SECOND DAY GENESEE COUNTY LEGISLATURE BATAVIA, NEW YORK WEDNESDAY, FEBRUARY 9, 2022 OLD COURT HOUSE, LEGISLATUE CHAMBERS ZOOM RECORDING WAS AVAILABLE

The Genesee County Legislature met in Regular Session on Wednesday, February 9, 2022 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Legislature Chair Stein stated CDC recommendations and New York State Health Commissioners determination on indoor masking, all persons over age two and able to medically tolerate a face covering/mask shall wear an appropriate face covering/mask while in any indoor public place. Zoom video conferencing was made available. Legislature Yunker offered to assist with the audit. The prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

Minutes of the Organizational meeting, January 5, 2022 were approved upon motioned of Legislator Klotzbach and seconded by Legislator Dibble, carried unanimously. Minutes of the January 26, 2022 Legislature meeting were approved upon motion of Legislator Yunker seconded by Legislator Deleo, carried unanimously.

Committee Report: Legislator Dibble participated in the CJAC meeting. Notice was given by the Office of Court Administration that they are ending their contract for security with the Sheriff's office. They have contracted with the County for years. Office of Court Administration will be supplying their own employees to handle security. The Sheriff will have six extra Sheriff's because of this. Genesee County is not the only County seeing this happen. Other counties have done the same. Orleans did the same 2 years ago.

Communications: Travel Out-of-State: Sheriff's Office: \$5,906 roll call taken: 298 votes Clattenburg (28) absent. Travel Out-of-State: Information Technology: \$5,500, roll call taken 298 votes Clattenburg (28) absent.

Legislator Comments: Legislature Chair Stein and Clerk Casey have been working on the rules for 2022/23. Rules for review at the next Ways and Means Committee meeting. Legislature Chair Stein acknowledged Vice Chair Clattenburg for stepping in for Chair Stein while she was out.

County Manager Matt Landers discussed the Governor announcement yesterday regarding masking. Started tomorrow masks can be removed. Exceptions Mental Health must mask, visitors, employees must be masked at the mental health facility. Masks are still available if any employees choose to where them. Other policies are still in place the attestation logs are being completed daily. Lastly, bid packages for the Jail went out yesterday.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 62

IN OPPOSITION TO SENATE BILL S7855 AS IT RELATES TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Legislator Torrey offered the following resolution:

WHEREAS, Western Region Off-Track Betting Corporation (WROTB) is a public benefit corporation with headquarters in Batavia, New York, and

WHEREAS, WROTB is owned and operated by 15 Western New York counties and the cities of Rochester and Buffalo, and

WHEREAS, the corporation owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming,

a standard bred racetrack and gaming facility, and

WHEREAS, since its inception, WROTB has generated over \$250 million in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the Board of Directors of WROTB has been comprised of one representative from each of the 17 municipalities, and

WHEREAS, in 1973, the Genesee County Legislature passed by resolution legislation that authorized and empowered Genesee County to participate in the WROTB that had recently been created by the state and signed by then Governor Nelson Rockefeller, and

WHEREAS, the 1973 legislation passed by the Genesee County Legislature was passed with the stipulation that it was "subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York", and

WHEREAS, New York State Senator Timothy M. Kennedy (D - Buffalo) has recently proposed Senate Bill S7855, an act to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the WROTB, and

WHEREAS, Senator Kennedy's proposal calls for revising the current fair and equitable representation of the Board of Directors to three members to represent the counties of Monroe, Wyoming, and Orleans; a single member to represent the counties of Chautauqua, Cayuga, Genesee, Livingston, Schuyler, and Seneca; four members to represent Erie County; one member to represent Niagara County, a lone member to represent the counties of Oswego, Cattaraugus, and Orleans; one member to represent the City of Buffalo, one member to represent the City of Rochester, one member appointed by the governor, one member appointed by the temporary president of the senate, and one member appointed by the speaker of the assembly, and

