



AGENDA
NIAGARA COUNTY LEGISLATURE
January 19, 2016 – 7:00 P.M.

Regular Meeting – January 19, 2016

- CW-001-16** Committee of the Whole, re Niagara County Treasurer's Office Budget Modification – Transfer from Debt Reserve to Pay Down 2007 Bond Related to Unspent Proceeds from County Service Campus Capital Project
- CW-002-16** Committee of the Whole, re Create And Fill Position/Budget Modification Adult Mental Health Clinics Niagara County Department of Mental Health
- CW-003-16** Committee of the Whole, re Ratification of Agreement Between Niagara County Unit 7650 of Local 832, Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO and the County of Niagara, New York
- CW-004-16** Committee of the Whole, re Amendment of Resolution Establishment of a Standard Work Day Under the Time Reporting Regulation Requirement for Elected or Appointed Officials of the County of Niagara Participating in the New York State Retirement System
- IL-003-16** Legislators Wm. Keith McNall & Randy R. Bradt, re Resolution Establishing an Independent Niagara County Office of Public Integrity and Directing Establishment of a Search Committee and Commencement of a Search for Director of Office of Public Integrity
- IL-004-16** Legislators Dennis F. Virtuoso, Jason A. Zona, Mark J. Grozio, & Owen T. Steed, re Amendment to the Code of Ethics Local Law #2-96 for the County of Niagara, New York
- IL-005-16** Legislators Will Collins, Michael A. Hill, Rebecca J. Wydysh, John Syracuse & David E. Godfrey, re Resolution Calling Upon Congress to Legislatively Override President Obama's January 5, 2016 Executive Orders that Subvert the Second Amendment by Applying Portions of the Failed Safe Act to National Gun Policy
- IL-006-16** Legislators Randy R. Bradt & Will Collins, re Amendment to Medical Insurance Coverage Policy


Mary Jo Tamburlin, Clerk
Niagara County Legislature

*** Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

The next meeting of the Legislature will be held on February 23, 2016.

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/19/16 RESOLUTION # CW-001-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 1/19/16

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

NIAGARA COUNTY TREASURER'S OFFICE

BUDGET MODIFICATION – TRANSFER FROM DEBT RESERVE TO PAY DOWN 2007 BOND RELATED TO UNSPENT PROCEEDS FROM COUNTY SERVICE CAMPUS CAPITAL PROJECT

WHEREAS, resolution PW-070-14 closed the County Service Campus project returning funds in the amount of \$1,431,575.14 to the County Debt Reserve, and

WHEREAS, both federal and state law require that any portion of the proceeds from the sale of bonds not expended for the object or purpose for which such obligations were issued must be applied only to the payment of the principal of and interest on such obligations, and

WHEREAS, the County Treasurer as Chief Fiscal Officer for the County deemed it appropriate to refund the 2007 Public Improvement Serial bonds as was approved by this Legislature by resolution AD-021-15 resulting in significant savings to the County, and

WHEREAS, in order to complete the refunding of the 2007 and 2008 Public Improvement serial bonds the \$1,294,640.19 that remains in County Debt Reserve related to the closing of the County Service Campus capital project must be used to pay down the associated debt prior to closing on the refunding, and

WHEREAS, the refunding of the 2007 and 2008 Public Improvement serial bonds saved the taxpayers of Niagara County \$537,770.73 in future principal and interest payments, and

WHEREAS, budget modifications for the 2015 fiscal year can continue to be made into the first quarter of 2016, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to the 2015 County budget:

INCREASE INTERFUND TRANSFERS:

A.07.9901.000 45031.20	Interfund Transfers from Debt Reserves	\$1,294,640.19
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INCREASE APPROPRIATIONS:

A.07.9710.000 76001.00	Serial Bonds Principal Expense	\$1,294,640.19
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COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/19/16 RESOLUTION # CW-002-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

CW - 1/19/16

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

CREATE AND FILL POSITION / BUDGET MODIFICATION ADULT MENTAL HEALTH CLINICS NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH

WHEREAS, By regulations, within the New York State Office of Mental Health, the Local Governmental Unit (LGU) has the responsibility to operate the Adult Mental Health Clinics (AMHC), and

