



Cortland County Legislature

Legislative Session

Legislative Chambers
Cortland, NY 13045
<https://www.cortlandcountyny.gov>

~ Minutes ~

Thursday, May 23, 2024

6:00 PM

Board Room

Public Hearings

1. Local Law "C" of 2024, a Local Law Authorizing 12 and 13 Year Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of an Adult Licensed Hunter

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

Salute to the Flag

Call to Order

The meeting was called to order at 6:00 PM by Chair of the Legislature Kevin Fitch

Roll Call

Attendee Name	Organization	Title	Status	Arrived
Douglas Bentley	Cortland County, NY	Legislator	Present	
Cathy Bischoff	Cortland County, NY	Legislator	Present	
Reed Cleland	Cortland County, NY	Legislator	Present	
Mitchel Eccleston	Cortland County, NY	Legislator	Present	
Beau Harbin	Cortland County, NY	Minority Leader	Present	
Paul Heider	Cortland County, NY	Majority Leader	Present	
Linda Jones	Cortland County, NY	Legislator	Present	
Dominick Mantella	Cortland County, NY	Legislator	Present	
William McGovern	Cortland County, NY	Legislator	Present	
Joseph Nauseef	Cortland County, NY	Legislator	Present	
Christopher Newell	Cortland County, NY	Legislator	Excused	
Sandra Price	Cortland County, NY	Legislator	Present	
Ronald J. Van Dee	Cortland County, NY	Legislator	Present	
Keith VanGorder	Cortland County, NY	Legislator	Present	
Eugene Waldbauer	Cortland County, NY	Legislator	Present	
Susan Wilson	Cortland County, NY	Legislator	Present	
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Present	

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Apr 25, 2024 6:00 PM

RESULT:	APPROVED
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Privilege of the Floor

Proclamations & Recognitions

Presentation of Petitions, Presentations, Communications, and Notice

1. Students Inside Government Presentation

RESULT:	COMPLETED
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Receive and File

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

AGENDA ITEM NO. 1 – Appoint Member - Agricultural and Farmland Protection Board

RESULT:	PULLED
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Next: 6/27/2024 6:00 PM

ON MOTION OF FITCH

RESOLUTION NO.

Appoint Member - Agricultural and Farmland Protection Board

WHEREAS, Resolution No. 182-93 created the Cortland County Agricultural and Farmland Protection Board; AND

WHEREAS, the Agricultural and Markets Law Section 302 (b) designates appointments are to be made by the Chair of the Legislature; NOW THEREFORE BE IT

RESOLVED, that the following be and hereby are appointed to the Cortland County Agricultural and Farmland Protection Board for the term indicated below:

Name	Address/Designation	Capacity	Term to Expire
John Phelps	5878 Dillon Rd. Homer, NY 13077	Soil & Water Conservation District Chair	Duration of Term

Referred from Building & Grounds Committee

Referred from Highway Committee

Referred from Government Operations Committee

AGENDA ITEM NO. 2 – Amend 2024 Cortland County Legislative Calendar - Legislature

RESULT:	ADOPTED [11 TO 5]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Eugene Waldbauer, Legislator
AYES:	Bischoff, Eccleston, Heider, Jones, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Fitch
NAYS:	Bentley, Cleland, Harbin, Mantella, Wilson
EXCUSED:	Christopher Newell

ON MOTION OF NAUSEEF

RESOLUTION NO. 102-24

Amend 2024 Cortland County Legislative Calendar - Legislature

WHEREAS, Article VIII, Number 1 of the Cortland County Legislature Rules of Order state, "The Legislature may, at any meeting, by resolution, change the time and place of the next regularly scheduled meeting....."; AND

WHEREAS, it is to the benefit of the Legislature to recess during the month of July 2024 and cancel all standing committee meetings and legislative session; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby amends the legislative calendar and cancels all legislative meetings for the month of July 2024.

AGENDA ITEM NO. 3 – Adopt Amended County Purchasing Policy

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Paul Heider, Majority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF NAUSEEF

RESOLUTION NO. 103-24

Adopt Amended County Purchasing Policy

WHEREAS, the County's purchasing and procurement policy has been revised and updated to include an addendum with written consequences of non-compliance with the requirements of the County's purchasing policy; AND

WHEREAS, the amended purchasing policy is intended to supersede the County's current purchasing policy as well as any previously adopted changes to the current policy; AND

WHEREAS, the amended purchasing policy has been reviewed for content by the County Administrator, Clerk of the Legislature, Director of Finance and Manager of Audit and Financial Projects; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby adopts the amended purchasing policy;

AND BE IT FURTHER

RESOLVED, that this policy shall supersede all previously adopted purchasing policies, as well as any previously adopted amendments to those policies; AND BE IT FURTHER

RESOLVED, that this policy will be effective May 24, 2024 for all County departments.

AGENDA ITEM NO. 4 – Authorize Mortgage Tax Disbursement - October 2023 - March 2024 - County Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF NAUSEEF

RESOLUTION NO. 104-24

Authorize Mortgage Tax Disbursement - October 2023 - March 2024 - County Clerk

WHEREAS, in accordance with New York State Tax Law, Article 11, § 261, the Semi Annual Mortgage Tax Report for October 1, 2023-March 31, 2024, has been prepared and submitted by the Cortland County Clerk and has been approved by the New York State Department of Taxation and Finance; AND

WHEREAS, the Basic Mortgage Tax has been submitted with interest to the Cortland County Director of Finance; AND

WHEREAS, the mortgage tax has been calculated to apportion the basic mortgage tax between the towns and villages; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes the Cortland County Director of Finance to make payments to each of the tax districts within the County of Cortland as shown below, either by check or by electronic bank deposit based on the request of the receiving municipality.

Cincinnatus, Town of	\$5,197.26
Cortland, City of	\$91,977.01
Cortlandville, Town of	\$103,569.27
Homer, Village of	\$286.89
McGraw, Village of	\$2,881.31
Cuyler, Town of	\$5,094.45
Freetown, Town of	\$6,270.36
Harford, Town of	\$101,502.50
Homer, Town of	\$23,224.06
Homer, Village of	\$17,315.60
Lapeer, Town of	\$7,170.85
Marathon, Town of	\$8,265.31
Marathon, Village of	\$4,421.12
Preble, Town of	\$9,210.99
Scott, Town of	\$8,498.31
Solon, Town of	\$6,741.07

Taylor, Town of	\$2,426.99
Truxton, Town of	\$2,501.20
Virgil, Town of	\$23,145.04
Willet, Town of	\$5,409.15
Total	\$435,108.74

Referred from Judiciary & Public Safety Committee

AGENDA ITEM NO. 5 – Authorize Use of County Vehicle Repair/Replacement Reserve for Sheriff Vehicle - Sheriff's Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ronald J. Van Dee, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF PRICE

RESOLUTION NO. 105-24

Authorize Use of County Vehicle Repair/Replacement Reserve for Sheriff Vehicle - Sheriff's Office

WHEREAS, the Cortland County Legislature adopted Resolution No. 107-15, which established the County Vehicle Repair/Replacement Reserve for the purpose of vehicle related costs; AND

WHEREAS, funds are required for the repair of a Sheriff Road Patrol vehicle damaged in an accident; AND

WHEREAS, the County Vehicle Repair/Replacement Reserve balance at April 30, 2024 was \$122,567.38; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature be and hereby approves the use of the County Vehicle Repair/Replacement Reserve for the repair of a damaged Sheriff Road Patrol vehicle; AND BE IT FURTHER

RESOLVED, that the 2024 County Budget be and hereby is amended as follows:

Increase:

A31205.54765	Vehicle Accident & Repair	\$2,500.00
A351100	Appropriated Reserves	\$2,500.00

Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 6 – Appoint Member to the Transportation Advisory Committee

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Ronald J. Van Dee, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF HARBIN

RESOLUTION NO. 106-24

Appoint Member to the Transportation Advisory Committee

WHEREAS, Resolution No. 289-19 authorized the formalization of the Transportation Advisory Committee as a Citizen's Advisory Committee, AND

WHEREAS, the Transportation Advisory Committee, as a formal subcommittee of the Agriculture, Planning, and Environmental Committee, will consist of a membership from a wide variety of community service agencies and government agencies, AND

WHEREAS, the Cortland County Legislature approved changes to the Bylaws of the Transportation Advisory Committee, which include staggering terms of members, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby appoints the following to the Transportation Advisory Committee:

NAME	AGENCY/CAPACITY	TERM ENDING
Beau Harbin	Legislative Representative	12/31/2024

Referred from Health & Human Services Committee

AGENDA ITEM NO. 7 – Authorize Expanded In-Home Services for the Elderly (EISEP) and Caregiver Respite Programs - Office for Aging

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF VAN DEE

RESOLUTION NO. 107-24

Authorize Expanded In-Home Services for the Elderly (EISEP) and Caregiver Respite Programs - Office for Aging

WHEREAS, the Expanded In-Home Services for the Elderly and Caregiver Respite programs provide critical services to frail older adults; AND

WHEREAS, the Office for Aging requires the services of outside service providers and private organizations to fulfill its charge; AND

WHEREAS, the Office for Aging wishes to enter into a contract with Stafkings Healthcare Systems, Inc. for the provision of non-medical personal care, chore/housekeeping services, and caregiver respite; AND

WHEREAS, the total amount of all EISEP and Caregiver Respite contracts shall not exceed the available funds allocated to each program as follows:

Total Allocation for EISEP Services is \$130,652

Total Allocation for Caregiver Respite is \$2,500

; NOW THEREFORE BE IT

RESOLVED, that the Chairman of the Cortland County Legislature, upon review and approval by the County Attorney or designee, and subject to any appropriation of funding by the Legislature, be and hereby is authorized to execute said agreement.

AGENDA ITEM NO. 8 – Appoint Members - Older Americans Act Advisory Council

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF VAN DEE

RESOLUTION NO. 108-24

Appoint Members - Older Americans Act Advisory Council

WHEREAS, the By-Laws of the Older Americans Act Advisory Council of the Cortland County Office for Aging state membership shall be 15-25 voting members with at least fifty percent of the membership to be at least sixty years of age that represent target group seniors according to the Older Americans Act of 1965, as amended, and shall also include representatives of health care provider organizations, including veterans and supportive services provider organizations, be broadly representative of all aspects of the county, and include local elected official and the general public; AND

WHEREAS, Article 4, Section 4, states the term shall be for three years, or appointed to complete a term of a person who has resigned, the new person's length of term is defined as the period of the original member's term, with a maximum of two consecutive terms; NOW THEREFORE BE IT

RESOLVED, that the following be and hereby is appointed to the Older Americans Act Advisory Council of the Cortland County Office for Aging:

Name	Capacity	Term Number	Term Expiration
Regina B. Grantham	Community Member	1 st Term	12/31/2026
Fan Zhang	Community Member	1 st Term	12/31/2026

AGENDA ITEM NO. 9 – Amend 2024 Daycare Budget - Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

Amend 2024 Daycare Budget - Department of Social Services

WHEREAS, expenditures for Daycare cases are continuing to increase this year and are expected to exceed the amount appropriated in our 2024 budget; NOW THEREFORE BE IT

RESOLVED, that the 2024 County Budget be and hereby is amended as follows:

INCREASE:

Daycare Expenditures

A60105.56055 current \$900,000.00 INCREASE \$450,000.00 new = \$1,350,000.00

Daycare Revenues

A601043.43655 current \$846,578.00 INCREASE \$450,000.00 new = \$1,296,578.00

AGENDA ITEM NO. 10 – Authorize Agreement for Enhanced Non-Residential Services for TANF Domestic Violence Funds with Cortland YWCA- Department of Social Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

Authorize Agreement for Enhanced Non-Residential Services for TANF Domestic Violence Funds with Cortland YWCA- Department of Social Services

WHEREAS, the New York State Office of Children and Family Services has allocated Temporary Assistance for Needy Families (TANF) funds for Non-Residential Domestic Violence Services; AND

WHEREAS, the Young Women's Christian Association (YWCA) Aid to Victims of Violence (AVV) program is an authorized provider of such services; AND

WHEREAS, the funding needed for this agreement is provided through a State allocation of Federal TANF money and will be paid from Account A60105.54800.4693, Enhanced Non-Residential Domestic Violence, and the revenue will be posted in Account A601044.44689.4693; NOW THEREFORE BE IT

RESOLVED, the County Administrator, upon review and approval by the County Attorney or designee, and subject to appropriation of funding by the Legislature, be and hereby is authorized to enter into an agreement for the time period of July 1, 2024, through September 30, 2025, for an amount not to exceed \$31,250 with the YWCA of Cortland.

AGENDA ITEM NO. 11 – Authorize Agreement with Eves Digital, a Division of Eves Broadcasting Inc. to Provide Website Design and Social Media Concierge Services Under the National Children's Alliance Domestic Trafficking Victims Fund Grant – Child Advocacy Center

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF VAN DEE

RESOLUTION NO. 111-24

Authorize Agreement with Eves Digital, a Division of Eves Broadcasting Inc. to Provide Website Design and Social Media Concierge Services Under the National Children’s Alliance Domestic Trafficking Victims Fund Grant – Child Advocacy Center

WHEREAS, the Cortland County Child Advocacy Center was awarded Domestic Trafficking Victims Funds to develop a system response for commercial sexual exploitation of children and child sexual abuse material including the creation and maintenance of a Cortland Safe Harbour website, Facebook and Instagram Pages; AND

WHEREAS, the Cortland County Child Advocacy Center desires to contract with Eves Digital, a Division of Eves Broadcasting Inc., Advertising of New York, Inc., of 12 South Main Street, Homer, New York 13077 for the Website Design and Maintenance and Social Media Concierge Services; AND

WHEREAS, the cost of the Website (creation and maintenance) is \$5,400.00; AND

WHEREAS, the cost of the Social Media Concierge Service is \$2,100.00; AND

WHEREAS, this contract shall be for the term January 1, 2024 through December 31, 2024 for a total cost not to exceed \$7,500; AND

WHEREAS, these expenses are budgeted in account Professional Services A40505-54015-DTVF; NOW THEREFORE BE IT

RESOLVED, that the County Administrator upon review and approval by the County Attorney or designee, and subject to any appropriation of funding by the Legislature, are authorized to execute agreements for the provision of said services.

AGENDA ITEM NO. 12 – Appoint Community Services Board and Subcommittee Members - Mental Health Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF VAN DEE

RESOLUTION NO. 112-24

Appoint Community Services Board and Subcommittee Members - Mental Health Department

WHEREAS, the Bylaws of the Cortland County Community Services Board (CSB), Article 3, Section 1 states that membership of the organization shall consist of (15) fifteen members appointed by the Cortland County Legislature, and Article 7, Section 1 states that the membership of the Mental Health (MH), Developmental Disability (DD) and Substance Use Disorder (SUD) Subcommittees shall consist

of nine (9) members appointed by the Cortland County Legislature; AND

WHEREAS, the term of each member of the Board and Subcommittees shall be four years except when completing the term created by a member resignation or death; AND

WHEREAS, members may serve for a maximum of two consecutive terms unless no recruitment is available; AND

WHEREAS, individuals have been nominated to fill vacancies on the Community Services Board and all the Subcommittees; NOW THEREFORE BE IT

RESOLVED, that the following members be and hereby are appointed to the Cortland County Community Services Board and three Subcommittees for terms beginning May 24, 2024 and ending as December 31, 2028:

APPOINT FIRST TERM (TERM EXPIRATION 12/31/2028) except as listed:

Community Services Board (CSB)

Lisa Roos	134 Homer Ave, Cortland, NY - Hospital Rep
Felicia Outlaw	3727 Westvale Dr., Cortland, NY - Advocate versed in multiple disciplines
Amanda Hudson	3914 Highland Rd., Cortland, NY - School SEC

Substance Use Disorder Subcommittee (SUD)

Brittany VanWinkle	21 Sears Rd., Groton, NY 13073 - Hands on experience SUD community
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Development Disability Subcommittee (DD):

Felicia Outlaw	3727 Westvale Dr., Cortland NY - Advocate with DD experience
Kathryn Reynolds	4385 Cosmos Hill Rd., Cortland, NY - Retired School CSE - Current advocate and owner of Sadie the therapy dog!

Mental Health Subcommittee (MH)

Pearl Reed-Klein	122 Indian Brook Rd., Greene, NY 13778 - Psychologist
Brittany VanWinkle	21 Sears Rd., Groton, NY 13073 - Agency rep and advocate

AGENDA ITEM NO. 13 – Authorize Intern Agreements for Cortland County - Mental Health Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
EXCUSED:	Christopher Newell

ON MOTION OF VAN DEE

RESOLUTION NO. 113-24

Authorize Intern Agreements for Cortland County - Mental Health Department

WHEREAS, Cortland County Mental Health Department desires to enter into an agreement with the following colleges to allow students to obtain training and experience; AND

WHEREAS, the colleges with potential interns that would benefit the county include:

Binghamton University
Broome Community College
Cornell University
Fordham University
Houghton College
Ithaca College
Keuka College
LeMoyne College
Marywood University
Onondaga Community College
Rutgers University
State University of New York at Cortland
State University of New York at Upstate
Syracuse University
St. Bonaventure University
St. John Fisher University
Tompkins-Cortland Community College
Utica College

; AND

WHEREAS, the Cortland County Mental Health Department is willing to accept said students for such purposes; AND

WHEREAS, this list and agreements may stay in effect for up to five years unless otherwise terminated; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to sign agreements for internship placements.