WHEREAS, Senator Kennedy's bill states that its intent is to "provide more equal representation of the people of the area who benefit from proceeds from said corporation", and

WHEREAS, this legislation will in fact have the opposite effect of the stated intention in the bill, as it will decimate the balanced representation formula determined previously by both the state legislature and governor as equitable and impartial, with a clear and explicit intent of providing each municipality that comprises the corporation an equal voice in WROTB matters, and,

WHEREAS, the performance and accomplishments of the current WROTB Board and leadership cannot be discounted when considering this drastic and overreaching legislation, including, but not limited to: the acquisition of an 84-room hotel on the grounds of Batavia Downs that has drawn rave reviews, countless fundraising events for charitable organizations that have benefitted thousands of families across western New York, including Make-A-Wish, the Batavia Police Department K-9 Unit, the Genesee County K-9 Unit, GLOW YMCA, Food Bank of Western NewYork, and the Breast Cancer Coalition of Rochester, and

WHEREAS, in 2021, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million this past year alone, leading to record earnings, distributions for the 17 municipalities that have come to rely on their WROTB distributions to balance their local budgets while reducing the property tax burden for businesses and homeowners, and WHEREAS, the current WROTB Board and leadership have successfully led the corporation through in incredibly difficult period in history, the Covid-19 pandemic, that has ravaged similar entities across the State and the County, and

WHEREAS, WROTB currently has 385 full- and part-time employees with a payroll of \$12.5 million; individuals and families from every corner of our region, and all whom could be negatively impacted by this drastic proposal. Now, therefore be it

RESOLVED, Genesee County Legislature does vehemently oppose Senate Bill S7855, as it will cause

irreparable harm to Genesee County, its interests in WROTB, the economic interests of Genesee County, and the taxpayers of this county, and be it further

RESOLVED, that the Genesee County Legislature does hereby call upon members of the New York State Senate to reject S7855. Be it further

RESOLVED, that a copy of this resolution be sent to Governor, Senate and Assembly. Legislator Hawley seconded the resolution which was adopted by 298 votes Clattenburg (28) absent.

RESOLUTION NO. 63

REVISING NEW YORK STATE RETIRMENT TIER STATUS FOR GENESEE COUNTY EMPLOYEE STEVEN GRICE

Legislator Yunker offered the following resolution:

WHEREAS, Steven Grice became Deputy County Clerk, an appointed full-time position under Michael Cianfrini on February 16, 2016, and

WHEREAS, Mr. Grice had started working as a County employee June 22, 1981 but current records don't show if he was ever offered the opportunity to join the NYS Public Employee Retirement System which would have established his status as a Tier III retirement system employee, and

WHEREAS, The New York State Comptroller, sole trustee of the New York State Retirement System has ruled favorably on Mr. Grice's petition to be granted Tier III retroactive status to his initial 1981 employment date, and

WHEREAS, In order to complete this revised membership/tier status, special New York State Legislation and a Genesee County resolution need to be executed so the New York State Legislature can consider said State Legislation. Now, therefore Be it

RESOLVED, The Genesee County Legislature acting on the advice and consent of the County Attorney and County Treasurer hereby agree to make a one-time contribution of approximately \$12,900, pending approval by the State to satisfy Mr. Grice's status as a "current" Tier III contributor for immediate past service. And be it further

RESOLVED, The County Legislature hereby directs said County Treasurer to make whatever adjustments in the payroll system and said one-time contribution to the New York State Retirement System for the County's share of Mr. Grice's immediate past service and forward this Resolution to New York State Senator, Edward Rath and State Assemblyman, Stephen Hawley as supporters and proponents of passage of necessary State Legislation of behalf of Seven Grice's revised New York State Retirement tier III status.