WHEREAS, the Niagara County Department of Mental Health functions in Niagara County as the LGU and has provided AMHC services under New York State regulation, and

WHEREAS, the NYS Office of Education (OOE) is expanding the requirements for masters level therapists to include 36 Continuing Education Credits (CEUs) for a 3 year period or 12 CEUs annually for licensure renewal, and

WHEREAS, the NYS Office of Mental Health (OMH) and NYS Office of Alcoholism and Substance Abuse (OASAS) and NYS Department of Health (DOH) are expanding the requirements for service providers to provide integrated physical health, mental health and substance abuse services, as well as to measure, demonstrate and report on data and outcome measures, and

WHEREAS, creating this new position, which will be required to hold the credential of Licensed Clinic Social Worker - Registered (LCSW-R) to provide the required supervision hours for Licensed Clinical Social Workers (LCSW), will enable these LCSWs to qualify for their "R" credential, whereby allowing for the expansion of professional staff licensure to qualify them to see clients from a larger insurance payor mix, thereby meeting the need for client access to professional staff who qualify to take these clients insurance, and

WHEREAS, creating this new position to coordinate adequate training opportunities for professional staff to earn the required number of Continuing Education Credits (CEUs) will qualify professional staff for licensure renewal, and

WHEREAS, this newly created position will also maintain an assigned client caseload and will pay for itself through 3rd party insurance, self-pay, Medicaid, and Medicare and will incur no County cost, now, therefore, be it

RESOLVED, that one Behavioral Health Clinical Supervisor, Grade 14, Step 1, at an hourly rate of \$30.95 be created within the Niagara County Department of Mental Health, and filled effective March 1, 2016 to carry out the required roles and responsibilities in the Adult Mental Health Clinics (AMHC) program, and be it further

RESOLVED, that the following budget modification be effectuated to the Mental Health 2016 budget:

INCREASE REVENUE:

A.21.4310.000 41620.00	Adult Mental Health Clinics	\$83,466
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INCREASE APPROPRIATION:

A.21.4310.000 71010.00 xxxx	Behavioral Health Clinical Supervisor	\$56,546
A.21.4310.000 78100.00	Retirement Expense	5,276
A.21.4310.000 78200.00	FICA Expense	4,326
A.21.4310.000 78300.00	Worker's Compensation	2,036
A.21.4310.000 78400.01	Insurance, Health Active	14,000
A.21.4310.000 78400.05	Insurance, Health HRA Employer	850
A.21.4310.000 78700.00	NYS Disability	82
A.21.4310.000 78800.00	Flex 125 Employer	350

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/19/2016 RESOLUTION # CW-003-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 01/19/16

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RATIFICATION OF AGREEMENT BETWEEN NIAGARA COUNTY UNIT 7650 OF LOCAL 832, CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. LOCAL 1000, AFSCME, AFL-CIO AND THE COUNTY OF NIAGARA, NEW YORK

WHEREAS, the County of Niagara, and the Niagara County Unit 7650 of Local 832, Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO (CSEA) have reached a tentative agreement for the period of January 1, 2012 through December 31, 2019, (the Tentative Agreement) attached, and

WHEREAS, said Tentative Agreement was ratified by CSEA on January 6, 2016, and

WHEREAS, funds are available in fund balance, as well as in 2016 budgeted appropriations to carry out the fiscal obligations in the tentative agreement with a detailed resolution to follow, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that upon a vote and approval of the County Legislature on January 19, 2016, the Tentative Agreement will be approved as the final ratified agreement between the parties for the period of January 1, 2012 through December 31, 2019 (the "Agreement"), and be it further

RESOLVED, that the County Manager is authorized to direct the Departments of Human Resources, Risk Management, Budget, and the Treasurer's Office to implement and administer the provisions of the Agreement, and be it further

RESOLVED, that the Chairman of the Legislature be, and hereby is, authorized to execute said agreement on behalf of the County of Niagara, subject to the approval of the County Attorney.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Committee of the Whole DATE: 01/19/16 RESOLUTION # CW-004-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION
CW - 1/19/16