Referred from Finance & Administration Committee

AGENDA ITEM NO. 14 – Authorize First Quarter 2024 Sales Tax Distribution - Finance

RESULT:	ADOPTED [15 TO 1]
MOVER:	Cathy Bischoff, Legislator
SECONDER:	Linda Jones, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Heider, Jones, Mantella, McGovern, Nauseef, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
NAYS:	Beau Harbin
EXCUSED:	Christopher Newell

ON MOTION OF BISCHOFF

RESOLUTION NO. 114-24

Authorize First Quarter 2024 Sales Tax Distribution - Finance

WHEREAS, the Cortland County Legislature adopted Resolution No. 221-18, which provides for the distribution of sales tax from the County to local municipalities; AND

WHEREAS, the sales tax sharing agreement provides for the deduction directly from the gross

sales tax distribution received from the State of New York a fixed sum of \$1,500,000 for County purposes, with the remaining balance of the revenues to be distributed for use by the County, City of Cortland, and the various municipalities within Cortland County; AND

WHEREAS, the gross deduction for County purposes will be provide for quarterly; AND

WHEREAS, the 2024 first quarter sales tax information has been provided by the New York State Comptroller's Office showing a total collection for first quarter 2024 to be \$9,641,447.14; AND

WHEREAS, the total amount available for distribution is \$9,266,447.14, after the direct deduction for County purposes; AND

WHEREAS, individual municipalities by resolution have opted to apply a portion of their sales tax dollars to off-set the property tax levy and that amount (\$725,000.00) is to be withheld from the quarterly distribution; AND

WHEREAS, Cortland County receives (55%), or \$5,096,545.93 of the total net quarterly distribution; AND

WHEREAS, respective payments are now ready for disbursement; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorizes the County Treasurer or designee to release sales tax payments for the first quarter of 2024 as so stated below from Account No. A19855.54101 in either the form of a county check or by direct bank transfer as per the request of the receiving municipality:

Municipality	Distribution Amount Pre-Tax Credit	Applied Tax Credits	Net Distribution After Tax Credit	Balance Owed Against Tax Credits
Cortland, City of	\$1,610,508.51	\$-0-	\$1,610,508.51	\$-0-
Cincinnatus, Town of	\$70,171.03	\$-0-	\$70,171.03	\$-0-
Cortlandville, Town of	\$782,860.35	\$-0-	\$782,860.35	\$-0-
Cuyler, Town of	\$64,555.53	\$(28,750.00)	\$35,805.53	\$-0-
Freetown, Town of	\$52,371.18	\$-0-	\$52,371.18	\$-0-
Harford, Town of	\$71,352.36	\$(70,000.00)	\$1,352.36	\$-0-
Homer, Town of	\$283,052.42	\$-0-	\$283,052.42	\$-0-
Homer, Village of	\$199,899.11	\$-0-	\$199,899.11	\$-0-
Lapeer, Town of	\$106,350.38	\$(82,500.00)	\$23,850.38	\$-0-
Marathon, Town of	\$81,943.06	\$-0-	\$81,943.06	\$-0-
Marathon, Village of	\$42,018.16	\$-0-	\$42,018.16	\$-0-
McGraw, Village of	\$34,846.40	\$-0-	\$34,846.40	\$-0-
Preble, Town of	\$145,160.67	\$-0-	\$145,160.67	\$-0-
Scott, Town of	\$83,293.94	\$-0-	\$83,293.94	\$-0-
Solon, Town of	\$78,604.36	\$-0-	\$78,604.36	\$-0-
Taylor, Town of	\$41,215.70	\$(20,000.00)	\$21,215.70	\$-0-
Truxton, Town of	\$103,374.45	\$(90,000.00)	\$13,374.45	\$-0-
Virgil, Town of	\$253,396.73	\$(25,000.00)	\$228,396.73	\$-0-
Willet, Town of	\$64,926.87	\$-0-	\$64,926.87	\$-0-

Total	\$4,169,901.21	(\$316,250.00)	\$3,853,651.21	\$-0-
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; AND BE IT FURTHER

RESOLVED, that the Cortland County Treasurer or designee is hereby directed to deposit the County's "off the top" sum of \$375,000 in the appropriate reserves and accounts as designated in Resolution No. 294-20.

Announcements

Adjournment

The meeting was closed at 6:38 PM



Cortland County Legislature

Legislative Session

Legislative Chambers
Cortland, NY 13045

<https://www.cortlandcountyny.gov>

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~ Minutes ~

Thursday, April 25, 2024

6:00 PM

Board Room

Public Hearings

1. Local Law "B" of 2024 - a Local Law to Enter into a Lease of County-Owned Real Property at the Cortland County Airport

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

Salute to the Flag

Call to Order

The meeting was called to order at 6:07 PM by Chair of the Legislature Kevin Fitch

Roll Call

Attendee Name	Organization	Title	Status	Arrived
Douglas Bentley	Cortland County, NY	Legislator	Present	
Cathy Bischoff	Cortland County, NY	Legislator	Present	
Reed Cleland	Cortland County, NY	Legislator	Present	
Mitchel Eccleston	Cortland County, NY	Legislator	Present	
Beau Harbin	Cortland County, NY	Minority Leader	Present	
Paul Heider	Cortland County, NY	Majority Leader	Present	
Linda Jones	Cortland County, NY	Legislator	Present	
Dominick Mantella	Cortland County, NY	Legislator	Present	
William McGovern	Cortland County, NY	Legislator	Present	
Joseph Nauseef	Cortland County, NY	Legislator	Present	
Christopher Newell	Cortland County, NY	Legislator	Present	
Sandra Price	Cortland County, NY	Legislator	Present	
Ronald J. Van Dee	Cortland County, NY	Legislator	Present	
Keith VanGorder	Cortland County, NY	Legislator	Present	
Eugene Waldbauer	Cortland County, NY	Legislator	Present	
Susan Wilson	Cortland County, NY	Legislator	Present	
Kevin Fitch	Cortland County, NY	Chair of the Legislature	Present	

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

Approval of Minutes

1. Cortland County Legislature - Legislative Session - Mar 28, 2024 6:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

Privilege of the Floor

1. Kim Cameron - Agenda Item No. 13

Proclamations & Recognitions

Presentation of Petitions, Presentations, Communications, and Notice

1. Reality Check Presentation

RESULT:	COMPLETED
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Receive and File

1. Cortland County Health Department 2023 Annual Report

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

2. Department of Social Services 2023 Annual Report

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ronald J. Van Dee, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

Reports of Standing, Special and Ad Hoc Committees

Articles Postponed to Day Certain

Unfinished Business

New Business

Resolutions

Resolutions from the Chair

Referred from Building & Grounds Committee

AGENDA ITEM NO. 1 – Amend 2024 Budget/Authorize Agreement - Network Infrastructure Upgrade Project - Information Technology

Ms. Price MADE A MOTION TO AMEND the resolution to add a WHEREAS clause stating, "WHEREAS, there is \$40,000 in grant funding available for this project in Account No. A30205.52015.27SIC; AND", and to change the amount for the budget amendment to \$46,000. Mr Newell SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Paul Heider, Majority Leader
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF HEIDER

RESOLUTION NO. 85-24

Amend 2024 Budget/Authorize Agreement - Network Infrastructure Upgrade Project - Information Technology

WHEREAS, the Cortland County Legislature recognizes the critical importance of maintaining a resilient, robust network infrastructure to support its operations and ensure continuity of services to its residents; AND

WHEREAS, the Cortland County Legislature wishes to expedite a network infrastructure upgrade project to enhance the reliability of our data access systems; AND

WHEREAS; a project plan has been drafted that will push the completion up by months, by contracting with Comsource, Inc., of 500 Plum St., Suite 400, Syracuse, NY 13204, and others to provide expertise in switch and firewall configuration goods and services consisting of:

· 18 new switches	\$30,000
· 32 wireless access points (WAP)	\$12,000
· Support to roll out the new switches across the county sites	\$62,000
· Firewall configuration and testing	\$19,000
Total Project Cost	\$123,000

; AND

WHEREAS, the complete project costs are \$123,000, of which \$37,000 is already budgeted in Account No. A16805.52060.ARP; AND

WHEREAS, there is \$40,000 in grant funding available for this project in Account No. A30205.52015.27SIC; AND

WHEREAS, it is the recommendation of the Buildings and Grounds Committee to fund the remaining \$46,000 for the project from Unappropriated Fund Balance; NOW THEREFORE BE IT

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RESOLVED, that the Cortland Legislature hereby authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into an agreement with Comsource, Inc., of 500 Plum St., Suite 400, Syracuse, NY 13204, and sign any subsequent agreements necessary for the network infrastructure upgrade project; AND BE IT FURTHER

RESOLVED, that the 2024 Cortland County Budget be and hereby is amended as follows:

INCREASE:

A16805.52060	Capital Computer Equip.	\$46,000
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A359900	Appropriated Fund Balance	\$46,000
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Referred from Highway Committee

AGENDA ITEM NO. 2 – New York State Department of Transportation Office of Right of Way - Use and Occupancy Permit No. 34369 for Purple Heart Signs Placed on State Highways - Highway Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF NEWELL

RESOLUTION NO. 86-24

New York State Department of Transportation Office of Right of Way - Use and Occupancy Permit No. 34369 for Purple Heart Signs Placed on State Highways - Highway Department

WHEREAS, the Cortland County Legislature adopted Resolution No. 65-21 declaring Cortland County a Purple Heart Community; AND

WHEREAS, to honor the Purple Heart recipients, Purple Heart signs shall be placed at the County line on major roadways coming into Cortland County; AND

WHEREAS, Cortland County must be issued a Use and Occupancy Permit to place Purple Heart signs on State Highways; NOW THEREFORE BE IT

RESOLVED, that Cortland County shall accept all provisions of the Use and Occupancy Permit No. 35369; AND BE IT FURTHER

RESOLVED, that the County Administrator shall be the authorized representative, to sign any documentation associated with the Use and Occupancy Permit No. 34369, on behalf of Cortland County.

AGENDA ITEM NO. 3 – Local Law 4 of 2024 - a Local Law to Enter into a Lease of County-Owned Real Property at the Cortland County Airport

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Newell, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF NEWELL**RESOLUTION NO. 87-24**

Local Law 4 of 2024 - a Local Law to Enter into a Lease of County-Owned Real Property at the Cortland County Airport

WHEREAS, the Cortland County Legislature's Highway Committee believes it is advantageous for Cortland County to enter into a lease of County-owned real property at the County Airport; AND

WHEREAS, the following Local Law has been in its final form upon the desks of the Cortland County Legislature at least seven (7) calendar days exclusive of Sunday, prior to this date; NOW THEREFORE BE IT

RESOLVED, that Local Law 4 of 2024 be enacted as follows:

Local Law 4 of 2024 - a Local Law to Enter into a Lease of County-Owned Real Property at the Cortland County Airport

Local Law 4 of 2024 - A local law authorizing the County of Cortland notwithstanding Section 215 of County Law of the State of New York, to enter into a lease of County-owned real property for a specific project for a term of up to 29 years.

SECTION 1. Purpose

The County of Cortland seeks to enter into an agreement with Abundant Solar Power, Inc., which agreement shall lease real property owned by the County of Cortland for a term of 29 years as follows; an initial term of two (2) years designated as the "Development Term," a further term of two (2) years designated as the "Construction Term," and further term of 25 years that shall be known as the "Operations Term."

SECTION 2. Legal Authority

New York State County Law Section 215 provides that, after determining that a property is no longer needed for public use, a County may sell the property or lease the property for a term not to exceed five years.

New York State Comptroller Opinion 68-857 opines that a municipality may enter into leases for a term in excess of five years if the municipality authorizes such leases by local law.

New York State Municipal Home Rule Law Section 24 provides that any local law that changes a provision of law relating to leasing of real property is subject to referendum on petition (permissive referendum).

SECTION 3. Applicability

The County of Cortland is authorized, notwithstanding Section 215 of the County Law of the State of New York, which is hereby superseded, to enter into a lease of County owned real property for a specific project for a term of up to 29 years.

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

This Local Law is applicable to the specific project with Abundant Solar Power, Inc.

SECTION 4. Effective Date

Notice of the adoption of this local law subject to permissive referendum shall be published in the official newspaper of the County.

This Local Law shall take effect at the end of the permissive referendum period upon filing in the Office of the Secretary of State, and if a permissive referendum is held, upon approval at the permissive referendum upon filing in the Office of the Secretary of State.

Referred from Government Operations Committee

AGENDA ITEM NO. 4 – Award Bid/Authorize Contract for County-Wide Shredding Services - County Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF NAUSEEF

RESOLUTION NO. 88-24

Award Bid/Authorize Contract for County-Wide Shredding Services - County Clerk

WHEREAS, the contract for shredding services with Stericycle/Shred-it expired in 2022 and no responses were received for the previously issued Request for Proposals; AND

WHEREAS, the Cortland County Clerk issued a Request for Proposals in March 2024; AND

WHEREAS, all proposals were solicited in accordance with County policies; AND

WHEREAS, one proposal was received in response to the request as follows:

Proshred Security
6067 Corporate Drive
East Syracuse, NY 13057
Annual Price: \$10,270

; AND

WHEREAS, based upon the results of the bid, the Government Operations Committee recommends that the bid be awarded to the lowest responsible bidder; NOW THEREFORE BE IT

RESOLVED, that the contract for Cortland County Shredding Services be awarded to Proshred Security, of 6067 Corporate Drive, East Syracuse, NY 13057; AND BE IT FURTHER

RESOLVED, that the Legislature authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into an agreement with Proshred Security, of 6067 Corporate Drive, East Syracuse, NY 13057 for shredding services.

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

AGENDA ITEM NO. 5 – Amend 2024 Budget to Reallocate Funding - Legislature

RESULT:	ADOPTED [15 TO 2]
MOVER:	Joseph Nauseef, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Fitch
NAYS:	Linda Jones, Susan Wilson

ON MOTION OF NAUSEEF

RESOLUTION NO. 89-24

Amend 2024 Budget to Reallocate Funding - Legislature

WHEREAS, the Cortland County Legislature adopted the 2023 budget on November 17, 2022;
AND

WHEREAS, the 2023 amended budget included money for the encoder update for the legislative chambers; AND

WHEREAS, the invoice, in the amount of \$5,500, for the legislative chambers encoder update was not received until March 28, 2024; AND

WHEREAS, there is a wish to allocate funding in the amount of \$5,500 to the legislative budget line for the purchase of laptops; NOW THEREFORE BE IT

RESOLVED, that the 2024 County Budget be amended as follows:

Increase:

A10105.52060	Capital Computer Equipment	\$11,000
A359900	Appropriated Fund Balance	\$11,000

AGENDA ITEM NO. 6 – Create Deputy Director of Weights & Measures - Personnel Department

RESULT:	WITHDRAWN - NO FUTURE ACTION
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ON MOTION OF NAUSEEF

RESOLUTION NO.

Create Deputy Director of Weights & Measures - Personnel Department

WHEREAS, the needs of the Weights and Measures Department will be better served by creating one (1) Deputy Director of Weights and Measures (Management Compensation Plan, Grade 12, \$49,781-\$66,258, full-time with benefits, competitive class); AND

WHEREAS, the Government Operations Committee recommends the creation of this position; NOW THEREFORE BE IT

RESOLVED, that one (1) Deputy Director of Weights and Measures (Management Compensation Plan, Grade 12, \$49,781-\$66,258, full-time with benefits, competitive class) be created with permission to fill effective April 26, 2024.

RESOLVED, that the 2024 County Budget be and hereby is amended as follows:

INCREASE:

A66105.51005	Personnel Services	\$34,000
A66105.58030	FICA	\$ 2,601

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A66105 58020	Retirement	\$4,760
A66105 58060	Health Insurance	\$13,333
A359900	Appropriated Fund Balance	\$54,694

AGENDA ITEM NO. 7 – Adopt Amended County Whistleblower Protection Policy

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Joseph Nauseef, Legislator
SECONDER: Beau Harbin, Minority Leader
AYES: Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF NAUSEEF

RESOLUTION NO. 90-24

Adopt Amended County Whistleblower Protection Policy

WHEREAS, the Cortland County Whistleblower Protection Policy has been revised and updated for necessary changes to the procedures for reporting and investigating complaints and for the addition of definitions; AND

WHEREAS, this Cortland County Whistleblower Protection Policy is intended to supersede the County's current whistleblower protection policy as well as any previously adopted changes to the current policy; AND

WHEREAS, the Cortland County Whistleblower Protection Policy has been reviewed for content by the Personnel Director, County Attorney, County Administrator, Manager of Audit & Financial Projects, and the Government Operations Committee; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby adopts the attached Cortland County Whistleblower Protection Policy; AND BE IT FURTHER

RESOLVED, that this policy shall supersede all previously adopted whistleblower protection policies, as well as any previously adopted amendments to those policies; AND BE IT FURTHER

RESOLVED, that this policy will be effective April 26, 2024.

AGENDA ITEM NO. 8 – Abolish Two Personnel Technicians and One Personnel Assistant/Create Two Human Resources Generalists and One Human Resources Assistant - Personnel Department

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Joseph Nauseef, Legislator
SECONDER: Ronald J. Van Dee, Legislator
AYES: Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF NAUSEEF

RESOLUTION NO. 91-24

Abolish Two Personnel Technicians and One Personnel Assistant/Create Two Human Resources Generalists and One Human Resources Assistant - Personnel Department

WHEREAS, the needs of the Personnel Department will be better served by abolishing two (2) positions of Personnel Technician and one (1) position of Personnel Assistant and creating two (2)

positions of Human Resources Generalist and one (1) position of Human Resources Assistant; AND

WHEREAS, the Government Operations Committee recommends the abolition and creation of these positions; NOW THEREFORE BE IT

RESOLVED, that two (2) positions of Personnel Technician (Grade 6H, Management Compensation Plan, \$24.4262-32.5115/hr, competitive class, full time with benefits) and one (1) position of Personnel Assistant (Grade 4H, Management Compensation Plan, \$21.1369-28.1333/hr, competitive class, full time with benefits) be and hereby are abolished effective April 25, 2024 at midnight; AND BE IT FURTHER

RESOLVED, that two positions of Human Resources Generalist (Grade 6H, Management Compensation Plan, \$24.4262-32.5115/hr, competitive class, full time with benefits) and one (1) position of Human Resources Assistant (Grade 4H, Management Compensation Plan, \$21.1369-28.1333/hr, competitive class, full time with benefits) be created with permission to fill effective April 26, 2024 at 12:01 am.