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

RESOLUTION NO. 64

AUTHORIZATION TO ESTABLISH, AMEND, CLOSE/BUDGET AMENDMENT/TRANSFER-2022 CAPITAL PROJECTS - APPROVAL OF

Legislator Klotzbach offered the following resolution:

WHEREAS, The Genesee County Planning Director, County Manager and County Treasurer did prepare a list of Proposed Countywide Capital Projects for fiscal years 2022 through 2026 and a list of capital projects to be funded in 2022 and do recommend establishment of new 2022 projects at this time, and

WHEREAS, The Assistant County Manager reported the County Manager, Building Security Upgrade, Phase II is completed and recommends it to be closed and the balance of \$63.85 be transferred to the County Manager, Building Security Upgrades – Phase III project, and WHEREAS, The Committee on Ways and Means has reviewed these requests and recommends said Capital Projects be established, amended and closed at this time. Now, therefore, Be it

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

\$63.85 From Capital Project, County Manager – Building Security Phase II Capital Project, County Manager – Building Security Phase III То

and, Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized to establish new Capital Project for the year 2022: **FUNDING**

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PROJECT	SOURCE	AMOUNT
County Manager, Building Security Upgrades – Phase III	1% Sales Tax	\$ 121,000
Sheriff's Office, Dispatch Center Console Furniture	1% Sales Tax	\$ 320,000
and Be it further		

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 Genesee County Budget by Increasing A9950.9 - Transfer to Capital in the amount of \$451,000 offset by an Increase in A.1000.1110.1-1% Sales Tax in a like amount, and increase appropriation H.1997.2080.0000-Equipment & Capital Outlay in the amount of \$121,000 offset by an increase in revenues H.1997.5031 – Equipment & Capital Outlay, Interfund Transfer in a like amount. Increase appropriation H.3397.2080.0000 Public Safety – Capital Project Expense in the amount of \$320,000, offset by an increase in revenue H.3397.5031 – Public Safety Capital Project, Inter-fund Transfer in a like amount. And be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the County Manager, Building Security Phase II Capital Project.

Budget Impact Statement: Projects are funded fully by 1% Sales Tax.

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

RESOLUTION NO. 65

CONTRACT RENEWAL – COUNTY ATTORNEY – BROKER/RISK MANAGEMENT **SERVICES/APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, in 2016 Genesee County did contract with Lawley Genesee for Broker/Risk Management Services to review and evaluate the County's risks and appropriateness of various coverages, and

WHEREAS, The County Attorney does recommend that this contract with Lawley Genesee be continued, and

WHEREAS, The Committee on Ways and Means reviewed this recommendation and does concur at this time. Now, therefore, Be it

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized to renew a contract with Lawley Genesee, 20 Jefferson Square, Batavia, NY 14020, for the provision of Broker/Risk Management Services in the amount of \$22,000 for the period of February 1, 2022 (retroactively) through February 28, 2023.

Budget Impact Statement: The cost of \$22,000 is included in the 2022 budget.

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

RESOLUTION NO. 66

INSURANCE RENEWAL – 2022-2023 POLICY WITH NYMIR - APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The County Attorney's office prepared and submitted the 2022/23 Insurance

Renewal Application to the Lawley Agency and

WHEREAS, The Lawley team compared rates with other municipalities similar or larger in size to Genesee County to make sure that the rates were similar or better than what the other municipalities are paying and

WHEREAS, During this process they indicated pricing options that are available to us with different deductible choices, and

WHEREAS, The County Attorney's office and the County Manager's office met remotely with Lawley representatives and then weighed our different options. We propose and recommend the net premium, and

WHEREAS, The net premium increased by \$27,809.29 as follows:

- 1. Self-Insured Retention Renewal increased by \$26,810.
- 2. Property Package decreased by \$4,610.71.
- 3. Inland Marine decreased by \$2,072.
- 4. Health Care Professional decreased by \$1,209.
- 5. HealthCare General Liability increased by \$166.
- 6. Excess Catastrophe increased by \$8,725.

WHEREAS, the Committee on Ways and Means did review this request and does recommend approval at this time. Now, therefore Be it,

RESOLVED, that the 2022/23 Insurance renewal be placed with NYMIR for the premium of \$293,187.