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

**AMENDMENT OF RESOLUTION ESTABLISHMENT OF A STANDARD WORK DAY UNDER
THE TIME REPORTING REGULATION REQUIREMENT FOR ELECTED OR
APPOINTED OFFICIALS OF THE COUNTY OF NIAGARA PARTICIPATING
IN THE NEW YORK STATE RETIREMENT SYSTEM**

WHEREAS, by resolution AD-003-10 the Niagara County Legislature established a standard work day for certain elected or appointed officials, and

WHEREAS, Title 315.4 of the New York Compilation of Codes, Rules and Regulations promulgated by the New York State Comptroller, entitled Regulation on Reporting for Elected or Appointed Officials, has required the reporting of time for certain Elected or Appointed Officials of employers participating in the New York State Retirement System, including the County of Niagara, and

WHEREAS, Title 315.4 requires that the Niagara County Legislature establish a standard work day for each Elected or Appointed Official, serving Niagara County, and

WHEREAS, Title 315.4 requires that Elected or Appointed Officials keep a record or log of work activities, which record or log is required to be submitted to the Clerk of the Niagara County Legislature, and such official reporting work activities shall not include the following: "on call" time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, and

WHEREAS, Title 315.4 permits the reporting of work activities actually performed during the following: "on call" Saturdays time, Sundays time, holidays, sick time, vacation time, personal leave time, medical leave and/or bereavement, and

WHEREAS, pursuant to Title 315.4 the Niagara County Legislature does hereby amend Resolution AD-003-10 to include additional job titles for persons employed by Niagara County in positions not covered by a collective bargaining agreement, now, therefore, be it

RESOLVED, that in compliance with the mandates of Title 315.4, promulgated by the New York State Comptroller, the Niagara County Legislature be and hereby establishes, strictly for purposes of determining days worked and reportable to the New York State and Local Employees' Retirement System, the following standard work day for Elected and Appointed Officials:

ELECTED OFFICIALS

Niagara County Legislators
Niagara County Sheriff
Niagara County Clerk
Niagara County Treasurer
Niagara County District Attorney
Niagara County Coroners

Five day work week, six hour day, and

APPOINTED OFFICIALS

Niagara County Attorney
Assistant County Attorneys
Assistant District Attorneys
Public Defender
Assistant Public Defender
Assigned Counsel and Conflict Administrator and Conflict Office Attorneys
Niagara County Commissioner of Social Services,
Social Services Attorney Full-time
Auditor

Five day work week, six hour day, and

APPOINTED OFFICIALS

Adm. Director County Sewer District	Sewer
Adm. Director Water	Water
Clerk of the Co. Legislature	Legislature
Co. Fire Coordinator	Fire Coordinator
Commissioner of Economic Devel	Economic Development
Commissioner of Public Works	Public Works
County Manager	Office of the County Manager
Director of Risk & Insurance Services	Risk Management
Director of Real Property Tax Services III	Real Property
Director Veterans Service Agency	County Clerk
Director Cmnty Mental Health	Mental Health
Director Information Technology	Information Technology
Director of Buildings & Grounds	Buildings & Grounds
Director of Human Resources	Human Resources
Director Office for the Aging	Office for the Aging
Director Office of Management/Budget	Management and Budget
E&T Program Director	Employment and Training
Election Commissioners	Board of Elections
Public Health Director	Public Health
Probation Director II	Probation
Youth Bureau Director	Social Services
Public Information Officer	Legislature

Five day work week, seven hour day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES, NOT SUBJECT TO A
COLLECTIVE BARGAINING AGREEMENT

Assistant County Attorney	Social Services
Budget Analyst	Management and Budget
Chief Acct. Treasurer	Treasurer
Dep. Commissioner Public Works-Bridges	Public Works