Referred from Judiciary & Public Safety Committee

AGENDA ITEM NO. 9 – Advocating for the Representation and the Interests in Occupational Safety and Health Administration (OSHA) Reforms in New York State

Mr. Cleland MADE A MOTION TO AMEND the title of the resolution to "Advocating for the Representation and the Interests in Occupational Safety and Health Administration (OSHA) Reforms in New York State"; Dr. Wilson SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Joseph Nauseef, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF PRICE

RESOLUTION NO. 92-24

Advocating for the Representation and the Interests in Occupational Safety and Health Administration (OSHA) Reforms in New York State

WHEREAS, Cortland County, nestled in the heart of New York State, is a rural county with a population of 46,809 individuals spread across 502 square miles, relying heavily on the essential services provided by its twelve (12) independent fire departments; AND

WHEREAS, these twelve (12) fire departments, comprised of eleven (11) entirely volunteer organizations and one combination paid/volunteer department, serve as the lifeblood of our community, dutifully responding to 3,700 emergency calls in the preceding year, embodying the spirit of selflessness and dedication that defines Cortland County; AND

WHEREAS, the personnel of these departments, comprised of 391 volunteers, 39 career firefighters, and 7 fire coordinators, form the backbone of our emergency response apparatus, tirelessly working to ensure the safety, security, and well-being of our residents, often at great personal sacrifice; AND

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

WHEREAS, Cortland County acknowledges, with gratitude, the commendable efforts of the Occupational Safety and Health Administration (OSHA) in initiating measures aimed at enhancing the safety and welfare of our invaluable emergency responders; AND

WHEREAS, notwithstanding the strides made in bolstering emergency responder safety, Cortland County harbors legitimate concerns regarding the future accessibility, affordability, and efficacy of emergency services within our jurisdiction; NOW THEREFORE BE IT

RESOLVED, that Cortland County, mindful of its responsibility to safeguard the interests and welfare of its constituents, hereby expresses its reservations and respectfully requests that OSHA, in conjunction with our esteemed state and national officials, give due consideration to the following points of contention and areas of improvement pertaining to the current proposed OSHA 1910.156 document:

1. Extending the public comment period beyond the prescribed deadline of June 21, 2024 by a minimum of 45 days, thereby affording our officials adequate time to meticulously review the voluminous 608-page document and formulate comprehensive, fact-based comments reflective of our community's unique needs and circumstances;
2. Facilitating the organization and conduct of in-person public comment sessions to provide a platform for stakeholders to voice their concerns, insights, and recommendations in a transparent and inclusive manner;
3. Ensuring equitable and substantive representation of volunteer firefighters in the proposal process, proportionate to their significant contribution to emergency services nationwide, thereby fostering a balanced and representative discourse that accounts for the diverse perspectives and interests at play;
4. Simplifying and expediting the incorporation of referenced standards (22 in total) into the proposed standard to enhance clarity, accessibility, and comprehension, thereby facilitating widespread dissemination and implementation across our diverse emergency response landscape;
5. Reevaluating the intended audience and scope of the standard to accommodate the varying regulatory frameworks and classifications of volunteer firefighters across different states, ensuring equitable treatment and compliance with applicable laws and regulations;
6. Transforming the proposed standard into a dynamic, adaptive "living document" capable of evolving in tandem with emerging national needs, technological advancements, and best practices, thereby obviating the need for periodic overhauls and updates to address obsolescence and inefficiency;
7. Identifying and prioritizing additional safety measures and protocols that can be expeditiously implemented with minimal resource expenditure and manpower requirements, thereby augmenting the resilience and effectiveness of our emergency response infrastructure;
8. Collaborating closely with stakeholders to develop a standardized framework that strikes a judicious balance between economic feasibility and technical efficacy, thereby ensuring the sustainability and viability of our emergency response initiatives in the long run;
9. Instituting a formal, structured negotiation process characterized by transparency, accountability, and active engagement, thereby fostering a culture of collaboration, consensus-building, and mutual respect among all parties involved;
10. Embracing these recommendations and initiatives in a concerted effort to uphold the safety, well-being, and resilience of our dedicated emergency responders, while concurrently safeguarding the interests and resources of our taxpaying constituents.

; AND BE IT FURTHER

RESOLVED, that in adopting this resolution, the Cortland County Legislature reaffirms its unwavering commitment to the principles of safety, equity, and inclusivity, and pledges to work collaboratively with all relevant stakeholders to address the pressing concerns and challenges confronting our emergency response infrastructure in the pursuit of a safer, more resilient, and prosperous future for all; AND BE IT FURTHER

RESOLVED, that a copy of this resolution shall be transmitted to OSHA, the Governor of New York State, the New York State Legislature, the National Advisory Committee on Occupational Safety and Health, and other relevant stakeholders to express the opposition of the Cortland County Legislature to any OSHA reforms that do not adequately consider the concerns outlined herein.

AGENDA ITEM NO. 10 – Amend 2024 Budget for Leased Vehicle Repairs - Probation Department

Mr. Harbin MADE A MOTION TO AMEND the resolution as follows:

Add a final WHEREAS stating, "WHEREAS, there are funds available in the Vehicle Repair/Replacement Reserve Fund", to add a RESOLVED clause stating, "RESOLVED, that the Cortland County Legislature authorizes the use of the Vehicle Repair/Reserve Fund for the repairs needed;", and to change the budget account amendment from A359900, Appropriated Fund Balance to A386300.VEH, Vehicle Reserve. Ms. Bischoff SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Christopher Newell, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF PRICE

RESOLUTION NO. 93-24

Amend 2024 Budget for Leased Vehicle Repairs - Probation Department

WHEREAS, the Cortland County Probation Department has an unanticipated expense due to an accident involving a leased vehicle; AND

WHEREAS, there is a need to amend the 2024 Cortland County budget to repair the leased vehicle; AND

WHEREAS, there are funds available in the Vehicle Repair/Replacement Reserve Fund; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature authorizes the use of the Vehicle Repair/Replacement Reserve Fund for the repairs needed; AND BE IT FURTHER

RESOLVED, that the 2024 County Budget be and hereby is amended as follows:

Increase:

A31405.54300	Vehicle Maintenance & Repairs	\$5,400
A386300.VEH	Vehicle Reserve	\$5,400

AGENDA ITEM NO. 11 – Approval to Purchase 2024 MetalCraft Alum 21' Fast Responder Boat - Sheriff's Office

Mr. Harbin MADE A MOTION TO AMEND the resolution as follows:

- Change "300" to "250" and "123,156" to "121,656" in the fourth WHEREAS clause
- Add a final WHEREAS stating, "WHEREAS, there are funds available in the Vehicle Repair/Replacement Reserve Fund",
- Change the budget amendment from A359900, Appropriated Fund Balance to A386300.VEH, Vehicle Reserve, and change the amount to \$121,656
- Add a final RESOLVED clause stating, "RESOLVED, that any reimbursement received for the purchase of the boat and/or trailer shall be deposited in Account No A386300.VEH.

Ms. Jones SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Sandra Price, Legislator
SECONDER:	Ronald J. Van Dee, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF PRICE

RESOLUTION NO. 94-24

Approval to Purchase 2024 MetalCraft Alum 21' Fast Responder Boat - Sheriff's Office

WHEREAS, the Cortland County Sheriff's Office Navigation 1994 Discovery Enforce boat and Kristi trailer MDL KD176-18 has been sold as the boat repairs, a hole in the hull of the boat, could not be completed; AND

WHEREAS, the Cortland County Sheriff's Office Navigation needs to replace the 1994 Discovery boat with trailer, as the Sheriff's Office boat is the only boat available to conduct navigation patrols in County waterways that are within the Cortland County Sheriff's Office jurisdiction; AND

WHEREAS, New York State Parks, Recreation and Historic Preservation Department will provide up to one-half of the cost of a replacement boat and trailer through New York State Navigation Law Enforcement State Aid Program 2024; AND

WHEREAS, the Cortland County Sheriff's Office has received a quote, dated March 28, 2024, from MetalCraft Marine, 22620 Fisher Road Watertown, NY 13601, for a 2024 MetalCraft Welded Aluminum 21' Fast Responder boat, Mercury 250HP outboard motor, with an aluminum tandem-axle bunk trailer to transport said boat, for a total of both units of \$121,656; AND

WHEREAS, the 2024 Road Patrol budget does not include adequate funds for the new replacement navigation boat/trailer; AND

WHEREAS, funds are required for the replacement of the navigation boat/trailer; AND

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

WHEREAS, there are funds available in the Vehicle Repair/Replacement Reserve Fund; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby authorize the use of reserve funds for the replacement of the Sheriff's Office Navigation boat and trailer; AND BE IT FURTHER

RESOLVED, the 2024 budget is hereby amended as follows:

Increase	A31205.52030	Vehicles	\$121,656
	A386300.VEH	Vehicle Reserve	\$121,656

; AND BE IT FURTHER

RESOLVED, that any reimbursement received for the purchase of the boat and/or trailer shall be deposited into Account No. A386300.VEH.

Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 12 – Authorize Agreement with New York State Department of Transportation Federal 5311 Mass Transportation Capital Project Contract Number C004074 2021 Operating Assistance (CRRSAA), 2022 Operating Assistance (CRRSAA), and 2022 Operating Assistance (ADTAP) – Planning Department

RESULT:	ADOPTED [15 TO 2]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Cathy Bischoff, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Mantella, McGovern, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
NAYS:	Linda Jones, Joseph Nauseef

ON MOTION OF HARBIN

RESOLUTION NO. 95-24

Authorize Agreement with New York State Department of Transportation Federal 5311 Mass Transportation Capital Project Contract Number C004074 2021 Operating Assistance (CRRSAA), 2022 Operating Assistance (CRRSAA), and 2022 Operating Assistance (ADTAP) – Planning Department

WHEREAS, the Cortland County Legislature adopted Resolution No. 244-22, which authorized the County of Cortland to submit a request for the consolidated grant funds to the New York State Department of Transportation, pursuant Federal Section 5311, Title 49 of the United States Code, for projects(s) to provide public mass transportation service for fixed route and demand responsive service throughout the County, with limited service in contiguous counties by Transdev, Cortland County's public transportation provider, and the purchase of capital equipment that would consist of a transportation facility, new buses or other equipment, that would be used by Cortland County's public transportation provider; AND

WHEREAS, the New York State Department of Transportation is requesting a resolution to indicate Cortland County's acceptance of the Mass Transportation Capital Agreement under Contract Number C004074 to include specific PIN Numbers:

PIN Number 3790.04.402	2021 Operating Assistance (CRRSAA)
PIN Number 3790.04.40A	2022 Operating Assistance (CRRSAA)

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

; NOW THEREFORE BE IT

RESOLVED, that the total project cost is \$434,056; AND BE IT FUTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, be and is hereby authorized to sign the New York State Department of Transportation Mass Capital Agreement Contract C004074 for specific PIN Numbers stated above.

AGENDA ITEM NO. 13 – Resolution Urging the Enactment of the Packaging Reduction and Recycling Infrastructure Act (S.4246-B/A.5322-B)

RESULT:	ADOPTED [14 TO 3]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Reed Cleland, Legislator
AYES:	Bentley, Bischoff, Cleland, Harbin, Heider, Mantella, McGovern, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch
NAYS:	Mitchel Eccleston, Linda Jones, Joseph Nauseef

ON MOTION OF HARBIN

RESOLUTION NO. 96-24

**Resolution Urging the Enactment of the Packaging Reduction and Recycling Infrastructure Act
(S.4246-B/A.5322-B)**

WHEREAS, in New York State, more than 18 million tons of municipal solid waste (MSW) is generated each year, or about five pounds per day for every person who lives in the state; AND

WHEREAS, greenhouse gas (GHG) emissions from the waste sector represent about 12 percent of statewide emissions; AND

WHEREAS, the most significant GHG emissions impact during the lifecycle of products and packaging result not from disposal but from the production of products and packaging that eventually become waste; AND

WHEREAS, in addition to the climate impacts of waste, the costs associated with its recycling and disposal impose a significant burden on local governments and taxpayers; AND

WHEREAS, the Climate Action Council's Final Scoping Plan recommends New York State enact legislation to create a product stewardship framework or target products with the greatest GHG impact, such as packaging, printed paper, carpets, tires, textiles, solar panels, wind turbines, batteries, appliances, and mattresses; AND

WHEREAS, S.4246-B (Harckham)/A.5322-B (Glick) would enact the Packaging Reduction and Recycling Infrastructure Act to create an Extended Producer Responsibility (EPR) program for packaging materials; AND

WHEREAS, S.4246-B/A.5322-B would make producers legally and financially responsible for mitigating the environmental impacts of their packaging; AND

WHEREAS, this legislation would not only provide meaningful relief to local governments but also reduce GHG emissions from the production and disposal of consumer goods by incentivizing producers to reduce waste and design products that are more sustainable; AND

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

WHEREAS, S.4246-B/A.5322-B would also prohibit certain toxic and dangerous chemicals in packaging, including per- and polyfluoroalkyl substances (PFAS), ortho-phthalates, bisphenols, halogenated flame retardants, heavy metals such as lead, and other chemicals posing a threat to human health and safety and the environment; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature calls on the Senate and Assembly to pass and the Governor to sign S.4246-B (Harckham)/A.5322-B (Glick) during the 2024 Legislative Session; AND BE IT FURTHER

RESOLVED, the Cortland County Legislature calls on the Governor and the Legislature to also enact an EPR program for paper products, which were excluded from the B-print of this legislation, in recognition of their significant contribution to greenhouse gas emissions and municipal recycling costs; AND BE IT FURTHER

RESOLVED, copies of this resolution be sent to Governor Kathy Hochul, the New York State Legislature, and all others deemed necessary and proper.

AGENDA ITEM NO. 14 – Abolish Assistant Planner/Create GIS Planner - Planning Department

RESULT:	ADOPTED [16 TO 1]
MOVER:	Beau Harbin, Minority Leader
SECONDER:	Sandra Price, Legislator
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, VanGorder, Waldbauer, Wilson, Fitch
NAYS:	Ronald J. Van Dee

ON MOTION OF HARBIN

RESOLUTION NO. 97-24

Abolish Assistant Planner/Create GIS Planner - Planning Department

WHEREAS, the needs of the Planning Department will be better served by abolishing one (1) Assistant Planner position and creating one (1) GIS Planner position; AND

WHEREAS, the Agriculture, Planning and Environmental Committee recommends the abolition and creation of these positions; NOW THEREFORE BE IT

RESOLVED, that one (1) position of Assistant Planner (Grade 16, CSEA, \$23.8479-30.1854/hr, competitive class, full time with benefits) be and hereby is abolished effective April 25, 2024 at midnight; AND BE IT FURTHER

RESOLVED, that one (1) position of GIS Planner (Grade 19, CSEA, \$26.4962-33.5375/hr, competitive class, full time with benefits) be created with permission to fill effective April 26, 2024 at 12:01 am.

Referred from Health & Human Services Committee

AGENDA ITEM NO. 15 – Authorize Agreement with Public Health Consulting Group for Employment Host Site

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ronald J. Van Dee, Legislator
SECONDER: Beau Harbin, Minority Leader
AYES: Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF VAN DEE**RESOLUTION NO. 98-24****Authorize Agreement with Public Health Consulting Group for Employment Host Site**

WHEREAS, the Cortland County Legislature adopted Resolution No.10-23, which gave the Cortland County Health Department permission to accept funds from Health Research, Inc. for the NYS Public Health Corps (NYSPHC) Fellowship Program for the period of 8/1/2023-6/30/2024; AND

WHEREAS, Public Consulting Group, LLC (PCG) is contracted with Health Research, Inc. (HRI) to manage certain public health programs under the auspices of the New York Department of Health (NYSDOH), including but not limited to the Public Health Infrastructure Grant (PHIG) Program and the second iteration of the Public Health Corps Program; AND

WHEREAS, Staffing Solutions Organization, LLC (SSO), as a contractor to PCG, employs individuals who provide services under a Program, such as Staff (in the PHIG Program) or Fellows (in the Public Health Corps 2.0 Program); AND

WHEREAS, the Cortland County Health Department (CCHD) wishes to host one or more Program Participants assigned to provide services to CCHD in order to support CCHD's services or other organizations associated with CCHD; AND

WHEREAS, there is no cost to the County to host Program Participants for the period beginning 7/1/2024; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Administrator and the Public Health Director, upon review and approval by the County Attorney or designee, are authorized to execute agreements to be a Host Organization with Staffing Solutions Organization, LLC 99 Washington Avenue, Suite 1720, Albany, NY 12210, and a contracted agency with Public Consulting Group, LLC, for the period beginning 7/1/2024; AND BE IT FURTHER

RESOLVED, amendments to the contract during the term will be considered on an as needed basis.

AGENDA ITEM NO. 16 – Authorize Contract - Springbrook Cortland - Mental Health Department

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ronald J. Van Dee, Legislator
SECONDER: Beau Harbin, Minority Leader
AYES: Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF VAN DEE**RESOLUTION NO. 99-24****Authorize Contract - Springbrook Cortland - Mental Health Department**

WHEREAS, the Cortland County Mental Health Department must execute contracts with several organizations and businesses to operate on a day to day basis; AND

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

WHEREAS, Cortland County Mental Health is allocated state aid funds to pass through to Office of Mental Health approved organizations for operations; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, and subject to appropriation of funding by the Legislature, is hereby authorized to execute an agreement for 2024 with Springbrook Cortland, with offices at 29 Central Ave, Cortland, New York for the provision of developmental disability services.

Referred from Finance & Administration Committee

AGENDA ITEM NO. 17 – Microenterprise Assistance Program Grant Award - Hillside Farms, LLC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Cathy Bischoff, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF BISCHOFF

RESOLUTION NO. 100-24

Microenterprise Assistance Program Grant Award - Hillside Farms, LLC

WHEREAS, the Cortland County Legislature's Finance and Administration Committee was empaneled as the Cortland County Microenterprise Assistance Program Review Committee on April 16, 2024 for the purpose of reviewing applications received for the Microenterprise Grant Program, AND

WHEREAS, following said review the Committee recommended that Hillside Farms, LLC, of 4358 Crains Mills Road, Truxton, New York, be awarded \$22,706.00 from the Microenterprise program, NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby accepts and approves the recommendation of the Cortland County Microenterprise Assistance Program Review Committee and hereby awards the sum \$22,706.00 to Hillside Farms, LLC from the Cortland County Microenterprise Assistance Program funding, AND BE IT FURTHER

RESOLVED, that the County Administrator and/or Chair of the Cortland County Legislature, upon review by the County Attorney or designee, is hereby authorized to prepare and execute any and all agreements and sub-recipient agreements necessary and incident to this award.

