known as “A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS IN THE COUNTY OF GENESEE A PUBLIC NUISANCE, AND ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY’S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC.”

SECTION 2: PURPOSE AND INTENT

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing the County of Genesee, New York (the “County”). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and

produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this Local Law is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarified that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

SECTION 3. DEFINITIONS

“Costs” means all expenditures related to the opioid epidemic that directly or indirectly arise from the County’s response to a responsible party’s action or inaction.

“Responsible party” means any person or corporation whose negligent, intentional or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form damages, regardless of the cause of action.

SECTION 4. GOVERNMENTAL FUNCTION COST RECOVERY

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispenses, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney’s fees, interest, and any other payment or type of damages the court deems proper.

SECTION 5. EFFECT OF CRIMINAL OR CIVIL PROCEEDING ON GOVERNMENTAL FUNCTION COST RECOVERY

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

SECTION 6. PUBLIC NUISANCE

The County hereby finds and declares the following:

1. The addiction to and abuse of opioids is one of the greatest challenges facing the County;
2. A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years which practice continues to days;
3. There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
4. The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;

5. That selling, distributing, and prescribing of prescription opioid pain pills is a hard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
6. That, in addition to all other powers and duties now conferred by law upon the County the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the Genesee County Legislature determines to be a public nuisance;
7. That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
8. That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

SECTION 7. RETROACTIVE APPLICATION

This Local Law shall apply retroactively

SECTION 8 SEVERABILITY

In any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, ir business shall be adjudged by any other court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its specific application.

SECTION 9 EFFECTIVE DATE

This Local Law shall become effective as provided in Municipal Home Rule Section 27.

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin boards in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number Two, Year 2018 and

WHEREAS, A Public Hearing was held at 5:30 p.m. on the 28 day of March, 2018 Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That “**A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON THE COUNTY OF GENESEE A PUBLIC NUISANCE, AND ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY’S EXPENDITURES INCURRED IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC**” to be known as Local Law Number Three Year 2018, for the County of

Genesee as introduced on March 28, 2018, be and hereby is adopted, and Be it further **RESOLVED**, Within twenty (20) days after the final adoption by this County Legislature of said County of Genesee, Local Law No. Three for the Year 2018, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Genesee County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York; and Be it further **RESOLVED**, The Clerk of the Legislature, in accordance with County Law Section 214, shall cause a true copy of said Local Law to be published in the County official newspaper within ten (10) days after such Local Law has become effective.

Legislator Stein seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

RESOLUTION NO. 106 COUNTY AUDIT –MARCH 28 - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Legislator Maha, did review the following claims:

General Fund	\$ 1,008,440.25
Nursing Home	3,967.08
Highway	146,429.10
DSS Abstracts	113,182.57

Capital Projects

Airport-Demolish Term Bldg & Maint Hangar	\$ 4,109.67
Highway-Searls Rd Bridge Over Spring Creek	11,912.17
Highway-Large Span Culverts	7,066.11
Highway-Pratt Rd Bridge Over Tonawanda Creek	1,546.91
Highway-Aerial Lift Truck	166,543.00
GCC-Wellness & Event Center	16,632.73
Jail-New County Jail Study	3,359.00

Payroll – General

March 16, 2018	\$ 1,507,292.17
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Medicaid

March 20 2018	179,222.00
March 27, 2018	<u>179,222.00</u>

Total Audit	\$ 3,348,924.76
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Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Dibble seconded the resolution which was adopted by 298 votes, Clattenburg absent (28).

At 6:02PM the meeting adjourned upon motion of Legislator Stein seconded by Legislator Maha, carried unanimously.