Dep. Commissioner Public Works-Engineering	Public Works
Dep PH Dir/Dir of Hlth Fncl Oprt	Public Health
Dep. Co. Clerk	County Clerk
Deputy Director Buildings and Grounds	Buildings & Grounds
Deputy Director of Information Technology	Information Technology
Director PH Planning & Emergency Preparedness	Public Health
Director Administrative Services	Social Services
Director Environmental Health	Public Health
Director Nursing Services-Health	Public Health
Director of Eligibility	Social Services
Director of Social Services	Social Services
Dep. Commissioner Economic Dev.	Economic Development
Dep. Commissioner Social Services	Social Services
Dep. Director Mental Health	Mental Health
Environmental Science Coord.	Public Works
Executive Dir. Niagara County WIB	Employment and Training
Fiscal Admn-Office for the Aging	Office for the Aging
Grant & Systems Accountant	Management and Budget
Grant Accountant	Management and Budget
Health Service Fiscal Adm.	Public Health
Information Technology Project Manager	Information Technology
Manager Labor Rel.	Human Resources
Payroll Manager	Treasurer
Purchasing Agent	Management and Budget
Social Services Atty F/T	Social Services
Spcl. Asst. Medicaid Prvdr Fraud	Social Services
Sport Fishing Program Cord.	Economic Development
Systems Accounting Manager	Treasurer
Manpower Personnel	Employment and Training
Summer Youth Employment Counselor	Employment and Training
1 st Dep. Co. Treasurer	Treasurer
1 st Dep. Co. Clerk	County Clerk
Administrative Asst.-Cty. Mgr.	Office of the County Manager
Asst. Clerk to the Legislature	Legislature
Clerk/Machine Tech-Elections	Board of Elections
Clerk-Bd of Elections	Board of Elections
Cnfdt. Asst. to HR Director	Human Resources
Cnfdt. Asst-Dir Risk & Ins. Services	Risk Management
Cnfdt. Sec-Assign. Counsel & Conflicts	Conflict Def/Assigned Counsel
Cnfdt. Sec-Data Processing	Information Technology
Cnfdt. Asst-Commissioner Econ. Devel.	Economic Development
Conf. Sec. Dir. Homeland Security/Emer.Mgt.	Fire Coordinator
Confidential Assistant Sewer Director	Sewer
Confidential Asst-Cty Attorney	County Attorney
Confidential Sec.-Cty Clerk	County Clerk
Confidential Secretary-Health	Public Health
Confidential Secy-CoA	County Attorney
Confidential Secy-DA	District Attorney

Confidential Secy-Treas.
 Crim. Invest-DA
 Deputy Election Comm
 PersTechnician
 PH Resource & SNS Officer
 Safety & Training Coordinator
 Sr. Personnel Record Clerk
 Staff Development Coordinator
 Transportation Project Coord.

Treasurer
 District Attorney
 Board of Elections
 Human Resources
 Public Health
 Risk Management
 Human Resources
 Social Services
 Social Services

Five day work week, seven hour day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES, NOT SUBJECT TO A
 COLLECTIVE BARGAINING AGREEMENT

Chief Deputy
 Chief Jail Administrator
 Chief Wastewater TrtPLOp
 Chief WaterTrtPltOper
 Deputy Chief Jail Administrator
 Fleet Operations Supervisor
 Golf Director
 Highway Operations Supervisor
 SuprndentWtrTransmis
 SuprvSewerMaint
 SuprvWtrMaintPlant
 UnderSheriff
 Commissary Aide
 ConfidentialSecy-Sher
 ElecTechWSTWTR
 ElectrnicTech-Water

Sheriff
 Sheriff
 Sewer
 Water
 Sheriff
 Public Works
 Golf Course
 Public Works
 Water
 Sewer
 Water
 Sheriff
 Sheriff
 Sheriff
 Sewer
 Water

Five day week, eight hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE
 BARGAINING AGREEMENT

Traffic Safety Educator

Sheriff

Five day week, six hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE
 BARGAINING AGREEMENT

Clerk-Bd of Election p/t
 Voting Machinstr
 Personnel Officer Part-time
 CountyHistorian p/t

Board of Elections
 Board of Elections
 Human Resources
 County Clerk

Dpty County Historian P/T

County Clerk

Part-time, seven hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Helicopter Mechanic p/t
Helicopter Pilot
Deputy Sheriff-Marine p/t

Sheriff
Sheriff
Sheriff

Part-time, eight hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

GIS Assistant-Seasonal
MicroComp/StudentInt
Public Health Intern
Seasonal Help – Clerical
Seasonal Help – Clerical

Information Technology
Information Technology
Public Health
Social Services
Sheriff

Seasonal, seven hour work day, and

NON-ELECTED, NON-APPOINTED COUNTY EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

Marine Patrol Officer
Corrections Officer Seasonal
Seasonal Help-Labor
Seasonal Laborer – Parks

Sheriff
Sheriff
Sewer
Public Works

Seasonal, eight hour work day.