AGENDA ITEM NO. 18 – Resolution Authorizing Tompkins County Development Corporation Issuance of Bonds

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Cathy Bischoff, Legislator
SECONDER:	Beau Harbin, Minority Leader
AYES:	Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Price, Van Dee, VanGorder, Waldbauer, Wilson, Fitch

ON MOTION OF BISCHOFF

RESOLUTION NO. 101-24

Resolution Authorizing Tompkins County Development Corporation Issuance of Bonds

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

RESOLUTION OF THE CORTLAND COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF CORTLAND COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE TOMPKINS COUNTY DEVELOPMENT CORPORATION OF UP TO \$8,350,000 MAXIMUM PRINCIPAL AMOUNT OF REVENUE BONDS (CAYUGA MEDICAL CENTER AT ITHACA, INC. PROJECT), SERIES 2024 OF WHICH UP TO \$2,100,000 PRINCIPAL AMOUNT SHALL BE USED TO FINANCE THE PORTION OF THE PROJECT (AS DEFINED HEREIN) COMPRISING THE CORTLAND FACILITY (AS DEFINED HEREIN)

WHEREAS, the Cortland County Legislature (the "Legislature"), as the elected legislative body of Cortland County, New York (the "County") has been advised by the Tompkins County Development Corporation (the "Issuer") that, in order to assist in the financing of a certain portion of the Project (as defined below) for the benefit of Cayuga Medical Center at Ithaca, Inc., a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Code (the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt and/or Taxable Revenue Bonds (Cayuga Medical Center at Ithaca, Inc. Project), Series 2024 in the aggregate principal amount not to exceed \$8,350,000 (the "Series 2024 Bonds"), for which up to \$2,100,000 in Series 2024 Bonds are to be issued to finance certain costs in connection with the portion of Project (defined below) comprising the Cortland Facility; AND

WHEREAS, the Project consists of: (A) (i) in the maximum principal amount of \$2,100,000, the acquisition of an approximately 9,019 square foot facility located at 1129 Commons Avenue Town of Cortlandville, Cortland County, New York for hospital facilities (being more particularly described as tax parcel No. 86.09-05-01.000) (the "Cortland Facility") and (ii) in the maximum principal amount of \$800,000, the acquisition and installation in and around the Institution's hospital facility located at 101 Dates Drive, Town of Ithaca, Tompkins County, New York, of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Cortland Facility, the "2024 Facility") and (B) in the maximum principal amount of \$5,450,000, the refinancing of the outstanding principal amount Tompkins County Development Corporation Tax-Exempt Revenue Bonds (Cayuga Medical Center at Ithaca, Inc. Project), Series 2013 issued in the original principal amount of \$25,000,000 (the "Series 2013 Bonds"), the proceeds of which were used to finance a certain project (the "Series 2013 Project") consisting of: (a) the construction, reconstruction and installation of improvements to the Institution's existing approximately 309,000 square-foot main hospital facility located at 101 Dates Drive, Ithaca, New York (the "Existing Facility"), such improvements consisting of: (i) an approximately 14,300 square-foot addition to accommodate an expansion of the Institution's Surgical Center, and the reconstruction, renovation and redesign of an approximately 15,100 square-foot area within the existing Surgical Center, (ii) the construction of an approximately 21,918 square-foot addition to accommodate an expansion of the Institution's Pathology and Laboratory Department, and the reconstruction, renovation and redesign of an approximately 1,558 square-foot area within the existing Pathology and Laboratory Department, (iii) the construction of an approximately 500 square-foot addition to accommodate an expansion of the Institution's Obstetrics and Gynecology Department, and the reconstruction, renovation and redesign of an approximately 19, 160 square-foot area within the space formerly occupied by the Pathology and Laboratory Department to accommodate the Obstetrics and Gynecology Department, (iv) the reconstruction, renovation and redesign of certain other existing areas and departments including, but not limited to, Endoscopy, Oncology, Pediatrics, Central Sterile Supply, Wound, Information Systems, Pain Management, Sleep Center, and Infusion (collectively, the "2013 Improvements"); (b) the acquisition and installation in and around the Existing Facility, the 2013 Improvements and the Institution's urgent care located at 10 Arrowhead Drive, Ithaca, New York of certain medical equipment and other items of machinery, equipment and tangible personal property (the "2013 Equipment", and collectively with the 2013 Improvements, the "2013 Facility"); and (c) paying certain costs and expenses incidental to the issuance of the 2013 Bonds; and (C) paying certain costs and expenses incidental to the issuance of the Bonds (the costs associated with items (A) through (C) above being hereinafter collectively referred to as the "Project Costs"); AND

WHEREAS, the initial owner of the 2013 Facility and the 2024 Facility is and will be the Company, financed with the proceeds of the Series 2024 Bonds; AND

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA; AND

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Series 2024 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2024 Bonds and the portion thereof to be applied to finance the portion of the Project comprising the Cortland Facility is approved by the County Legislature after a public hearing to consider both the issuance of the Series 2024 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice; AND

WHEREAS, the Issuer held a public hearing, upon proper notice, on behalf of itself and Cortland County on April 9, 2024, in accordance with the Notice of Public Hearing published on March 28, 2024 in *The Ithaca Journal* and *The Cortland Standard*, the Issuer held such a public hearing upon proper notice in compliance with the Code; AND

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published in *The Ithaca Journal* and *The Cortland Standard*, (c) the minutes of such public hearing held on April 9, 2024; and (d) the Issuer's Bond Resolution, adopted on April 10, 2024, with respect to the proposed issuance of the Series 2024 Bonds; AND

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Cortland County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2024 Bonds and the application of up to \$2,100,000 principal amount thereof to finance or refinance the portion of the Project comprising the Cortland Facility, provided the principal, premium, if any, and interest on the Series 2024 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Cortland County, New York and neither the State nor any political subdivision thereof including, without limitation, Cortland County, New York shall be liable thereon; NOW THEREFORE BE IT

RESOLVED, by the Cortland County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code and on the recommendation of the Cortland County Finance and Administration Development Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2024 Bonds, and the application of up to \$2,100,000 principal amount of the Series 2024 Bonds to finance or refinance the portion of the Project comprising the Cortland Facility; *provided* that, the Series 2024 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Cortland County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Cortland County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2024 Bonds.

Section 3. This Resolution shall take effect immediately.

Executive Session

It was MOVED by Mr. McGovern, seconded by Ms. Jones, and unanimously approved by voice vote of members present, to enter into an executive session for discussions regarding current litigation, with Ms. Monty, Ms. Hempstead and Mr. Corpora allowed to remain in the room; Mr. Waldbauer recused himself from the Executive Session. MOTION CARRIED.

An executive session was held from 6:59 p.m. to 7:33 p.m., at which time on motion of Mr. Harbin, seconded by Mr. Nauseef, it was unanimously approved by voice vote of members present to exit executive session.

Announcements

Adjournment

The meeting was closed at 7:33 PM

Minutes Acceptance: Minutes of Apr 25, 2024 6:00 PM (Approval of Minutes)

Students Inside Albany May 19th - 22nd



1920 -

2024

For over 100
years, we have
been a
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activist,
grassroots
organization that
believes voters
should play a
critical role in



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1980s
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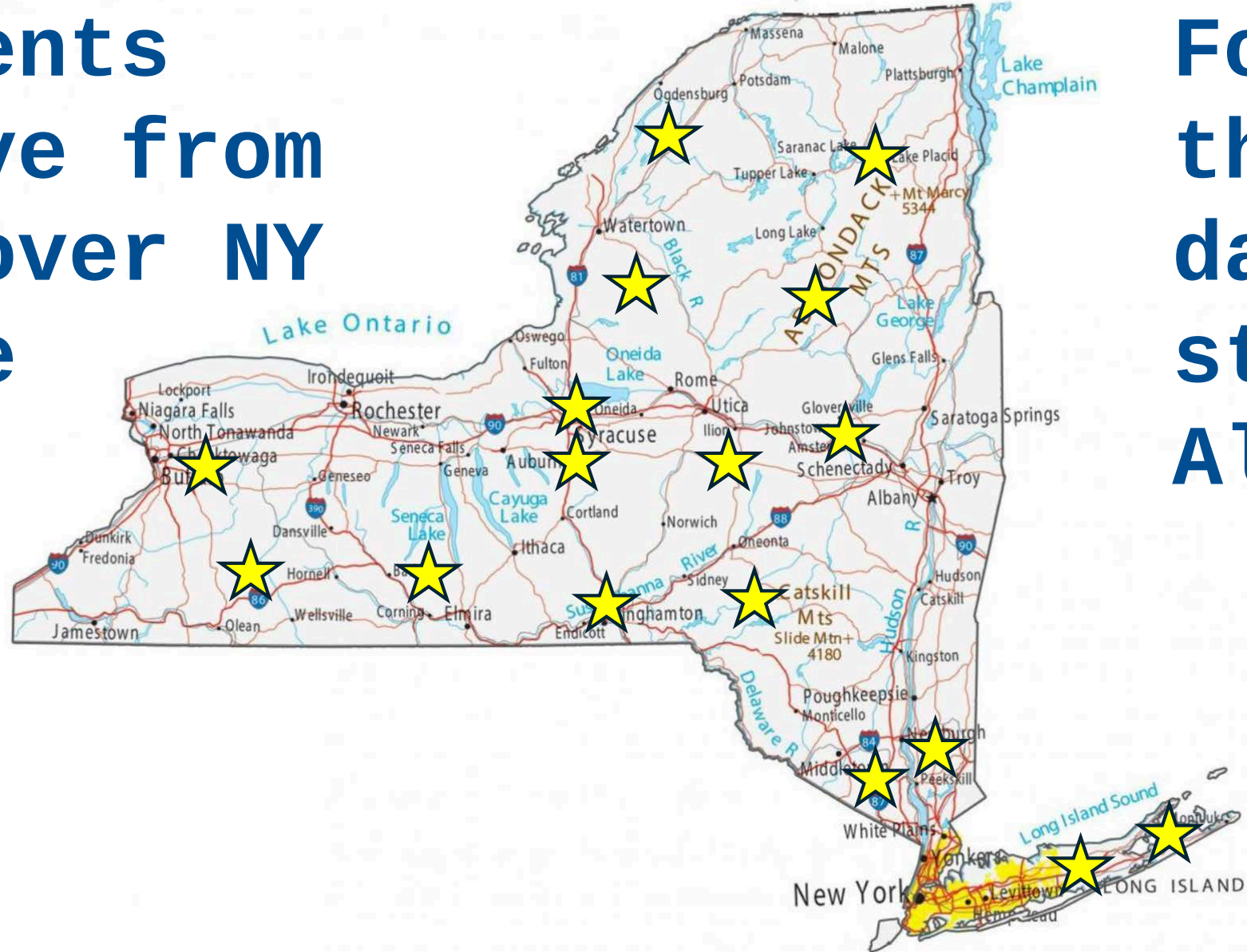


2019
LWV Launches
People
Powered Fair
Maps
Campaign



2020
LWV Launches
Women Power
Democracy

Students arrive from all over NY state



For a three day stay in Albany

Learning Objectives



INCREASE
STUDENTS'
AWARENESS OF
THEIR
RESPONSIBILITY IN
REPRESENTATIVE
GOVERNMENT.



IMPROVE
STUDENT
UNDERSTANDING
OF THE
FRAMEWORK IN
WHICH PUBLIC
POLICY IS
DETERMINED.



TO
DEMONSTRATE
TO STUDENTS
THE VALUE OF
THEIR VOTE.



TO PROMOTE AN
INCREASED
UNDERSTANDING
OF NYS
LEGISLATIVE
PROCESS.



TO PROMOTE
CIVIC
ENGAGEMENT AS
A LIFELONG
PROCESS.





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Role of the Court in policy making

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Court of Appeals

Interactive Lectures



Citizen Lobbyist



How Citizens make a difference

Media in politics

Running for office



Shadow Assembly Members



Attachment: Students Inside Albany 2024 Presentation - May 2024 (12263 : Students



And
Senators

STUDENTS INSIDE ALBANY CONFERENCE

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NYS United Teachers (NYSUT)
NYS Civil Service Employees Association
(CSEA)
Stewart's Shops



The Administrative Manual: The Policies and Procedures of Cortland County Government

Purchasing and Procurement Policy

Objective:	To establish a consistent procurement policy and procedures for all Cortland County departments.	Policy/Procedure Number:	03.004
Reference: (All Applicable Federal, State and Local Laws)	NYS General Municipal Law Section 104-b; NYS General Municipal Law Section 103; Cortland County Local Law #7 of 2003; Cortland County Local Law #6 of 2016	Effective Date:	
		Responsible Department:	Finance/Audit/ County Administrator
Legislative Policy Statement:	All employees whose responsibilities include procurement are charged with strict adherence to all applicable Federal, State and Local General Municipal Laws and regulations. County employees who have the authority to purchase on behalf of Cortland County are charged with ensuring that the highest standards of ethics are adhered to while exercising their best judgment in procuring goods and services.	Modified Dates:	12/19/2019; 11/20/2020
		Resolution No:	399-19; 357-20
		Next Scheduled Review:	As needed

General Information:

SECTION 1 – Introduction:

Pursuant to General Municipal Law Section 104-b, goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, will adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of this article or any other general, special or local law.

Pursuant to Cortland County Local Law #7 of 2003, the County Administrator or designee administers and oversees all purchasing functions of the County. This policy is the basis for the County's purchasing practices.

The purchase function involves the procurement of materials, supplies, equipment, and services at the lowest possible cost consistent with the quality needed to meet the required standards of the County. Although procedures change, fundamentals do not. Our goal is the promotion of the County's best interest through intelligent action and fair dealing which will result in obtaining the maximum projected value for each dollar of expenditures.

This policy has been prepared as a guide to performing the procurement function of the County. It is intended to serve as a guide to procuring required items, while at the same time maintaining the County's reputation for fairness and integrity.

**SECTION 2 –
Ethics of
Purchasing:**

In order to eliminate any suspicion of wrongdoing, unfairness or conflicts of interest prior to any purchase of materials, goods or supplies, County Department Heads will:

1. Consider the interest of the County and the betterment of its government;
2. Endeavor to obtain the greatest value for every dollar expended;
3. Be receptive to advice and suggestions from others, insofar as such advice and suggestions are not in conflict with legal or moral restriction in purchasing procedures;
4. Strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency;
5. Insist on and expect honesty in sales representations whether offered verbally or in writing, through advertising or by providing samples of a product;
6. Give all responsible bidders equal considerations and the assurance of unbiased judgment in determining whether their product meets specifications;
7. Discourage the offer of and decline any and all gifts which in any way might influence the purchase of municipal equipment and supplies; and
8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions, and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the County's equipment and supplies.

**SECTION 3 –
Definitions:**

1. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)). (See Local Law #6 of 2016 – Appendix "B").
2. "Blanket Order" will be used to eliminate the necessity for the issuance of separate orders for groups of items or contractual services which are purchased frequently from the same vendor. This type of purchase order can be used when the exact amount is not known for certain (Example: ordering food items, necessary parts for building repairs as needed, medical supplies, emergency response equipment, etc).
3. "County" will mean the County of Cortland.
4. "County Legislature" will mean the governing body of the County.
5. "Emergency Purchase" as described in Section 14 of this Policy.
6. "Encumbering" will mean the act of reserving funds from the current operating budget for payment of goods and services ordered but not received through use of a purchase order. This will include carry-over of the encumbered funds to the next fiscal year in order to complete the purchase.
7. "Invoice" will mean a formal billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered.

8. "Professional Services" will mean those services as outlined in Section 6 of this policy.
9. "Public Emergency" will mean an accident or other unforeseen occurrence or condition whereby immediate action is needed to address circumstances affecting public buildings, public property, or the life, health, safety or property of the inhabitants of the County.
10. "Purchaser" will mean the person who has been authorized and is responsible for the Purchasing function of a Department.
11. "Purchase Order" will mean formal notice to a vendor to furnish the supplies or services described in detail thereon. A Purchase Order is a formal contract between the County and the vendor that will be completed upon approval of a requisition.
12. "Purchasing" will mean the act of obtaining supplies, equipment, or services necessary to carry out a particular function of the County.
13. "Purchasing Card" is a card that will be utilized to make purchases for supplies, materials, meals, lodging and conference registration. The use of the Purchasing Card must follow the same guidelines within this policy (See Appendix "A").
14. "Quotation" will mean an informal notice, either verbal or written, from a vendor setting forth the terms in which supplies or services will be supplied to the County.
15. "Requesting Department" will mean the official or department head, or the authorized subordinate, initiating a request for goods or service.
16. "Requisition" will be a request to the appropriate department head for approval to purchase one or more items or necessary services. This is the first step in making a purchase.
17. "Specifications" will mean a written description of needed supplies, equipment or services setting forth in a clear concise manner the characteristics of the items and/or services to be purchased, and the circumstances under which the purchase will be made.
18. "Vendor" will mean a supplier of goods or services to the County.
19. "Minority and Women Owned Business Enterprise" WBE (Women Business Enterprise) Certification means that a woman (or women) has a majority ownership and control of a business entity. The MBE (Minority Business Enterprise) Certification means that a minority (or minorities) has a majority ownership and control of a business entity.
20. "Section 3 Business Concern" is a business that is at least 51% or more owned by Section 3 residents or whose permanent full-time employees include persons, at least 30% of whom are currently Sections 3 residents, or within 3 years of the date of first employment with the business concern were Section 3 residents, or that provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in either of the two preceding areas.
21. "Labor Surplus Area" (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the national annual average unemployment rate during the referenced period is less than 6.0%, then the qualifying rate is 6.0%. If the national annual

average unemployment rate during the referenced period is above 10%, then the qualifying rate is 10%.

SECTION 4 – Purchasing Policy Limits and Guidelines

Pursuant to General Municipal Law Section 104-b, procedures for purchasing goods or services that fall below monetary bid limits must be established and approved by the governing board. The following guidelines are established for all purchases made by Cortland County Departments.

A Requisition shall be submitted for all items, including blanket orders, to allow for proper encumbering of funds. In all cases, the requesting department is responsible for supplying adequate information to purchase the item requested.

Procurements	Verbal			Written		RFP	Other
	0	2	3	2	3		
Purchase Contracts Below \$20,000							
Under \$2,500	X						
\$2,500 - \$4,999			X				
\$5,000 - \$9,999				X			
\$10,000 - \$19,999					X		
Contracts for Public Works Below \$35,000							
Under \$2,500	X						
\$2,500 - \$4,999		X					
\$5,000 - \$14,999				X			
\$15,000 - \$34,999					X		
Emergencies							a.
Insurance							a.
Professional Services						X	
True Leases					X		
Second Hand Equipment from Other Govts							a.
Sole Source (i.e. patented or monopoly item)							a.

- a. The method of solicitations for these types of procurements may vary depending on the circumstances encountered. The policies and procedures should ensure that the procurement and method of seeking competition is in the best interest of the County.

- * **Note** – Upper Written Quotation Limits for Public Works Projects involving labor or both materials and labor shall be \$35,000 after which require sealed bids.
- * **Note** – The County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. See Section 5 of this policy.

Quotes must be obtained for the purchase of any and all items that cost a total of \$2,500 or more. This threshold is not to be applied on a per individual item basis; rather, purchases of any “group” of items that are similar in nature, whose total is \$2,500 or more, require quotes be obtained as well. If the requesting department is unable to obtain additional quotes due to the nature of the purchase it must be noted on the requisition. The County Administrator or designee will make the final determination regarding approval of the requisition.

All items purchased which cost in excess of \$2,500 that are not purchased through an available contract, such as a New York State Contract, County Contract or cooperative purchasing, must have quotes as specified above. The telephone price quote form may be used when obtaining verbal quotes. Upon approval of the purchase requisition, a purchase order will be issued.

When obtaining verbal or written quotes the record should, at a minimum include the date, item or service desired, quantity, price quoted, name of vendor and the name of the vendor's representative and contact information such as phone, fax and e-mail address.

Awards will be made to the lowest responsible bidder. However, circumstances may dictate purchase from other than a low bidder (i.e., delivery requirements, quantity requirements, location of the vendor, known past experience of a vendor, etc. as well as best value purchasing scenarios). Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible bidder.

**SECTION 5 –
Minority & Women
Owned Businesses,
Section 3 Business,
Labor Surplus Area
Business**

1. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The County established purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The County will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

2. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the County will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

3. Labor Surplus Area Business Participation in Procurement and Contracting: The County will, to the extent feasible, solicit bids or quotes for federally funded projects from at least one business located in a labor surplus area (LSA) as defined by the US Department of Labor. The County will access information on eligible labor surplus areas for the most current time period through the NYS Department of Labor. Quotes or bids from a business or businesses in an LSA or LSAs will be solicited directly by phone, email or letter. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of LSA solicitation in its records and any response(s) thereto.