Budget Impact Statement: The County Attorney Budget had been increased to accommodate and increase and is within budget.

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

RESOLUTION NO. 67

CONTRACT/MENTAL HEALTH/SHARON NOVAK MS, PMHNP-BC – 2022 - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Committee on Human Services and Ways and Means does recommend approval of a contract with Sharon Novak MS, PMHNP-BC, 26 Hanover St., Lancaster, NY 14086, to provide psychiatric Nurse Practitioner services as presented by the Director of the Community Mental Health Services. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to implement a contract between the County of Genesee and Sharon Novak MS, PMHNP-BC for the provision of consulting psychiatric nurse practitioner services at a rate of \$100.00 per hour for a maximum of 1,200 hours for the period of February 14, 2022 through December 31, 2022 in accordance with the terms of said contract.

Budget Impact Statement: Rate - \$100/hr.; Hours – not to exceed 1,200 for the term of the contract.

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

RESOLUTION NO. 68

REJECTION OF PROPOSAL – GENESEE COUNTY MENTAL HEALTH/MEDICAL BILLING SERVICES – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County issued proposal 2021-106 which provides for outsourcing of medical billing services for the department of Mental Health, and

WHEREAS, The Director of Community Mental Health Services is recommending rejecting

the proposals at this time. After reviewing all submitted proposals it was the determination of the RFP review committee that none of the vendors that responded could meet the specific needs of what Mental Health is looking for, and

WHEREAS, The Committee on Human Services and Ways & Means has reviewed this and does concur, Now therefore, be it.

RESOLVED, That the Genesee County Legislature does hereby reject any and all RFP's received for 2021-106 Medical Billing Services.

Budget Impact: None at this time.

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

RESOLUTION NO. 69

INTERMUNICIPAL AGREEMENT/BUDGET TRANSFER/MENTAL HEALTH/SHARED MENTAL HEALTH STAFF WITH ORLEANS COUNTY - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, Genesee and Orleans County are committed to providing essential Mental Health Services to their County residents, and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service, and

WHEREAS, the Genesee County Mental Health Director of Community Services did present an intermunicipal agreement with Orleans County to share Mental Health Staff for fiscal services, and

WHEREAS, The Committees on Human Services and Ways & Means did review the request and do recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute an agreement with the County of Orleans with offices at 3 South Main Street, Suite 2, Courthouse Square, Albion, NY 14411, for the provision of sharing Mental Health Fiscal Staff between Genesee and Orleans County for the period of February 14, 2022 through December 31, 2022.

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

FROM: \$ 68,400 A 4310 1010.0000 Personnel Services

TO: \$ 68,400 A 4310 4650.0006 Intermunicipal Agreement-Orleans Billing Budget Impact Statement: A transfer of funds from Personnel Services to Contracted Services.

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

RESOLUTION NO. 70

2022 SALARY SCHEDULE AMENDMENT -COMMUNITY MENTAL HEALTH SERVICES/REGISTERED PROFESSIONAL NURSE -APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, The department of Mental Health in Genesee County is in the middle of a staffing shortage. The Continuing Day Treatment (CDT) program has a part-time Registered Professional Nurse that has submitted her resignation for personal reasons. The Director is requesting this part-time position be returned to a full-time position to cover critical nursing

hours needed for continuity of care in the Clinic as well as the CDT program, and

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2022 Employee Salary Schedule by eliminating one (1) Part-time,

Registered Professional Nurse position, CSEA-General, Grade 16-N, and creating one (1) Full-Time Registered Professional Nurse, in CSEA-General, Grade 16-N and

WHEREAS, The Committees on Human Services and Ways and Means did review this request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2022 Employee Salary Schedule by eliminating one (1) Part-time, Registered Professional Nurse position, CSEA-General, Grade 16-N, and creating one (1) Full-Time, Registered Professional Nurse position, in CSEA-General, Grade 16-N effective February 10, 2022.