PART-TIME APPOINTED

Department of Social Services Attorneys
Assistant District Attorney Position Nos.: 35, 10523, 3753 and 10631

Part-time, seven hour day, and

be it further

RESOLVED, that in compliance with the mandates of Title 315.4, reportable “work hours” shall include all “work activities” performed by an Elected or Appointed Official during the work week, Saturdays, Sundays, “on call” time, holidays sick time, vacation time, personal leave time, medical leave and/or bereavement, and be it further

RESOLVED, that in compliance with the mandates of Title 315.4 all work activities performed by an Elected or Appointed Official during the work week shall be reported to the Clerk of the Niagara County Legislature and the Clerk of the Niagara County Legislature shall include all such hours in calculating the number of days working during the reporting period required by the New York State Retirement System.

COMMITTEE OF THE WHOLE

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Wm. Keith McNall and Randy R. Bradt DATE: 01/19/2016 RESOLUTION #IL-003-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION ESTABLISHING AN INDEPENDENT NIAGARA COUNTY OFFICE OF PUBLIC INTEGRITY AND DIRECTING ESTABLISHMENT OF A SEARCH COMMITTEE AND COMMENCEMENT OF A SEARCH FOR DIRECTOR OF OFFICE OF PUBLIC INTEGRITY

WHEREAS, independent review of allegations of ethical impropriety is essential to the public's confidence in, and the good exercise of the authority of, this Government, and

WHEREAS, the authority of the Niagara County Board of Ethics as currently constituted has proven to be limited, as have Boards of Review convened by previous sessions of this Legislature, and

WHEREAS, it is the judgment of this Legislature that establishment of an independent authority with full power to investigate allegations of misconduct, financial conflicts, fiduciary malfeasance and misfeasance, and other ethical transgressions as may arise from the conduct of office of elected officials of the County of Niagara, appointees of the same, and those employees of the Government that are participating in political activities that shall generate conflicts that directly contravene restrictions in the Niagara County Code of Ethics and other legally-enforceable statutes and policies, to issue legally-enforceable subpoenas in furtherance of such investigations, and to issue recommendations for resolution of such ethical violations up to and including a recommendation of expulsion from office, shall serve to protect the taxpayers and other citizens of this county and their interests, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby establish the Niagara County Office of Public Integrity, and further direct the creation of a Director of the Office of Public Integrity, and be it further

RESOLVED, that this Legislature directs its Chairman to establish a temporary committee, to consist of five legislators, that shall be entrusted with establishing a baseline budget for said Office, a salary range for the eventual Director of the same, a job description fully establishing the authorities of the Director, and a term of office that shall safeguard this Office and its investigations from being influenced by the outcome of elections, and to commence a search for a qualified candidate no later than March 18th of this Year, with membership of said committee being appointed by the Chairman of the Legislature upon the advice of the Majority and Minority Leaders, and reflective of the respective caucuses' current percentage of seats in the Legislature.

LEGISLATOR WM. KEITH MCNALL

LEGISLATOR RANDY R. BRADT

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Dennis F. Virtuoso,

DATE: 01/19/16

RESOLUTION #IL-004-16

Jason A. Zona, Mark J. Grozio and
Owen T. Steed

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AMENDMENT TO THE CODE OF ETHICS LOCAL LAW #2-96 FOR THE COUNTY OF NIAGARA, NEW YORK

WHEREAS, Legislator Dennis F. Virtuoso presents in writing the following proposed Local Law:

A Local Law Amending Local Law #2-96 Establishing a Code of Ethics for the County of Niagara, now, therefore,

Be It Enacted by the County Legislature of Niagara as follows:

Section 7: Future Employment, add Second Paragraph: No County Legislator can seek employment or be hired with the County of Niagara until the Legislator is out of office for a period of two years nor can a Legislator be a paid lobbyist, to lobby issues in the Niagara County Legislature for a period of two years after he or she leaves the Office of County Legislator.