SECTION 6 – Guidelines When Proposals or Competitive Bidding Is Not Required

There are certain expenditures for which obtaining proposals or bidding is unnecessary. The following purchases may be made without obtaining proposals or competitive bidding:

1. Contracts for professional services which are exempt under the General Municipal Law, Section 103.

Professional services and services requiring special or technical skill, training or expertise are not purchase contracts or contracts for public work, as those phrases are used in the bidding statutes and therefore are not subject to competitive bidding procedures. The determination of whether the professional service exception is applicable in given situations must be made on a case-by-case basis, examining the particular services to be acquired.

Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. The courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available from most sources.

2. Utilities. Utility service commodities shall be secured by the County Administrator or designee.
3. Insurance. Stop Loss Insurance for the County's Health and Worker's Compensation programs shall be secured by the County Administrator or designee. General Liability and Property Insurances, and any other insurances deemed necessary, shall be secured by the County Administrator or designee with approval by the County Legislature.

SECTION 7 – Encumbrances

An encumbrance is an obligation in the form of a purchase order, contract or salary commitment that is chargeable to an appropriation and for which a part of the appropriation is reserved prior to incurring the liability and prior to actual expenditure of funds.

It is important that departments operate within the appropriations provided by the governing board. To accomplish this, expenditures must be closely controlled; in fact, controls are required by various laws pertaining to local governments.

The proper use of an encumbrance system reduces the possibility that appropriations will be over- expended. In addition, an encumbered obligation may be paid in the next fiscal year without further appropriation by the governing board.

SECTION 8 – Purchasing Policy and Control

1. The County Administrator or designee will be responsible for developing and administering the Purchasing program.
2. Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of more than \$20,000 and public works contracts involving more than \$35,000 will be awarded only after public advertising soliciting formal bids (Section 103 of the General Municipal Law). This total is the aggregate of all purchases of a certain type by all departments (including office supplies).

3. All bid packages for competitive bidding will be prepared by the Department in coordination with the County Administrator or designee. The requesting departments are to submit the necessary information as outlined in the competitive bidding section of this policy.
4. No quotes are to be solicited or purchases made for any technology related equipment or services without prior approval from the County Administrator or designee and the Director of Information and Technology.
5. The Purchasing procedures employed will comply with all applicable laws and regulations of the State and County.
6. Opportunity will be provided to all responsible suppliers to do business with the County. To this end, Departments will develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists should be used in the development of a mailing/e- mail list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request. All bids are to be placed on the County website under the Bids and Request for Proposal link on the main page.
7. All contracts which require public advertising and competitive bidding will be awarded as provided by law and this policy. All contracts will be on file in the County Attorney's Office. Once a contract is fully executed, the department should issue a purchase order to reflect the commitment.
8. Purchases should be made through available State Contracts of the Office of General Services, Division of Purchasing, from a preferred source pursuant to Sections 175(a) and 175(b) of the New York State Finance Law or under County contracts pursuant to Section 408-a of the County Law, whenever such purchases are in the best interest of the County. All New York State contracts can be found at <https://ogs.ny.gov/procurement> or by contacting the County Administrator or designee. A requisition must be completed and a purchase order will be issued for all purchases from State Contracts, although additional quotes need not be obtained.
9. Requests for renovations or maintenance to County property that is under the supervision of Buildings and Grounds are to be submitted to the Superintendent of Buildings and Grounds through the Facility Dude program. Upon receipt, the issues will be reviewed with the County Administrator or designee.
10. Supplies used by various officers and departments should be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The department head may be required to justify the need for a special type of item.
11. No official or employee will be interested financially in any contract entered into by the local government as defined in Article 18 of the General Municipal Law. This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier or materials or services to the County. (See Section 21 – Conflict of Interest).
12. The County of Cortland will not be deemed responsible for commitments made circumventing these procedures.
13. In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also allowed to disregard purchasing from a successful respondent to get any immediate needs it requires to deal with the emergency on hand.

**SECTION 9 –
Departmental Level-
Purchase
Requisition – Step 1**

1. **PURPOSE:** Provides a means of initiating the ordering process for goods and services. Also, provides a formal record, within the department, that such goods and/or services have been requisitioned. Provides the proper authority to procure the item requested.
2. **FREQUENCY:** Prepared whenever goods and services are required.
3. **PREPARATION:** The requisitioning department obtains the required quotes or uses one of the following means to secure pricing for the items or services requested:
 - a. County bid awards.
 - b. New York State Contracts - these contracts by State Office of General Services awarded after formal bidding by New York State and made available to political subdivisions by State Law or in certain cases, contracts awarded through cooperative purchasing.
 - c. Preferred Source offerings required under Article XI of the State Finance Law.
 - d. Formal bid preparation.
 - e. Quotations: informal notice by a vendor setting forth terms under which he will furnish supplies or services.

The Department Head or authorized person within a department must then enter the request to purchase the items through the MUNIS on-line requisition system with each item listed separately. The required quotes and documentation, including contract number if applicable, should be attached to the requisition for review by subsequent approvers. The respective County Department Head or designated backup must review and approve the purchase requisition and if the amount is \$10,000 or more the County Administrator or designee must review and approve the requisition prior to conversion to a final Purchase Order.

The request will be approved and a purchase order will be issued as soon as possible after all of the required documentation is received.

4. **RESPONSIBILITY:** The individual departments ensure that items ordered and expenditures are within the budgetary appropriations.

NOTE: Purchase orders will not be issued if funds are not available in the appropriate line. Transfers must be completed before a purchase order will be issued.

**SECTION 10 –
Purchase Order –
Step 2**

1. **PURPOSE:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered. Provides the necessary authority to pay vendor claims for goods and services. Initiates and substantiates various accounting processes. Provides the necessary tax-exempt sale proof needed by vendors. A complete executed purchase order becomes a valid contract by and between the County of Cortland and the Vendor providing the goods and services.
2. **FREQUENCY:** Prepared by the requesting department, upon receipt and approval of purchase requisition.
3. **RESPONSIBILITY:** In all instances, purchase orders are required to be completed for all purchases before a purchase is made. Emergencies are the

sole exception, in which case an order claim form shall be prepared and issued the next business day. Emergency purchases are further described in Section 14.

SECTION 11 – Internet Purchases

Internet purchases will follow the same requirements as other purchases. In all cases a Purchase Requisition must be submitted and a Purchase Order must be issued prior to placing the order. The adopted Purchasing Policy must still be adhered to.

SECTION 12 – Blanket Purchase Orders

1. **PURPOSE:** To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently or by annual contract from the same vendor. To permit the department to purchase items of this nature on an "as needed" basis when there is no provision to maintain an inventory. For example, general office supplies, medical supplies, etc.
2. **RESPONSIBILITY:** The amount and period of the blanket purchase order will be determined by the respective department head in conjunction with the County Administrator or designee and County Auditor. It should be based on information available in the records covering previous fiscal years and present departmental needs.

Blanket Purchase Orders may be issued for the following circumstances:

- A. To vendors which Cortland County has entered into a contract with (such as annual bids for supplies or services, utilities and rent), State Contracts or any other type of approved contract.
- B. To vendors without a contract, for the purchase of such items as may be necessary in the department's day-to-day operations. Items may not be purchased in amounts which meet or exceed the competitive bidding requirements.
3. **FREQUENCY:** Issued as needed to various vendors for purchases of those items considered being of an immediate need or for purposes of consolidating purchases. Blanket orders may be issued on a monthly, quarterly, semi-annual or annual basis.
4. **DISTRIBUTION:** The same as regular purchase orders.
5. **PREPARATION:** The same as regular purchase orders.

Requests for blanket purchase orders will be issued on a case-by-case basis. Blanket purchase orders cannot be overspent. A blanket purchase order may not be increased, but may be decreased or voided as necessary (see the Purchase Order change form in Appendix "C"). A new blanket purchase order must be established if the goods or services being purchased are different from that of the original purchase order.

The department must keep a record of purchases made to ensure that they do not exceed the amount allowed by the blanket purchase order.

SECTION 13 – Best Value Purchasing

“Best Value” means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)) (See Appendix “B” – Local Law #6 of 2016).

SECTION 14 – Emergency Purchases

1. DEFINITION: To allow verbal approval from the County Administrator or designee for an emergency purchase by a Department Head in cases where necessity for immediate action exists.

Emergency Purchase - General Municipal Law Section 103 (4) clearly states, "in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies may be let by the appropriate officer, board or agency."

2. PROCEDURE: When a department has an emergency situation, the following procedures will be followed:
 - a. Prior to purchase, the County Administrator or designee shall be contacted. The requisitioning department should be supplied with the following information:
 1. The reason the purchase is an emergency.
 2. The department name and budget account.
 3. A complete description and accurate cost of the item to be purchased.
 4. The name and address of the vendor from whom the goods are to be purchased.
 - b. Requisitioning department will verify the necessary budgetary appropriation.
 - c. The County Administrator or designee will determine if a purchase is in fact an emergency.
 - d. If it is determined that an emergency situation does exist, the immediate availability of the required goods or services will be given prime consideration in the selection of the vendor.
 - e. The County Administrator or designee will verbally approve the purchase of emergency supplies/services and keep record of same.
 - f. The requesting department will prepare a requisition containing the required information. The requisition should be marked Emergency Purchase and entered into the purchase requisition system as soon as possible.

In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also allowed to disregard purchasing from a successful

respondent to get any immediate needs it requires to deal with the emergency on hand.

- g. The individual who picks up the items from the vendor must obtain an extended invoice containing:
 - 1. Quantity and description of items purchased.
 - 2. The unit and total cost.
 - 3. Signature of the individual receiving the goods.
 - 4. Date County Administrator or designee approved the purchase.
 - h. The County Administrator or designee shall authorize the preparation of the emergency purchase order for regular distribution.
3. **RESPONSIBILITY:** The County Administrator or designee WILL NOT approve an emergency purchase when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is lack of proper planning.

SECTION 15 – Receipt of Goods

Upon receipt of deliveries to County departments, an inspection of the goods should be made by the employee before the employee signs for shipment. If there are any discrepancies or damages noticed at the time of delivery, the employee will note these on the delivery slip before affixing his or her signature accepting deliveries. This procedure will assist the County from incurring payments for damaged goods and/or goods not actually received.

Upon receipt of goods and/or services, the receiving department shall attach a copy of the signed delivery slip and/or note on a copy of the purchase order, the exact quantity received, noted by receiving signature. The appropriate copy of the Purchase Order shall then be forwarded to the Finance office for payment.

In the event the goods purchased are considered a Fixed Asset, a notation is to be made on the delivery slip and/or a copy of the purchase order to be forwarded to the Finance Office to obtain the fixed asset label and to be added to the list of fixed assets owned by the County.

If, upon receipt of goods and/or services by the receiving department, it is determined that the goods and/or services are not what was initially ordered or not acceptable due to quality or some other reason, every attempt should be made by the Department to resolve the problem with the vendor. In the event that a resolution is not reached, a vendor complaint memo and all documentation should be forwarded to the County Administrator or designee for immediate action. The County Administrator or designee will pursue all avenues to resolve the discrepancies that exist.

Do not forward the Purchase Order to the Finance office for final closeout until the entire order has been received.

In the event of a partial order, a notation should be made on the copy of the Purchase Order and retained by the department until all goods and/or services have been rendered.

The Department Head and the County Auditor will be responsible for ensuring that all purchases were made in accordance with these procedures. The requisitioning department is responsible for ensuring that the Purchase Order is completed properly and submitted for payment. All invoices, packing slips and

other necessary information for payment are to be submitted with the Purchase Order for payment. A corresponding contract number or resolution number must be included on the purchase order. Necessary quotes and bidding information must be attached.

A purchase order to be submitted to the County Auditor for payment will qualify when the following conditions are met:

- a. An itemized original invoice in sufficient detail with a unique invoice number is provided for audit.
- b. Accompanied by the purchase order stating the item(s) and authorized (signed) by the respective Department Head.
- c. Signed receiving documents for goods purchased.
- d. For services received, a copy of the signed contract or reference to the contract number.
- e. Required quote or bidding documentation.
- f. Proper budget accounts.

As standard business procedure, all County vendors are entitled to prompt payment; therefore, it is the Department Head's responsibility to process invoices and purchase orders in a timely fashion.

If the County Auditor receives any claims for materials, supplies or services for which a purchase order was not issued and approved, and the funds were not encumbered as per policy, the County Auditor in conjunction with the County Administrator or designee will have the authority to nullify the payment of such claim.

SECTION 16 – Requests for Printing and Large Quantity Printing

The Department of Information Technology Central Printing Services is to be used when a department needs seventy-five or more copies of a form, document, letterhead, or other printed materials.

SECTION 17 – Sole Source

Competitive Bidding is not required under section 103 of the General Municipal law in those limited situations when there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services.

In making these determinations, the Department must document, among other things, the unique benefits of the item as compared to other items available in the marketplace. In addition, the Department must document that, as a matter of fact, there is no possibility of competition for the procurement of the goods. Therefore, any department requesting approval for the sole source determination from the County Administrator or designee must provide this information for consideration. The request will be reviewed by the County Administrator or designee and/or County Attorney before final approval.

SECTION 18 – Annual Review

The County Legislature will annually review these policies and procedures. The County Administrator or designee and County Auditor will be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

**SECTION 19 –
Unintentional
Failure to Comply**

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b will not be grounds to void action taken or give rise to a cause of action against the County of Cortland or any officer or employee thereof.

**SECTION 20 –
Exceptions to
Requirement of
Purchase
Requisition**

There are certain expenditures for which the processing of a purchase requisition is unnecessary. In such cases, a voucher form (see Appendix “C”) with the corresponding invoice or receipt attached should be submitted to the Finance for processing and payment. The following purchases may be made without purchase requisitions:

1. Interdepartmental Charges: the interdepartmental charge back services are the means by which the County departments are able to charge other County departments for services rendered and/or goods or supplies.
2. Medical examinations and mandatory medication for County jail inmates.
3. Mileage and meals reimbursement. A County Administrator or Department Head approved Travel Authorization form must be attached to the purchase order when submitted for payment.

**SECTION 21 –
Conflict of Interest**

No County officer or employee will have an interest in any contract with the County of which he or she is an officer or employee, when such employee has the power or duty to:

1. Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.
2. Audit bills or claims.
3. Appoint an officer or employee who has any of the powers or duties set forth above.

"Contract" in this context refers to any claim, demand against or agreement with the County, either express or implied.

Any County officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County of which he or she is an officer or employee, will publicly disclose the nature and extent of such interest in writing to the County Administrator or designee and Board of Ethics as soon as he or she has knowledge of an actual or prospective interest. This written disclosure will be kept on file.

If any officer or employee had or has reason to believe that he may have a conflict of interest, that employee or officer should contact the office of the County Attorney immediately.

**SECTION 22 –
Competitive
Bidding –
Purchases in
Excess of \$20,000
(Public Works
\$35,000)**

General Municipal Law, Section 103 requires purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsible bidder after public advertising requesting submission of sealed bids.

In determining the necessity for competitive bidding, an aggregate cost of an item or commodity estimated to be purchased in a fiscal year is considered. Exceptions include state contracts and other NYS County contracts or contracts awarded through cooperative purchasing.

If the actual cost of any purchases or projects are uncertain but suspected to exceed the \$20,000 limit, discretion will be used and the bidding procedure will take effect.

The term "Public Works Contract" applies to those items or projects involving labor or both materials and labor. Under Article 8 of the New York State Labor Law, Prevailing Wage Rates apply when a laborer, workman or mechanic is employed. There is no minimum dollar amount. County Administration will apply for the required Prevailing Wage Rate Schedule.

Bid preparation must be coordinated with the County Administrator or designee at least six (6) weeks prior to the required award date to provide adequate approval of the bid package and legal advertising. The following information is required from the requesting department:

- a. Description of the items to be bid.
- b. What is to be included in the specifications.
(A sample or previously used specifications are to be included whenever available)
- c. Date when requesting department requires the delivery of goods and/or services.
- d. List of suggested vendors when available.
- e. The adopted budget amount for the goods or services.

The Department is expected to prepare the bid package and advertisement for review and approval by the County Administrator or designee. The Clerk of the Legislature shall be responsible for submitting the bid advertisement and receiving the bids. The advertisement for bids will contain a statement of time and place where all bids will be publicly opened and read. Bids will be opened by the Clerk of the Legislature or designee and the appropriate department head or another designated individual.

After review and careful examination and evaluation of the bids by the department head and if necessary, the County Administrator or designee, a recommendation will be made to the County Legislature for award of bid or contract after the following conditions are met:

- a. Sufficient appropriations within the department's current budget.
- b. The award is made to the lowest responsible bidder meeting specifications. If Best Value is determined to award the bid, maintain the objective and quantifiable analysis to show the cost- benefit.
- c. Rejection of the low bid must be documented and approved by the County Attorney and County Administrator or designee.

Complete bidding records will be filed in the Office of the County Administrator or designee, with the exception of the Highway Department, to maintain one local source of bid information.

A reasonable period should elapse between the public opening and announcement of the successful bidder to permit careful examination of the bids. A bidder may withdraw its bid if no award is made within 45 days of the bid opening.

The requesting department will be responsible for notifying the vendor awarded and the vendors not awarded the contract upon adoption of a Legislative Resolution.

SECTION 23 – Guidelines When Services are Needed

A department's decision to obtain services without competitive bidding must be documented and justified to the County Administrator or designee. Such scenarios would include sole source or emergency situations or cases in which spending is below competitive bidding thresholds. The County Administrator or designee and County Attorney will determine when the formal Request for Proposal process will be used or if quotes or proposals may be obtained from specific vendors/firms. The information required for approval to receive proposals for services that do not require competitive bidding shall include:

- a. A work statement or performance specification
- b. Time frames in which the work is to be completed
- c. Specific criteria to be used in evaluating the proposal

All formal Request for Proposals (RFP) will be legally advertised in the selected newspapers and posted on the County's website.

1. After proposals are received, the County Administrator or designee with such input as he deems necessary will evaluate and review the proposals for completeness, accuracy and compliance with the RFP requirements.
2. The County Administrator or designee will evaluate the proposals received and then determine which proposals to present to the appropriate Legislative Committee for review and discussion. Justification as to the decision to present or not present specific proposals will be made as needed.
3. Firms may be selected to make a presentation and be interviewed by the County Administrator or designee and Legislative committee.
4. A final decision of award will then be made by the appropriate Legislative Committee in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.
5. If a contract is awarded to other than the lowest responsible dollar offerer, the reason for such award must be justified and documented.

SECTION 24 – Vendor Protests

Attempts will be made to be sure bid specifications, terms and conditions are thorough and correct. All appropriate steps will be followed when determining award of a bid package. Even with careful evaluation, vendor protests may be inevitable at some times.