Budget Impact Statement: Cost of FT position would be \$56,565.48 for the remainder of the year. Due to unfilled vacancies and current resignations there would be no change needed to the budget to cover the additional cost.

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

RESOLUTION NO. 71

OFFICE FOR THE AGING ADVISORY COUNCIL - APPROVAL OF

Legislator Hawley offered the following resolution:

WHEREAS, The Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members and at least 50% of the Council members shall be Community members who are Genesee County residents age 60 and over; and

WHEREAS, Members in good standing may serve a maximum of three (3) consecutive terms with each term being three (3) years in length, for a total of nine (9) consecutive years; and

WHEREAS, There is a vacancy and we offered invitation to an individual to fill a vacancy based on NYSOFA regulations regarding OFA Aging Advisory Council composition; and

WHEREAS, The Committees on Human Services and Ways & Means did review this request and recommend appointment at this time. Now Therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a three year term effective January 1, 2022 through December 31, 2024.

Community Member:

Felice Smith, PT-Alexander

Budget Impact Statement: None

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

RESOLUTION NO. 72

2022 AGREEMENT MODIFICATION OF MEMORANDUM OF UNDERSTANDING – OFA/ ALZHEIMER'S ASSOCIATION, WESTERN NEW YORK CHAPTER– WNY ALZHEIMER'S DISEASE CAREGIVER SUPPORT INITIATIVE (ADCSI)– APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an agreement modification to extend the previous contractual Memorandum of Understanding (MOU) with the Alzheimer's

Disease and Related Disorders Association, Inc. d/b/a Alzheimer's Association, Western New York Chapter (AAWNY) for the period of January 1, 2021 – December 31, 2021 outlines the relationship of Genesee County Office for the Aging (GCOFA) as the Community Based Organization in Genesee County to work with AAWNY and Erie, Niagara, Wyoming, Cattaraugus, Chautauqua, and Allegany County Offices for the Aging to implement the Western New York Alzheimer's Disease Caregiver Support Initiative (WNYADSI); a seven county, multi-agency, initiative funded by NY State Dept. of Health (NYSDOH) through an Alzheimer's Disease Caregiver Support Initiative grant awarded to the Alzheimer's Association of WNY Chapter; and

WHEREAS, The purpose of WNYADCSI is to decrease the burden of Alzheimer's Disease and other dementias on individuals, caregivers, and families by providing comprehensive and collaborative services to caregivers of persons with dementia in the form of in-home, overnight, and social/medical adult day care respite; education programs for caregivers and professionals; support groups, family and individual dementia consultation services; and technology; and

WHEREAS, AAWNY is the grant recipient and this MOU establishes the modification in the amount of \$62,500 for the period of January 1, 2022-June 30, 2022 to the agreement for which GCOFA would receive funding to provide consultation, respite, and technology services; and

WHEREAS, The Committee on Human Services and Ways & Means Committee did review this request and does recommend approval of this MOU and adjusting Office for the Aging Appropriations and Revenues for incorporation of these funds. Now, Therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to extend an agreement MOU with Alzheimer's Disease and Related Disorders Association, Inc. dba Alzheimer's Association, 225 N. Michigan Ave., Ste. 1700, Chicago, Illinois 60601, not to exceed \$62,500 for the period January 1, 2022 – June 30, 2021.

<u>Budget Impact</u>: Neutral. Expenses are fully funded and are being incorporated into the 2022 County Budget to support OFA Alzheimer's Disease Caregiver Support Initiative services.