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Courthouse, Lockport, New York, on the 23rd day of February, 2016 at 6:45 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least six (6) days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, the Civic Building in Niagara Falls and the County Building in North Tonawanda and shall publish such notice once in the Union-Sun & Journal and the Niagara Gazette and such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

LEGISLATOR DENNIS F. VIRTUOSO

LEGISLATOR JASON A. ZONA

LEGISLATOR MARK J. GROZIO

LEGISLATOR OWEN T. STEED

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Will Collins, Michael A. Hill, Rebecca J. Wydysh and John Syracuse and David E. Godfrey DATE: 01/19/2016 RESOLUTION #IL-005-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

RESOLUTION CALLING UPON CONGRESS TO LEGISLATIVELY OVERRIDE PRESIDENT OBAMA'S JANUARY 5, 2016 EXECUTIVE ORDERS THAT SUBVERT THE SECOND AMENDMENT BY APPLYING PORTIONS OF THE FAILED SAFE ACT TO NATIONAL GUN POLICY

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed," and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state," and

WHEREAS, the Legislature of the County of Niagara has repeatedly affirmed this county's recognition of the individual right to keep and bear arms, as enshrined in the Bill of Rights, and most recently in our opposition to the imposition of Governor Andrew M. Cuomo's NY SAFE Act gun control law, and

WHEREAS, President Barack H. Obama did, on January 5, 2016, issue a series of executive orders related to the exercise of rights guaranteed under the Second Amendment, and curtailing the same, including establishing lengthy prison terms and fines for those individuals that refuse to comply with said executive orders, and

WHEREAS, the Buffalo News did, in a January 9, 2016 article by reporter Lou Michel state, "What the president ordered to a large extent already exists in New York State by law" and went on to state "The SAFE Act ... increased New York's standing as one of the strictest gun-law states in the country," and

WHEREAS, this Legislature has repeatedly called for the repeal of the SAFE Act as it both abridges the Constitutional rights of the citizens of this County and State, and has proven to be bad policy with unenforceable provisions that have been struck down in federal court, and

WHEREAS, this Legislature concurs fully with the Honorable Chris Collins, Representative for New York's 27th District, who did state on January 6 that "President Obama has made it clear that he will not let legal documents like the Constitution stand in his way; only this president would circumvent the Constitution to punish tens of thousands of law-abiding gun owners across Western New York and millions more throughout the country; the president needs to be reminded that it is Congress's job to write laws, his proposed executive actions will significantly increase burdensome government regulations and infringe on the Second Amendment rights Americans have fought to protect," and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North

Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, the experience of this Legislature and this County is that the SAFE Act is a failure, the nationalization of which will only erode the rights of Americans not subject to the laws of the State of New York, and

WHEREAS, it is the right of the citizens of Niagara County to take any reasonable measures necessary to be secure in their homes against criminals and other dangerous trespassers, and This Legislature opposes government interference in the practice of that right, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does hereby oppose all executive orders issued by President Obama that have the effect of curtailing rights guaranteed by the Second Amendment to the Constitution, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon the leadership of the United States Congress to take such legislative actions as shall either override the executive branch's actions or render the same unenforceable through such actions as denying funding for enforcement of the same, and be it further

RESOLVED, that the Legislature of the County of Niagara calls upon its full delegation to Congress to support any and all legislation which shall further the purposes stated in the previous Whereas clause, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution President Obama; Attorney General Loretta Lynch; Director of the Federal Bureau of Investigation James Comey; Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives B. Todd Jones; Senator Charles E. Schumer; Senator Kirsten E. Gillibrand; U.S. Representative Chris Collins; U.S. Representative Brian Higgins; and all others deemed necessary and proper.