All vendor complaints will be directed to the County Administrator or designee.

The following guidelines will be followed when responding to a vendor's protest:

- a. Complaints must be in writing.
- b. Complaints must contain the following information:
 1. name, address and telephone number of the protester;
 2. the signature of the protester or its representative;
 3. identification of the bid package;
 4. detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and
 5. form of relief being sought
- c. Complaints must be filed within five days of the recommendation of the award.
- d. When a protest is first received, an immediate attempt will be made to contact the vendor to discuss the issue. The County Administrator or designee will attempt to provide the protester with a thorough explanation of the evaluation factors.
- e. The County Administrator or designee and County Attorney will prepare a written protest decision within five days.

**Section 25 –
Non-Collusion
Statement (General
Municipal Law
Section 103-d)**

If competitive bidding is required by law, each bid must contain the following statement subscribed by the bidder and affirmed by such bidder as true under penalty of perjury.

NON-COLLUSION CERTIFICATION

By submission of this bid, each bidder, and each person signing on behalf of any bidder, certifies, and in the case of a joint bid each party thereto certifies as to its own organization under a penalty of perjury that to the best knowledge and belief:

1. That process in this bid has been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such process with any other bidder or with any competitor; and
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

**SECTION 26 –
Standardization**

Section 103 of the General Municipal Law makes it possible for the County to standardize on a particular type of material or equipment. The standardization resolution must be approved by at least two-thirds of all Legislative Members, and must state that for reasons of efficiency or economy there is a need for standardization. The resolution will contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

SECTION 27 – Tax-Exempt

The County is a tax-exempt organization. Department Heads or their designees are responsible for informing vendors that Cortland County is exempt from sales tax. It is recommended that vendors be provided with a tax-exempt form to eliminate the possibility of being charged sales tax. If sales tax is assessed on a purchase, it is the Department Head's responsibility to have the vendor remove the tax. Payment issued will be exclusive of sales tax.

SECTION 28 – Purchasing Card

Cortland County shall make available to Department Heads and selected staff a Purchasing Card that shall be used for purchases such as supplies, materials, meals, lodging and conference registration. The Purchasing Card will not be used for any of the items on the list of prohibited transactions and shall be used in conformity with the current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department and are subject to approval by the County Administrator or designee.

Purchases using the Purchasing "P" Card are required to follow the requirements laid out within this Purchasing Policy. It is understood that failure to comply with the Purchasing and Purchase Card Policy may be considered misappropriation of funds, and may be subject to revocation of card privileges and disciplinary action. See Appendix "A" for full information regarding the distribution and use of P Cards.

SECTION 29 – Gift Cards

In general, departments should not purchase store gift cards unless the department has a true client or program need. The use of a P Card or any other payment means to purchase gift cards is subject to approval by the Director of Finance, County Administrator, and County Auditor. Additionally, a department should not use grant funds to purchase gift cards unless specifically approved by the grantor. In all instances, departments are responsible for the proper use, security, handling, distribution, tracking and reconciliation of gift cards, and departments must maintain a proper audit trail documenting the distribution of gift cards. Departments are also responsible for providing the County Auditor with necessary reports to fulfill 1099 reporting requirements, as necessary.

Policy Addendum – Written consequences of non-compliance

See 1), 2), 3) and 4) below for written consequences of non-compliance with the requirements of the County's purchasing policy:

1) Consequences for not following purchase order requirements per the purchasing policy:

In the event the Finance department receives a claim without a purchase order, the procedures in 1a) or 1b) should be followed, as applicable. Additionally, if the purchase order received with a claim is not valid, Finance shall void the PO as a consequence and the procedures in 1a) or 1b) should be followed, as applicable.

1a) Consequences / Procedures to follow when the claim is within the available appropriations for the proper G/L account

- The following procedures, as applicable, must be completed in full before the claim can be approved for payment:
 - The department should complete the County's voucher form and the voucher must be approved by the Department Head or designee.
 - If the claim is \$10,000 or more, the voucher is required to be approved by the County Administrator or designee.
 - If the claim is for any technology related equipment or services, the voucher is required to be approved by the Director of IT or designee.
- Additionally, the County Auditor shall track County-wide compliance with purchase order requirements and present a report at least quarterly to the County Administrator and Finance & Administration committee. In response to instances of non-compliance, the County Administrator shall have the authority to take action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority.

1b) Consequences / Procedures to follow when the claim exceeds the available appropriations for the proper G/L account

- The Finance office shall **NOT** override available appropriations.
- The following procedures must be completed in full before a claim can be approved for payment:
 - A budget transfer or amendment must be completed in accordance with the terms of the County's Budget Modifications policy. The budget transfer or amendment is subject to

review and approval by the County Administrator or County Legislature, as specified in the Budget Modifications policy.

- If the transfer or amendment is approved, the department should complete the County's voucher form and the voucher must be approved in accordance with the procedures in 1a).
- If a department incurs any instance in a fiscal year in which claims exceed available appropriations for the proper G/L account, the County Administrator shall have the authority to take action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority. The only exception would be true emergencies as defined in the County's purchasing policy. At the County Administrator's direction, the Administrator may also forward a matter to the Finance & Administration committee for advice and counsel.

2) Consequences for not following requirements per the P-card policy manual:

- The requirements with respect to P-card purchases are the same as that for any other purchases. In the event that a P-card transaction is not supported by a proper PO, the steps in 1a) or 1b) should be followed, as applicable. In the event a cardholder incurs any transaction that exceeds the available appropriations of the proper G/L account, the County Administrator has the authority to take action at the Administrator's discretion, including canceling the cardholder's card.
- In the event of any instance in which the cardholder does not provide proper receipts by the deadline (7th of the following month, per policy), the County Administrator has the authority to take action at the Administrator's discretion, including canceling the cardholder's card.
- In the event a cardholder incurs sales tax charges on their card, the cardholder has four months from the statement date to have the charges credited by the vendor. If the charges are not credited within four months, the County can take action including holding the cardholder personally liable for reimbursing the County for the sales tax charges, and/or the County Administrator can take action at the Administrator's discretion, including canceling the cardholder's card.

3) Consequences for not following quote or competitive bid requirements per the purchasing policy:

- In the event written quotes are required but the threshold for competitive bid is not met, copies of the vendor quotes must be attached with the requisition. A claim cannot be approved for payment until proper quote documentation is received. On a monthly basis, the County Auditor shall report any claims lacking compliance with written quote requirements to the County Administrator. If a department incurs any instance of non-compliance with quote requirements, the County Administrator has the authority to take

action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority.

- In situations in which the threshold for competitive bid is met, exceptions must be documented by the department and included with the requisition. The only allowable exceptions are those provided in the purchasing policy (consistent with that per NYS GML § 103). On a monthly basis, the County Auditor shall immediately report any claims lacking compliance with competitive bid requirements to the County Administrator as well as the appropriate statutory committee chair. After a single instance of non-compliance with competitive bid requirements, the County Administrator has the authority to take action at the Administrator's discretion, including the ability remove or restrict the department head's purchasing authority. At the County Administrator's direction, the Administrator may also discuss a matter with the appropriate statutory committee and the Finance & Administration committee for advice and counsel.

4) Willful or intentional violations

Willful or intentional violations of the County's purchasing policy may result in discipline, up to and including termination of employment. As an example, knowingly splitting purchases to avoid competitive procurement requirements is an intentional violation.

Appendix “A”

**CORTLAND COUNTY PURCHASING CARD USER’S
GUIDE AND POLICY MANUAL
FOR
CARDHOLDERS AND DEPARTMENT HEADS**

Introduction

Welcome to the Purchasing “P” Card Program for Cortland County. The Card is a simplified and cost-effective method of purchasing and remitting payment for approved expenditures. The Purchasing Card can be used for retail purchases, mailed, telephoned, Internet or faxed orders.

The P Card is **not** intended to avoid or bypass appropriate purchasing procedures as outlined in the Cortland County Purchasing Policy, but is to be used in accordance with the guidelines established by the CORTLAND COUNTY LEGISLATURE as detailed in this manual. You are asked to treat this program with the same sense of responsibility and security you would use with your personal credit card.

All P Cards are issued at the request of your Department Head and card usage will be audited and can be restricted and/or rescinded at any time. You are the only person authorized to use your card and it is only to be used for **AUTHORIZED CORTLAND COUNTY** purchases.

This manual provides the guidelines under which you may utilize your P Card. Please read it carefully. Your signature on the Cardholder Authorization Form indicates that you understand the intent of the program and agree to adhere to the guidelines established for the program.

A critical element of this program is the retention of all receipts and prompt reconciliation of statements to these receipts.

CORTLAND COUNTY is a tax-exempt organization. Therefore, sales tax is **NOT** to be paid on purchases made with the P Card. It is strongly recommended that you provide vendors with a tax exemption form to eliminate the possibility of having sales tax charged to the card that will require additional processes to have it removed.

Cardholder Responsibilities

The P Card is intended for purchases such as supplies, materials, meals, lodging and conference registration. The P Card will not be used for any of the items on the list of prohibited transactions and should be used in conformity with current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department.

- ❖ **ONLY AUTHORIZED PURCHASES FOR CORTLAND COUNTY ARE ALLOWABLE. Use of the P Card for personal purchases is not permitted at any time.**
- ❖ Misuse of the P Card will result in revocation of the Card and if necessary, appropriate disciplinary action. Violations include:
 - Purchasing items for personal use.
 - Failure to reconcile expenses, attach receipts and forward to the Budget & Finance Office no later than the 7th day of each month.
 - Using the Card for items clearly defined as “Not for Card use”.
 - Allowing someone else to use your card.

Cardholders are responsible for informing the vendors that Cortland County is exempt from sales tax. When using your card in person, if a vendor will not process the transaction as tax exempt, **do not complete the transaction.**

- ❖ If you are assessed sales tax on phone, Internet or mail orders, the tax is to be adjusted on your statement before processing for approvals.
- ❖ Refunds and exchanges must be credited directly back to the P Card account. **Under no circumstances shall cash be received for refunds or exchanges.**
- ❖ If your purchase is software or computer related you must first receive approval from the Information Technology Department.
- ❖ A transaction report is provided on-line for each account. It is a **Monthly Statement** available after the first day of each month. The Cardholder will reconcile all receipts with the monthly detailed statement, attach all receipts to the statement and forward it to the department head for approval. After

approval, all documentation must be forwarded to the Finance office for payment by the 7th day of each month.

- ❖ The P Card should be treated with the same level of security as cardholders treat their own personal credit cards. Lost or stolen cards must be immediately reported to JP Morgan Chase Bank at **1-800-270-7760**, your Department Head and Program Administrator. Replacement of the P Card must be authorized by the Department Head and Program Administrator.

Purchasing Card Controls

Each card issued will have certain controls/restrictions placed on them. The types of controls consist of:

Card Limits:

- ❖ Each card will have a maximum amount that can be spent per transaction. The Program Administrator will set the maximum dollar limit per transaction and it will be determined on a card-by-card basis. Generally the limit will be set at \$1,500, but will vary depending upon department needs.

Exclusions by Merchant Category Code (MCC): Specific vendors are excluded from use on all the CORTLAND COUNTY P Cards. Any attempt to use these vendors will cause the card to be declined and will be reported to the Program Administrator. Examples of excluded vendors include:

- ❖ Banks, ATM's, and Financial Institutions
- ❖ Liquor Stores
- ❖ Medical Services
- ❖ Insurance Agencies
- ❖ Personal Service Providers (Dry cleaners, beauty salons, spas, etc.)
- ❖ Amusement & Entertainment (golf courses, theaters, etc.)
- ❖ Phone Services

How to Obtain a Purchasing Card

In order to obtain a P Card, the Department Head must request the Card on behalf of the employee. The request must be in writing using the “Purchasing Card Request” form and must be signed by the Employee and Department Head, and forwarded to the Program Administrator.

At that time a JP Morgan Chase Purchasing Card application form will be sent to the employee for completion. It will then be returned to the Program Administrator for processing. When the Program Administrator receives your card you will be required to sign the cardholder’s agreement.

How the Process Works

Step 1 – Make a Purchase

Purchases can be made in person, over the telephone, by fax, or by mail by completing an order form or via the Internet. All purchases require a purchase order prior to purchase.

Documentation/receipts will be required for all purchases.

- ❖ Identify yourself as a CORTLAND COUNTY Employee
- ❖ Inform the vendor that you are making a tax-exempt purchase prior to completing the transaction
- ❖ If you make a purchase over \$2,500, the purchasing policy requires quotes. Copies of the telephone quotes or other documentation should be attached to your purchase requisition as well as to the back of your statement when submitting it to the Finance office

JPMorgan should be identified as the vendor on all purchase orders in which a P Card is to be used

Step 2 – Receive the Goods

Upon pick up or delivery of your goods, it is important to retain the receipt and packing list (if one is not provided you need to contact the vendor immediately for this documentation). **Every** purchase made on your P Card must be documented with a receipt, which could be in the form of a sales receipt, invoice, e-mail confirmation or registration application. You need to keep all receipts and charge slips for reconciliation of your statement.

All receipts must contain the following information:

- ❖ Merchant name
- ❖ Purchase date
- ❖ A description of each item purchased, including quantity
- ❖ Per item cost
- ❖ Total cost
- ❖ Cardholder name

If this information is not on the receipt the Cardholder is to handwrite it on the receipt prior to attaching it to the statement. If a receipt is lost and cannot be replaced by the vendor a copy can be secured by JP Morgan Chase Bank for a fee, the Cardholder is responsible for payment of this fee.

- ❖ If an item has been ordered by mail that has not yet arrived (therefore no receipt), this should be noted on the statement and a copy of the order form included if available, and the receipt forwarded to the Finance office as soon as it is received.

Step 3 – Verification of Goods Received

The Cardholder is responsible for working with the vendor to correct any problems, exchanges or credits. Your statement of account is available on line for you to review. You are responsible for locating any errors and reporting them to JP Morgan Chase Customer Service available at **1-800-270- 7760**. JP Morgan Chase will request complete details of the dispute in writing on County department letterhead in order to research the item in question.

If you believe the supplier has charged you incorrectly or there is an outstanding quality or service issue, you must first contact the supplier and try to resolve the matter directly with the vendor. If a credit or adjustment is due be sure to highlight the line item on your copy of your monthly statement to verify receipt on your next monthly statement.

JP Morgan Chase must receive any charge dispute within 60 days of your statement date. While pending resolution, JP Morgan Chase will credit your account for the amount of the disputed transaction.

Although JP Morgan Chase acts as the arbitrator in any dispute, you should never assume that a dispute will be resolved in your favor.

If the dispute is not resolved to your satisfaction, and you believe you have been unfairly treated by the supplier, please notify the Program Administrator with the relevant details.

Any fraudulent charges must be reported immediately to the JP Morgan Chase Customer Service Center and your Program Administrator. Prompt reporting of any such charges will help to prevent the county from being held responsible.

Step 4 – Reallocate the Charges

All charges made against the purchasing card shall be assigned an account number by the cardholder by the 3rd working day of each month, to allow the Finance office time to process the payment without incurring late fees.

The Department Head or Designee is responsible for the review and verification that all transactions are charged to the correct account.

The Department Head or Designee shall confirm that all purchases are reasonable, authorized for departmental business, and that the transactions were not in violation of the P Card or County purchasing policies. The Department Head or Designee shall review and approve the Cardholder statements by signing and dating it and forwarding it to the Finance office.

Approved statements with the attached receipts are due in the Finance Office by the 7th of each month. Card billings will be closed on the last day of each month. On the first working day of each month the cardholders should reconcile their transactions in MUNIS, print the statement, attach all receipts and secure Department Head or Designee approval of the corresponding purchase order.

If this information is not submitted on time your card will be cancelled.

Separation of Employment

When a Cardholder leaves County employment, he/she must return their P Card to their Department Head. The Department Head is responsible for ensuring the card is returned and cancelled. The Department Head shall also notify the Program Administrator of the employee's notice of separation of employment or actual ending date. The P Card shall be cut in half and returned to the Program Administrator. The Department Head or Designee is responsible for submitting the final statement to the Finance office with all receipts attached.

If an employee is on extended leave or disability, the Department Head should contact the Program Administrator to have the card "suspended" until the Cardholder returns to work.

Audits of the Program

All card purchases will be audited to confirm the P Cards are being utilized responsibly, receipts are being retained and the Cardholder's statements are being reconciled on a timely basis.

Conferences & Lodging

For lodging within New York State, you will still need to secure a lodging tax exemption form and a sales tax exemption form available online to be presented upon check in. If traveling out of state you should also present these forms.

A Travel Authorization form must be completed and approved by the Department Head or County Administrator prior to booking and charging to the P Card.

Appendix “B”

“Best value” is defined for this purpose as a basis for awarding contracts “to the offerer, which optimizes quality, cost and efficiency, among responsive and responsible offerers.” (State Finance Law, section 163 (l)(j), General Municipal Law, section 103(1) cross-references the definition of “best value” in State Finance Law, section 163) Therefore, in assessing best value, no price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis.

For purposes of best value, a responsive offeror is an offeror meeting the minimum specifications. In assessing whether an offeror is responsible, consideration of an offeror’s capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity.

Accordingly, should you award a purchase contract on the basis of best value, you must show that: (1) the offeror is responsive and responsible; and (2) the review applied objective and quantifiable standards, whenever possible, to determine that the offer optimizes quality, cost and efficiency. Also there should be written justification if a decision is based on a best value award on criteria that are not objective and quantifiable.

The best value specification should describe the general manner in which the evaluation and award of offers will be conducted and, as appropriate, identify the relative importance or weighting of price and non-price factors.¹⁶ As noted, the decision to award a contract on the basis of best value must be based on objective and quantifiable analysis, such as a cost-benefit analysis whenever possible. In evaluating and determining to accept a higher priced offer, the local government or school district general manager should use a cost-benefit analysis to show quantifiable value or savings from non-price factors that offset the price differential of the lower price offers. The local government or school district’s procurement policies and procedures should require documentation of this analysis.

A local government solicits competitive offers to purchase a new pickup truck. Vendor A offers the lowest priced truck at \$40,000. Vendor B offers a more fuel-efficient truck at a price of \$45,000. Both vendors are responsive and responsible offerors. The local government reasonably estimates its average annual fuel costs to be \$4,000 for Vendor A’s truck and \$3,000 for Vendor B’s truck. The local government also concludes, based on reliable independent studies and assuming current usage of the vehicle, that the more fuel efficient truck (Vendor B) will likely have \$250 less in maintenance costs annually than Vendor A (assuming annual maintenance costs of \$1,000 annually for Vendor A’s truck). The local government determines the expected useful life of a new truck to be 10 years and intends to retain the truck for the full useful life. In order to quantify these other critical aspects relating to the new pickup truck purchase, the local government prepares the following cost-benefit analysis:

Vendor A	Vendor B	Price (Truck)	\$40,000	\$45,000
		Fuel Costs over Useful Life (10 Years)	\$40,000	\$30,000
		Maintenance Costs over Useful Life (10 Years)	\$10,000	\$7,500
		Total Cost	\$90,000	\$82,500

Based on this analysis, it may be possible for the local government to support a determination that the truck from Vendor B provides the “best value” to the local government.