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

RESOLUTION NO. 73 COUNTY AUDIT – FEBRUARY 9- APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, Legislator Yunker, did review the following claims:

General Fund-2021 \$	402,396.21
General Fund-2022	1,474,450.77
Highway-2021	2,075.60
Highway-2022	762,725.98
Self Insurance-2021	6,000.00
Self Insurance-2022	726.00
Water Fund-2021	66,006.35
Water Fund-2022	913,694.07
DSS Abstracts	202,042.24
Capital Projects-2021	
Highway-Large Span Culverts	28,519.04
Highway-Darien-Alexander Tnln Road Bridge over Tunnery	Creek 1,104.70
Airport-Apron Reconstruction (Construction)	1,126.80
Airport-Apron Reconstruction & Obstruction Removal	1,158.75
Capital Projects-2022	
OFA- OFA Property Improvements	25.98

Facilities Management-Genesee Justice Stone Work	7,674.00
Payroll – General	
January 28, 2022	1,771.072.09
Medicaid	
February 1, 2022	146,087.00
February 8, 2022	146,087.00
Total Audit	\$ 5,932,972.58

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 Yunker seconded the resolution which was adopted by 298 votes Clattenburg (28) absent.

Rule 19 Legislator Yunker made a motion to suspend the rules of the Genesee County Legislature to add a timely resolution Opposing any Decrease to the Farm Labor Overtime Threshold, seconded by Legislator Maha, carried unanimously.

RESOLUTION NO. 74 OPPOSING ANY DECREASE TO THE FARM LABOR OVERTIME THRESHOLD – APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, agriculture is New York State's largest industry, and

WHEREAS, the Farm Laborers Wage Board has proposed to decrease the farm labor overtime threshold from 60 to 40 hours, and

WHEREAS, farms are critical components of our regional economy and are necessary to ensure supermarkets are stocked with food, and

WHEREAS, from the outset of the COVID-19 pandemic, farmers have stepped up and ensured their operations continued and were responsible for donating thousands of pounds of food to local food banks at a time of significant need, and

WHEREAS, Western New York farmers face a tremendous number of challenges outside of their control including changes in consumer demand leading to price change, obtaining labor, climate change, land management policies, foreign market competition, livestock and crop disease, and

WHEREAS, in addition to the practical issues related to growing and selling food products, New York farmers have to contend with wavering levels of government regulations including changes in wages and overtime threshold, and

WHEREAS, one of the more pressing issues for the farming community has been mandated overtime requirements since the 2019 Farm Laborers Fair Practice Act, currently gives farmworkers a right to overtime after sixty (60) hours of work each week, and

WHEREAS, Genesee County farmers are reliant on migratory work forces during the short growing season here in Western New York as workers are here for only a few months in the spring and summer and they have only so many hours each year to get the work done, and

WHEREAS, the Act does not prohibit the Farm Laborers Wage Board from arbitrarily decreasing the overtime threshold again thereby increasing costs to local farms, and

WHEREAS, decreasing the overtime threshold will negatively impact the farming community by increasing costs to farmers, who are already operating under very tight margins

and will potentially cut into work opportunities for migrant workers, and

WHEREAS, cutting budgeted support levels and drastically increasing costs through government interference should be avoided whenever possible, and

WHEREAS, NYS Assembly Deputy Minority Leader Steve Hawley has voiced concern through letters written to Governor Kathy Hochul and NYS Labor Commissioner dated January 31, 2022, and

WHEREAS, most of the testimony provided in the hearing process requested "NO CHANGE" to the overtime threshold. This is another example of New York City interests ignoring the "other New York" and its robust economy. Now, therefore be it

RESOLVED, that the Genesee County Legislature emphatically opposes any decrease to the 60 hour farm worker overtime threshold proposed by the Farm Laborers Wage Board and directs the legislature clerk to forward a copy of this resolution to Gov. Hochul, Senate Majority Leader Stewart-Cousins, NYS Assembly Speaker Heastie, Assemblyman Hawley, Senator Rath, NYS Labor Commissioner, NYS Agriculture and Markets Commissioner, NYS Farm Bureau, Genesee County Farm Bureau, NYSAC, WNY Inter-County Association and any others deemed necessary.

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

At 5:54 pm the meeting adjourned upon motion of Legislator Deleo seconded by Legislator Dibble, carried unanimously.