LEGISLATOR WILL COLLINS

LEGISLATOR MICHAEL A. HILL

LEGISLATOR REBECCA J. WYDYSH

LEGISLATOR JOHN SYRACUSE

LEGISLATOR DAVID E. GODFREY

NIAGARA COUNTY LEGISLATURE

FROM: Legislators Randy R. Bradt and
Will Collins

DATE: 01/19/2016 RESOLUTION # IL-006-16

APPROVED BY
CO. ATTORNEY

REVIEWED BY
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes _____ Abs. _____ Noes _____

Rejected: Ayes _____ Abs. _____ Noes _____

Referred: _____

AMENDMENT TO MEDICAL INSURANCE COVERAGE POLICY

WHEREAS, pursuant to Resolution Nos. 257-86 and HR-005-98 adopted August 19, 1986 and January 20, 1998, the County of Niagara has an existing policy for providing lifetime medical insurance benefits for elected and appointed officials, and

WHEREAS, Resolutions IL-002-04 and IL-061-11 amended the policy as it pertains to members of the Niagara County Legislature, and

WHEREAS, the policy created for members of the Niagara County Legislature in IL-002-04 and IL-061-11 shall remain unchanged, and

WHEREAS, Resolutions 257-86 and HR-005-98 are hereby amended concerning the classification of "non-union" employees eligibility for lifetime health insurance benefits, and

WHEREAS, pursuant to this resolution lifetime health insurance benefits shall be modified for all elected, appointed and/or non-union employees who shall be elected or hired by Niagara County subsequent to the date of the enactment of this resolution, and

WHEREAS, the following policy is hereby adopted by the Niagara County Legislature:

MEDICAL INSURANCE POLICY STATEMENT

I. ELECTED OFFICIALS (EXCEPT THOSE OFFICIALS SPECIFIED IN IL-002-04 and IL-062-11)

Persons who have held elective office in Niagara County government prior to the date of this resolution shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

10 years of completed service - 50% of premium paid by County

15 years of completed service - 75% of premium paid by County

20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service for any reason whatsoever.

II. APPOINTED OFFICIALS

Persons who have held appointed office in Niagara County government prior to the date of this resolution shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

10 years of completed service - 50% of premium paid by County
15 years of completed service - 75% of premium paid by County
20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service, provided that the following criteria are met:

1. The official reaches the minimum retirement age as determined by the New York State Retirement System; or
2. The official is not re-appointed or is terminated due to change in the membership of the Niagara County Legislature following the bi-annual election of the Niagara County Legislature.

III. NON-UNION EMPLOYEES

Persons who have been employed by Niagara County in a non-union, non-elected, non-appointed full-time, benefited position shall be entitled to lifetime health insurance benefits comparable to the benefits which they were receiving on their last date of County service, pursuant to the schedule set forth below:

10 years of completed service - 50% of premium paid by County
15 years of completed service - 75% of premium paid by County
20 years of completed service - 100% of premium paid by County

Eligibility for benefits shall occur immediately upon separation from service, provided that the following criteria are met:

1. The employee reaches the minimum retirement age as determined by the New York State Retirement System; or
2. The employee is terminated without cause within forty-five (45) days of the reorganizational meeting of a newly elected Niagara County Legislature.

IV. NEWLY ELECTED OFFICIALS AND NEWLY HIRED, APPOINTED AND NON-UNION EMPLOYEES

Elected officials, appointed employees, and non-union employees, who are entitled to lifetime health insurance benefits pursuant to the provisions of this resolution and initially elected and/or hired to positions in Niagara County government subsequent to ratification of this resolution, shall be eligible for Niagara County Healthcare Plan coverage upon retirement from continuous full-time service as follows:

Fewer than 10 years of service - 0% of premium paid by County
10 years, but fewer than 15 years of completed service - 25% of premium paid by County
15 years, or more of completed service - 50% of premium paid by County

V. MISCELLANEOUS

1. In the event that persons having less than 20 years of completed service upon separation of service are subsequently elected or re-hired by the County within seven (7) years after a break in service, such additional

period or periods of service shall be added to the original period of service for calculation of total years of completed service.

2. Persons who have otherwise qualified for lifetime insurance benefits and who are subsequently elected or re-hired by the County shall not forfeit their entitlement to such benefits if their subsequent employment is terminated for reasons other than as set forth in the above criteria.

3. "Years of completed service" shall be defined to include all years of employment with Niagara County in a benefited position whether elected, appointed or otherwise employed.

4. The changes to this policy shall not contravene or supersede rights and benefits provided for pursuant to the New York State Retirement System, and, now, therefore, be it

RESOLVED, that the above stated policy be, and hereby is, the official policy of the County of Niagara, New York, effective immediately.

LEGISLATOR RANDY R. BRADT

LEGISLATOR WILL COLLINS