Whether a local government or school district elects to award a purchase contract based on lowest responsible bidder or best value, they are required to comply with public advertising and bid/offer opening requirements that apply to purchase contracts above existing statutory thresholds.

ON MOTION OF KEVIN WHITNEY

RESOLUTION NO. 57-16

Adopt Local Law 6 of 2016 Authorizing the Use of Best Value Award Methodology for Purchase Contracts

WHEREAS, New York State General Municipal Law §103 has been amended to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law), on the basis of best value;

NOW THEREFORE, BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Section 1

Legislative Intent

With the increased complexity of the goods and services that the County must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria which measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the County's performance requirements, including, but not limited to, selection factors such as useful lifespan, quality, and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

Section 2

Definitions

As used in this local law, the following terms shall have the following meanings:

- A. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j))
- B. Factors which may be used to determine "best value" and to award a contract to other than the lowest bidder, are as follows:
 1. Cost of maintenance;
 2. Product life;
 3. Warranties;
 4. Past performance, reliability, or durability, and current or past experience with the provision of similar goods/services;
 5. Organization, staffing (particular abilities and/or experience), and ability to undertake the type and complexity of the work;
 6. Financial capability;
 7. Record of compliance with all federal, state and local laws, rules, and licensing

requirements; or

8. Ability to meet County needs in a timely and accountable fashion.

C. “Lowest Price” means the basis for awarding contracts for commodities among responsive and responsible offerers. (New York State Finance Law §163(1)(i))

D. “Procurement Record” means documentation of the decisions made and the approach taken in the procurement process. (New York State Finance Law §163(1)(f))

Section 3

Best Value Award Methodology Requirements

Where the basis for an award of a purchase contract will be the best value offer, the purchaser shall, in all instances:

- A. Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.
- C. Select a formal competitive procurement process in accordance with New York State General Municipal Law and other state law and the guidelines established under Cortland County’s Purchasing Policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to:
 1. a clear statement of need;
 2. a description of the required specifications governing performance and related factors;
 3. a reasonable process for ensuring a competitive field;
 4. a fair and equal opportunity for offerers to submit responsive offers;
 5. a balanced and fair method of award.
- D. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved. Each individual purchaser (County Department) shall maintain and retain all documentation used in the award process.
- E. The determination to award a contract on the basis of best value shall be made by the

Cortland County Legislature. Such determination shall include the specific criteria applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Legislature should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers.

F. In the event that no best value election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing required security.

G. This local law does not apply to purchase contracts for the following:

- (i) Any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law; and
- (ii) Any purchase or procurement of goods and/or services otherwise excluded by law from best value purchasing standards, whether now existing or hereafter arising.

Section 4

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect 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 application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5

Effective Date

This local law shall take effect immediately upon adoption by the Cortland County Legislature and filing with the New York State Secretary of State.

STATE OF NEW YORK) SS: COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 28th day of January, 2016 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 28th day of January, 2016.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

Appendix “C” - Forms

VENDOR COMPLAINT MEMO

(This form may be completed by the ordering department when necessary.)

Date

Department

Contact Person

Vendor Name

Items purchased

Problem Complaint:

_____ Delayed Delivery

_____ Inferior Product

_____ Other

Explanation In Detail:

Vendor Response and Resolution: (if available)

Is the resolution acceptable to the Department?

If no, the completed form is to be sent to Purchasing for review and resolution.)

TELEPHONE PRICE QUOTES

Department: _____ Date: _____
 Department Representative Obtaining Quotes: _____

Items Requested:	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	



VENDOR NUMBER: _____

VENDOR : _____

ADDRESS: _____

CITY/ST/ZIP: _____

DEPT. NO.

DEPT. NAME:

(VENDOR OR CLAIMANT)

(TITLE)

OFFICE USE ONLY

FOR DEPARTMENT HEAD APPROVAL

I HEREBY CERTIFY, that the merchandise, materials, or articles enumerated in the above account have been received, and the service specified performed; that they were necessary for, and have been, or will be applied to the use of the above department.

DEPARTMENT HEAD

COUNTY ADMINISTRATOR (if necessary)

DIRECTOR OF IT (if necessary)**OFFICE USE ONLY**

AUDITOR

DATE AUDITED

Purchase Order Change Form

PO #	Department
Vendor #	Vendor Name
Current PO Balance	Description of Goods/Services

PO VOID/CLOSE REQUEST

Complete this section for a NORMAL or BLANKET PO with a balance of \$200 or more

Note: Void/Close for a PO with a balance under \$200 can be noted on the PO when submitted for payment

☐ Void ☐ Close	Reason for Void/Close
--	-----------------------

PO DECREASE REQUEST

Complete this section for a NORMAL or BLANKET PO decrease of any \$ amount

Reason for Decrease			
GL Account	Available Account Balance	Decrease Amount	Revised PO Balance

Department Head Signature

Date

Cortland County Purchasing Card Request

Please fill in all information as requested.

Employee Name (as it will appear on card): _____

Employee Department: _____

Requested Maximum Single Transaction Limit: \$ _____

Employee D/O/B: _____

Employee Home Address: _____

Employee Signature Date

Department Head Date

Program Administrator Date

This section for Program Administrator use

Date card received and forwarded to employee: _____

Card Number: _____

Transaction Credit Limit Assigned: _____

Cortland County Purchasing Card
JPMorgan Chase Bank- Visa
Acknowledgment of Card Receipt And Card Holder
Agreement

Please read and sign page two of this form.

Employee Name: _____

Department: _____

Card Number: _____

Transaction limits are: Each \$ _____

You are being entrusted with a CORTLAND COUNTY Purchasing Card issued by Visa through JP Morgan Chase Bank. The card is provided to you to take care of your need to purchase materials for CORLTAND COUNTY. The card may be revoked at any time without your permission. Your signature below indicates that you have read the Purchasing Card Policy manual and will comply with the manual and the terms of this user agreement.

I understand that I will be making financial commitments on behalf of CORTLAND COUNTY and will strive to obtain the best value for CORTLAND COUNTY when making purchases.

This purchasing card is issued in my name. I will not allow any other person to use my assigned card.

I have read the CORTLAND COUNTY Purchasing Card Policy Manual as well as this cardholder agreement, understand them, and I will comply with both. Failure to do so may be considered misappropriation of funds, and may subject me to revocation of card privileges and disciplinary action.

I understand that the policies and procedures related to the Procurement Card Program may be updated or changed at any time. The Card Administrator will notify me of these changes. I agree to and will be responsible for the execution of any program changes.

I will review and approve transactions on a regular basis via the Internet and reconcile my monthly statement.

I will use the card only for authorized purchases.

I will obtain a hard copy receipt from the vendor each time the card is used. When ordering by phone or via the Internet, I will request the vendor provide me with a receipt. If the receipt is lost and cannot be replaced by the vendor, any charges for a copy through JP Morgan Chase Bank will be paid at my expense.

I understand that my card account is subject to internal control reviews and audits to protect the interests of CORTLAND COUNTY and I agree to comply with these reviews and audits.

I am responsible for immediately notifying the JP Morgan Chase Bank, my supervisor and the Program Administrator if the card is lost or stolen. I will complete the Lost or Stolen Card form and submit it to the Program Administrator.

Upon resignation/separation, or the request of my Department Head or the Program Administrator, I will turn in the card to the Department Head.

As I am responsible for all charges on the card, I will reconcile the statement and resolve any discrepancies by either contacting the vendor or JP Morgan Chase Bank.

Employee Signature: _____ Date _____

Program Administrator: _____ Date _____

**CORTLAND COUNTY– Purchasing Card JP Morgan Chase Bank-
Visa Lost/Stolen Card Notification Form**

Name of Cardholder: _____

Cardholder Account Number _____

I certify that my Visa card has been lost/stolen. I first noticed it was missing on (Date). I have called JP Morgan Chase Bank at 1-800-270-7760 and have also spoken with my Department Head to notify them that the card is lost/stolen so that no more charges may be made on it.

Cardholder Signature _____

Department Head Signature _____

Upon completion of this form please fax it directly to the Program Administrator @ 607-753-5083

The Administrative Manual: The Policies and Procedures of Cortland County Government

Purchasing and Procurement Policy

Objective:	To establish a consistent procurement policy and procedures for all Cortland County departments.	Policy/Procedure Number:	03.004
Reference: (All Applicable Federal, State and Local Laws)	NYS General Municipal Law Section 104-b; NYS General Municipal Law Section 103; Cortland County Local Law #7 of 2003; Cortland County Local Law #6 of 2016	Effective Date:	
		Responsible Department:	Finance/Audit/ County Administrator
Legislative Policy Statement:	All employees whose responsibilities include procurement are charged with strict adherence to all applicable Federal, State and Local General Municipal Laws and regulations. County employees who have the authority to purchase on behalf of Cortland County are charged with ensuring that the highest standards of ethics are adhered to while exercising their best judgment in procuring goods and services.	Modified Dates:	12/19/2019; 11/20/2020
		Resolution No:	399-19; 357-20
		Next Scheduled Review:	As needed

General Information:

SECTION 1 – Introduction:	Pursuant to General Municipal Law Section 104-b, goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, will adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of this article or any other general, special or local law. Pursuant to Cortland County Local Law #7 of 2003, the County Administrator or designee administers and oversees all purchasing functions of the County. This policy is the basis for the County's purchasing practices. The purchase function involves the procurement of materials, supplies, equipment, and services at the lowest possible cost consistent with the quality needed to meet the required standards of the County. Although procedures change, fundamentals do not. Our goal is the promotion of the County's best interest through intelligent action and fair dealing which will result in obtaining the maximum projected value for each dollar of expenditures. This policy has been prepared as a guide to performing the procurement function of the County. It is intended to serve as a guide to procuring required items, while at the same time maintaining the County's reputation for fairness and integrity.
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SECTION 2 – Ethics of Purchasing:

In order to eliminate any suspicion of wrongdoing, unfairness or conflicts of interest prior to any purchase of materials, goods or supplies, County Department Heads will:

1. Consider the interest of the County and the betterment of its government;
2. Endeavor to obtain the greatest value for every dollar expended;
3. Be receptive to advice and suggestions from others, insofar as such advice and suggestions are not in conflict with legal or moral restriction in purchasing procedures;
4. Strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency;
5. Insist on and expect honesty in sales representations whether offered verbally or in writing, through advertising or by providing samples of a product;
6. Give all responsible bidders equal considerations and the assurance of unbiased judgment in determining whether their product meets specifications;
7. Discourage the offer of and decline any and all gifts which in any way might influence the purchase of municipal equipment and supplies; and
8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions, and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the County's equipment and supplies.

SECTION 3 – Definitions:

1. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)). (See Local Law #6 of 2016 – Appendix "B").
2. "Blanket Order" will be used to eliminate the necessity for the issuance of separate orders for groups of items or contractual services which are purchased frequently from the same vendor. This type of purchase order can be used when the exact amount is not known for certain (Example: ordering food items, necessary parts for building repairs as needed, medical supplies, emergency response equipment, etc).
3. "County" will mean the County of Cortland.
4. "County Legislature" will mean the governing body of the County.
5. "Emergency Purchase" as described in Section [1314](#) of this Policy.
6. "Encumbering" will mean the act of reserving funds from the current operating budget for payment of goods and services ordered but not received through use of a purchase order. This will include carry-over of the encumbered funds to the next fiscal year in order to complete the purchase.
7. "Invoice" will mean a formal billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered.

8. "Professional ~~and Personal~~ Services" will mean those services ~~which are provided to the County of Cortland which will be exempt from the competitive bidding procedures~~ as outlined in Section 6 of this policy.
9. "Public Emergency" will mean an accident or other unforeseen occurrence or condition, whereby immediate action is needed to address circumstances affecting public buildings, public property, or the life, health, safety or property of the inhabitants of the County ~~are involved allowing for procurement of goods without competitive bidding.~~
10. "Purchaser" will mean the person who has been authorized and is responsible for the Purchasing function of a Department.
11. "Purchase Order" will mean formal notice to a vendor to furnish the supplies or services described in detail thereon. A Purchase Order is a formal contract between the County and the vendor that will be completed upon approval of a requisition.
12. "Purchasing" will mean the act of obtaining supplies, equipment, or services necessary to carry out a particular function of the County.
13. "Purchasing Card" is a card that will be utilized to make purchases for supplies, materials, meals, lodging and conference registration. The use of the Purchasing Card must follow the same guidelines within this policy (See Appendix "A").
14. "Quotation" will mean an informal notice, either verbal or written, from a vendor setting forth the terms in which supplies or services will be supplied to the County.
15. "Requesting Department" will mean the official or department head, or the authorized subordinate, initiating a request for goods or service.
16. "Requisition" will be a request to the appropriate department head for approval to purchase one or more items or necessary services. This is the first step in making a purchase.
17. "Specifications" will mean a written description of needed supplies, equipment or services setting forth in a clear concise manner the characteristics of the items and/or services to be purchased, and the circumstances under which the purchase will be made.
18. "Vendor" will mean a supplier of goods or services to the County.
19. "Minority and Women Owned Business Enterprise" WBE (Women Business Enterprise) Certification means that a woman (or women) has a majority ownership and control of a business entity. The MBE (Minority Business Enterprise) Certification means that a minority (or minorities) has a majority ownership and control of a business entity.
20. "Section 3 Business Concern" is a business that is at least 51% or more owned by Section 3 residents or whose permanent full-time employees include persons, at least 30% of whom are currently Sections 3 residents, or within 3 years of the date of first employment with the business concern were Section 3 residents, or that provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in either of the two preceding areas.
21. "Labor Surplus Area" (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the national annual average unemployment rate during the referenced period is

less than 6.0%, then the qualifying rate is 6.0%. If the national annual average unemployment rate during the referenced period is above 10%, then the qualifying rate is 10%.

SECTION 4 – Purchasing Policy Limits and Guidelines

Pursuant to General Municipal Law Section 104-b, procedures for purchasing goods or services that fall below monetary bid limits must be established and approved by the governing board. The following guidelines are established for all purchases made by Cortland County Departments.

A Requisition shall be submitted for all items, including blanket orders, to allow for proper encumbering of funds. In all cases, the requesting department is responsible for supplying adequate information to purchase the item requested.

Procurements	Verbal			Written		RFP	Other
	0	2	3	2	3		
Purchase Contracts Below \$20,000							
Under \$2,500	X						
\$2,500 - \$4,999			X				
\$5,000 - \$9,999				X			
\$10,000 - \$19,999					X		
Contracts for Public Works Below \$35,000							
Under \$2,500	X						
\$2,500 - \$4,999		X					
\$5,000 - \$14,999				X			
\$15,000 - \$34,999					X		
Emergencies							a.
Insurance							a.
Professional Services						X	
True Leases					X		
Second Hand Equipment from Other Govts							a.
Sole Source (i.e. patented or monopoly item)							a.

a. The method of solicitations for these types of procurements may vary depending on the circumstances encountered. The policies and procedures should ensure that the procurement and method of seeking competition is in the best interest of the County.

* **Note** – Upper Written Quotation Limits for Public Works Projects involving labor or both materials and labor shall be \$35,000 after which require sealed bids.

* **Note** – The County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. See Section 5 of this policy.

Quotes must be obtained for the purchase of any and all items that cost a total of \$2,500 or more. This threshold is not to be applied on a per individual item basis; rather, purchases of any “group” of items that are similar in nature, whose total is \$2,500 or more, require quotes be obtained as well. If the requesting department is unable to obtain additional quotes due to the nature of the purchase it must be noted on the requisition. The County Administrator or designee will make the final determination regarding approval of the requisition.

All items purchased which cost in excess of \$2,500 that are not purchased through an available contract, such as a New York State Contract, County Contract or cooperative purchasing, must have quotes as specified above. ~~The requisition number (assigned by the system) must be noted on the quote form.~~

The telephone price quote form may be used when obtaining verbal quotes. Upon approval of the purchase requisition, ~~authorization for~~ a purchase order will be issued.

When obtaining verbal or written quotes the record should, at a minimum include the date, item or service desired, quantity, price quoted, name of vendor and the name of the vendor's representative and contact information such as phone, fax and e-mail address.

Awards will be made to the lowest responsible bidder. However, circumstances may dictate purchase from other than a low bidder (i.e., delivery requirements, quantity requirements, location of the vendor, known past experience of a vendor, etc. as well as best value purchasing scenarios). Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible bidder.

**SECTION 5 –
Minority & Women
Owned Businesses,
Section 3 Business,
Labor Surplus Area
Business**

1. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The County established purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The County will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

2. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the County will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

3. Labor Surplus Area Business Participation in Procurement and Contracting: The County will, to the extent feasible, solicit bids or quotes for federally funded projects from at least one business located in a labor surplus area (LSA) as defined by the US Department of Labor. The County will access information on eligible labor surplus areas for the most current time period through the NYS Department of Labor. Quotes or bids from a business or businesses in an LSA or LSAs will be solicited directly by phone, email or letter. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of LSA solicitation in its records and any response(s) thereto.

SECTION 6 – Guidelines When Proposals or Competitive Bidding Is Not Required

There are certain expenditures for which obtaining proposals or bidding is unnecessary. The following purchases may be made without obtaining proposals or competitive bidding:

1. Contracts for professional services which are exempt under the General Municipal Law, Section 103.

Professional services and services requiring special or technical skill, training or expertise are not purchase contracts or contracts for public work, as those phrases are used in the bidding statutes and therefore are not subject to competitive bidding procedures. The determination of whether the professional service exception is applicable in given situations must be made on a case-by-case basis, examining the particular services to be acquired.

Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. The courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available from most sources.

2. Utilities. Utility service commodities shall be secured by the County Administrator or designee.
3. Insurance. Stop Loss Insurance for the County's Health and Worker's Compensation programs shall be secured by the County Administrator or designee. General Liability and Property Insurances, and any other insurances deemed necessary, shall be secured by the County Administrator or designee with approval by the County Legislature.

SECTION 7 – Encumbrances

An encumbrance is an obligation in the form of a purchase order, contract or salary commitment that is chargeable to an appropriation and for which a part of the appropriation is reserved prior to incurring the liability and prior to actual expenditure of funds.

It is important that departments operate within the appropriations provided by the governing board. To accomplish this, expenditures must be closely controlled; in fact, controls are required by various laws pertaining to local governments.

The proper use of an encumbrance system reduces the possibility that appropriations will be over- expended. In addition, an encumbered obligation may be paid in the next fiscal year without further appropriation by the governing board.

SECTION 8 – Purchasing Policy and Control

1. The County Administrator or designee will be responsible for developing and administering the Purchasing program.
2. Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of more than \$20,000 and public works contracts involving more than \$35,000 will be awarded only after public advertising soliciting formal bids (Section 103 of the General Municipal Law).

This total is the aggregate of all purchases of a certain type by all departments (including office supplies).

3. All bid packages for competitive bidding will be prepared by the Department in coordination with the County Administrator or designee. The requesting departments are to submit the necessary information as outlined in the competitive bidding section of this policy.
4. No quotes are to be solicited or purchases made for any technology related equipment or services without prior approval from the County Administrator or designee and the Director of Information and Technology.
5. The Purchasing procedures employed will comply with all applicable laws and regulations of the State and County.
6. Opportunity will be provided to all responsible suppliers to do business with the County. To this end, Departments will develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists should be used in the development of a mailing/e- mail list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request. All bids are to be placed on the County website under the Bids and Request for Proposal link on the main page.
7. All contracts which require public advertising and competitive bidding will be awarded as provided by law and this policy. All contracts will be on file in the County Attorney's Office. Once a contract is fully executed, the department should issue a purchase order to reflect the commitment.
8. Purchases should be made through available State Contracts of the Office of General Services, Division of Purchasing, from a preferred source pursuant to Sections 175(a) and 175(b) of the New York State Finance Law or under County contracts pursuant to Section 408-a of the County Law, whenever such purchases are in the best interest of the County. All New York State contracts can be found at <http://www.ogs.state.ny.us/purchase> <https://ogs.ny.gov/procurement> or by contacting the County Administrator or designee. A requisition must be completed and a purchase order will be issued for all purchases from State Contracts, although additional quotes need not be obtained.
9. Requests for renovations or maintenance to County property that is under the supervision of Buildings and Grounds are to be submitted to the Superintendent of Buildings and Grounds through the Facility Dude program. Upon receipt, the issues will be reviewed with the County Administrator or designee.
10. Supplies used by various officers and departments should be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The department head may be required to justify the need for a special type of item.
11. No official or employee will be interested financially in any contract entered into by the local government as defined in Article 18 of the General Municipal Law. This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier or materials or services to the County. (See Section 219 – Conflict of Interest).
12. The County of Cortland will not be deemed responsible for commitments made circumventing these procedures.
13. In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also

allowed to disregard purchasing from a successful respondent to get any immediate needs it requires to deal with the emergency on hand.

SECTION 9 – Departmental Level- Purchase Requisition – Step 1

1. **PURPOSE:** Provides a means of initiating the ordering process for goods and services. Also, provides a formal record, within the department, that such goods and/or services have been requisitioned. Provides the proper authority to procure the item requested.
2. **FREQUENCY:** Prepared whenever goods and services are required.
3. **PREPARATION:** The requisitioning department obtains the required quotes or uses one of the following means to secure pricing for the items or services requested:
 - a. County bid awards.
 - b. New York State Contracts - these contracts by State Office of General Services~~Division of Standards and Purchase~~ awarded after formal bidding by New York State and made available to political subdivisions by State Law or in certain cases, contracts awarded through cooperative purchasing.
 - c. Preferred Source offerings required under Article XI of the State Finance Law.
 - d. Formal bid preparation.
 - e. Quotations: informal notice by a vendor setting forth terms under which he will furnish supplies or services.

The Department Head or authorized person within a department must then enter the request to purchase the items through the MUNIS on-line requisition system with each item listed separately. The required quotes and documentation, including contract number if applicable, should be attached to the requisition for review by subsequent approvers. The respective County Department Head or designated backup must review and approve the purchase requisition and if the amount is \$10,000 or more the County Administrator or designee must review and approve the requisition prior to conversion to a final Purchase Order.

The request will be approved and a purchase order will be issued as soon as possible after all of the required documentation is received.

4. **RESPONSIBILITY:** The individual departments ensure that items ordered and expenditures are within the budgetary appropriations.

NOTE: Purchase orders will not be issued if funds are not available in the appropriate line. Transfers must be completed before a purchase order will be issued.

SECTION 10 – Purchase Order – Step 2

1. **PURPOSE:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered. Provides the necessary authority to pay vendor claims for goods and services. Initiates and substantiates various accounting processes. Provides the necessary tax-exempt sale proof needed by vendors. A complete executed purchase order becomes a valid contract by and between the County of Cortland and the Vendor providing the goods and services.
2. **FREQUENCY:** Prepared by the requesting department, upon receipt and approval of purchase requisition.

3. RESPONSIBILITY: In all instances, purchase orders are required to be completed for all purchases before a purchase is made. Emergencies are the sole exception, in which case an order claim form shall be prepared and issued the next business day. Emergency purchases are further described in Section 143.

SECTION 11 – Internet Purchases

Internet purchases will follow the same requirements as other purchases. In all cases a Purchase Requisition ~~issued to the vendor~~ must be submitted and a Purchase Order must be issued prior to placing the order. The adopted Purchasing Policy must still be adhered to.

SECTION 12 – Blanket Purchase Orders

1. PURPOSE: To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently or by annual contract from the same vendor. To permit the department to purchase items of this nature on an "as needed" basis when there is no provision to maintain an inventory. For example, general office supplies, medical supplies, etc.
2. RESPONSIBILITY: The amount and period of the blanket purchase order will be determined by the respective department head in conjunction with the County Administrator or designee and County Auditor. It should be based on information available in the records covering previous fiscal years and present departmental needs.

Blanket Purchase Orders may be issued for the following circumstances:

- A. To vendors which Cortland County has entered into a contract with (such as annual bids for supplies or services, utilities and rent), State Contracts or any other type of approved contract.
- B. To vendors without a contract, for the purchase of such items as may be necessary in the department's day-to-day operations. Items may not be purchased in amounts which meet or exceed the competitive bidding requirements.
3. FREQUENCY: Issued as needed to various vendors for purchases of those items considered being of an immediate need or for purposes of consolidating purchases. Blanket orders may be issued on a monthly, quarterly, semi-annual or annual basis.
4. DISTRIBUTION: The same as regular purchase orders.
5. PREPARATION: The same as regular purchase orders.

Requests for blanket purchase orders will be issued on a case-by-case basis. Blanket purchase orders cannot be overspent. A blanket purchase order may ~~be amended in the event acquisitions exceed the original blanket purchase order amount and purchases are for the same goods or services as the original purchase order. In such case, an increase to the original blanket purchase order should be requested and submitted to the Budget & Finance department and approved by the Department Head~~ not be increased, but may be decreased or voided as necessary (see the Purchase Order change form in Appendix "C"). A new blanket purchase order must be established if the goods or services being purchased are different from that of the original purchase order.

The department must keep a record of purchases made to ensure that they do not exceed the amount allowed by the blanket purchase order.

SECTION 13 – Best Value Purchasing

“Best Value” means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)) (See Appendix “B” – Local Law #6 of 2016).

SECTION 14 – Emergency Purchases

1. DEFINITION: To allow verbal approval from the County Administrator or designee for an emergency purchase by a Department Head in cases where necessity for immediate action exists.

Emergency Purchase - General Municipal Law Section 103 (4) clearly states, "in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies may be let by the appropriate officer, board or agency."

2. PROCEDURE: When a department has an urgent emergency situation, the following procedures will be followed:
 - a. Prior to purchase, the County Administrator or designee shall be contacted. The requisitioning department should be supplied with the following information:
 1. The reason the purchase is urgent emergency.
 2. The department name and budget account.
 3. A complete description and accurate cost of the item to be purchased.
 4. The name and address of the vendor from whom the goods are to be purchased.
 - b. Requisitioning department will verify the necessary budgetary appropriation.
 - c. The County Administrator or designee will determine if a purchase is in fact urgent emergency.
 - d. If it is determined that an urgent emergency situation does exist, the immediate availability of the required goods or services will be given prime consideration in the selection of the vendor.
 - e. The County Administrator or designee will verbally approve the purchase of emergency supplies/services and keep record of same.
 - f. The requesting department will prepare a requisition containing the required information. The requisition should be marked Emergency Purchase and entered into the purchase requisition system as soon as possible ~~on the next business day~~.

In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also allowed to disregard purchasing from a successful respondent to get any immediate needs it requires to deal with the emergency on hand.

- g. The individual who picks up the items from the vendor must obtain an extended invoice containing:
 - 1. Quantity and description of items purchased.
 - 2. The unit and total cost.
 - 3. Signature of the individual receiving the goods.
 - 4. Date County Administrator or designee approved the purchase.
 - h. The County Administrator or designee shall authorize the preparation of the emergency purchase order for regular distribution.
3. RESPONSIBILITY: The County Administrator or designee WILL NOT approve an emergency purchase when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is lack of proper planning.

SECTION 15 – Receipt of Goods

Upon receipt of deliveries to County departments, an inspection of the goods should be made by the employee before the employee signs for shipment. If there are any discrepancies or damages noticed at the time of delivery, the employee will note these on the delivery slip before affixing his or her signature accepting deliveries. This procedure will assist the County from incurring payments for damaged goods and/or goods not actually received.

Upon receipt of goods and/or services, the receiving department shall attach a copy of the signed delivery slip and/or note on a copy of the purchase order, the exact quantity received, noted by receiving signature. The appropriate copy of the Purchase Order shall then be forwarded to ~~the~~Budget & Finance office for payment.

In the event the goods purchased are considered a Fixed Asset, a notation is to be made on the delivery slip and/or a copy of the purchase order to be forwarded to the ~~Budget &~~ Finance Office to obtain the fixed asset label and to be added to the list of fixed assets owned by the County.

If, upon receipt of goods and/or services by the receiving department, it is determined that the goods and/or services are not what was initially ordered or not acceptable due to quality or some other reason, every attempt should be made by the Department to resolve the problem with the vendor. In the event that a resolution is not reached, a vendor complaint memo and all documentation should be forwarded to the County Administrator or designee for immediate action. The County Administrator or designee will pursue all avenues to resolve the discrepancies that exist.

Do not forward the Purchase Order to ~~Budget & the~~ Finance office for final closeout until the entire order has been received.

In the event of a partial order, a notation should be made on the copy of the Purchase Order and retained by the department until all goods and/or services have been rendered.

The Department Head and the County Auditor will be responsible for ensuring that all purchases were made in accordance with these procedures. The requisitioning department is responsible for ensuring that the Purchase Order is completed properly and submitted for payment. All invoices, packing slips and other necessary information for payment are to be submitted with the Purchase Order for payment. A corresponding contract number or resolution number must be included on the purchase order. Necessary quotes and bidding information must be attached.

A purchase order to be submitted to the County Auditor for payment will qualify when the following conditions are met:

- a. An itemized original invoice in sufficient detail with a unique invoice number is provided for audit.
- b. Accompanied by the purchase order stating the item(s) and authorized (signed) by the respective Department Head.
- c. Signed receiving documents for goods purchased.
- d. For services received, a copy of the signed contract or reference to the contract number.
- e. Required quote or bidding documentation.
- f. Proper budget accounts.

As standard business procedure, all County vendors are entitled to prompt payment; therefore, it is the Department Head's responsibility to process invoices and purchase orders in a timely fashion.

If the County Auditor receives any claims for materials, supplies or services for which a purchase order was not issued and approved, and the funds were not encumbered as per policy, the County Auditor in conjunction with the County Administrator or designee will have the authority to nullify the payment of such claim.

SECTION 16 – Requests for Printing and Large Quantity Printing

The Department of Information Technology Central Printing Services is to be used when a department needs seventy-five or more copies of a form, document, letterhead, or other printed materials.

SECTION 17 – Sole Source

Competitive Bidding is not required under section 103 of the General Municipal law in those limited situations when there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services.

In making these determinations, the Department must document, among other things, the unique benefits of the item as compared to other items available in the marketplace. In addition, the Department must document that, as a matter of fact, there is no possibility of competition for the procurement of the goods. Therefore, any department requesting approval for the sole source determination from the County Administrator or designee must provide this information for consideration. The request will be reviewed by the County Administrator or designee and/or County Attorney before final approval.

SECTION 18 – Annual Review

The County Legislature will annually review these policies and procedures. The County Administrator or designee and County Auditor will be responsible for conducting an annual review of the procurement policy and for an evaluation of

the internal control structure established to ensure compliance with the procurement policy.

SECTION 19 – Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law, Section 104-b will not be grounds to void action taken or give rise to a cause of action against the County of Cortland or any officer or employee thereof.

SECTION 20 – Exceptions to Requirement of Purchase Requisition

There are certain expenditures for which the processing of a purchase requisition is unnecessary. In such cases, a voucher form (see Appendix "C") with the corresponding invoice or receipt attached should be submitted to Budget & the Finance for processing and payment. The following purchases may be made without purchase requisitions:

1. Interdepartmental Charges: the interdepartmental charge back services are the means by which the County departments are able to charge other County departments for services rendered and/or goods or supplies.
2. Medical examinations and mandatory medication for County jail inmates.
3. Mileage and meals reimbursement. A County Administrator or Department Head approved Travel Authorization form must be attached to the purchase order when submitted for payment.

~~4. Reimbursement of petty cash funds.~~

SECTION 21 – Conflict of Interest

No County officer or employee will have an interest in any contract with the County of which he or she is an officer or employee, when such employee has the power or duty to:

1. Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.
2. Audit bills or claims.
3. Appoint an officer or employee who has any of the powers or duties set forth above.

"Contract" in this context refers to any claim, demand against or agreement with the County, either express or implied.

Any County officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County of which he or she is an officer or employee, will publicly disclose the nature and extent of such interest in writing to the County Administrator or designee and Board of Ethics as soon as he or she has knowledge of an actual or prospective interest. This written disclosure will be kept on file.

If any officer or employee had or has reason to believe that he may have a conflict of interest, that employee or officer should contact the office of the County Attorney immediately.

**SECTION 22 –
Competitive
Bidding –
Purchases in
Excess of \$20,000
(Public Works
\$35,000)**

General Municipal Law, Section 103 requires purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsible bidder after public advertising requesting submission of sealed bids.

In determining the necessity for competitive bidding, an aggregate cost of an item or commodity estimated to be purchased in a fiscal year is considered. Exceptions include state contracts and other NYS County contracts or contracts awarded through cooperative purchasing.

If the actual cost of any purchases or projects are uncertain but suspected to exceed the \$20,000 limit, discretion will be used and the bidding procedure will take effect.

The term "Public Works Contract" applies to those items or projects involving labor or both materials and labor. Under Article 8 of the New York State Labor Law, Prevailing Wage Rates apply when a laborer, workman or mechanic is employed. There is no minimum dollar amount. County Administration will apply for the required Prevailing Wage Rate Schedule.

Bid preparation must be coordinated with the County Administrator or designee at least six (6) weeks prior to the required award date to provide adequate approval of the bid package and legal advertising. The following information is required from the requesting department:

- a. Description of the items to be bid.
- b. What is to be included in the specifications.
(A sample or previously used specifications are to be included whenever available)
- c. Date when requesting department requires the delivery of goods and/or services.
- d. List of suggested vendors when available.
- e. The adopted budget amount for the goods or services.

The Department is expected to prepare the bid package and advertisement for review and approval by the County Administrator or designee. The Clerk of the Legislature shall be responsible for submitting the bid advertisement and receiving the bids. The advertisement for bids will contain a statement of time and place where all bids will be publicly opened and read. Bids will be opened by the Clerk of the Legislature ~~and/or County Auditor or designee~~ and the appropriate department head or another designated individual.

After review and careful examination and evaluation of the bids by the department head and if necessary, the County Administrator or designee, a recommendation will be made to the County Legislature for award of bid or contract after the following conditions are met:

- a. Sufficient appropriations within the department's current budget.
- b. The award is made to the lowest responsible bidder meeting specifications. If Best Value is determined to award the bid, maintain the objective and quantifiable analysis to show the cost- benefit.
- c. Rejection of the low bid must be documented and approved by the County Attorney and County Administrator or designee.

Complete bidding records will be filed in the Office of the County Administrator or designee, with the exception of the Highway Department, to maintain one local source of bid information.

A reasonable period should elapse between the public opening and announcement of the successful bidder to permit careful examination of the bids. A bidder may withdraw its bid if no award is made within 45 days of the bid opening.

The requesting department will be responsible for notifying the vendor awarded and the vendors not awarded the contract upon adoption of a Legislative Resolution.

SECTION 23 – Guidelines When Services are Needed

A department's decision to obtain services without competitive bidding must be documented and justified to the County Administrator or designee. Such scenarios would include sole source or emergency situations or cases in which spending is below competitive bidding thresholds. The County Administrator or designee and County Attorney will determine when the formal Request for Proposal process will be used or if quotes or proposals may be obtained from specific vendors/firms. The information required for approval to receive proposals for services that do not require competitive bidding shall include:

- a. A work statement or performance specification
- b. Time frames in which the work is to be completed
- c. Specific criteria to be used in evaluating the proposal

All formal Request for Proposals (RFP) will be legally advertised in the selected newspapers and posted on the County's website.

1. After proposals are received, the County Administrator or designee with such input as he deems necessary will evaluate and review the proposals for completeness, accuracy and compliance with the RFP requirements.
2. The County Administrator or designee will evaluate the proposals received and then determine which proposals to present to the appropriate Legislative Committee for review and discussion. Justification as to the decision to present or not present specific proposals will be made as needed.
3. Firms may be selected to make a presentation and be interviewed by the County Administrator or designee and Legislative committee.
4. A final decision of award will then be made by the appropriate Legislative Committee in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.
5. If a contract is awarded to other than the lowest responsible dollar offerer, the reason for such award must be justified and documented.

SECTION 24 – Vendor Protests

Attempts will be made to be sure bid specifications, terms and conditions are thorough and correct. All appropriate steps will be followed when determining award of a bid package. Even with careful evaluation, vendor protests may be inevitable at some times.

All vendor complaints will be directed to the County Administrator or designee.

The following guidelines will be followed when responding to a vendor's protest:

- a. Complaints must be in writing.
- b. Complaints must contain the following information:
 1. name, address and telephone number of the protester;
 2. the signature of the protester or its representative;
 3. identification of the bid package;
 4. detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and
 5. form of relief being sought
- c. Complaints must be filed within five days of the recommendation of the award.
- d. When a protest is first received, an immediate attempt will be made to contact the vendor to discuss the issue. The County Administrator or designee will attempt to provide the protester with a thorough explanation of the evaluation factors.
- e. The County Administrator or designee and County Attorney will prepare a written protest decision within five days.

**Section 25 –
Non-Collusion
Statement (General
Municipal Law
Section 103-d)**

If competitive bidding is required by law, each bid must contain the following statement subscribed by the bidder and affirmed by such bidder as true under penalty of perjury.

NON-COLLUSION CERTIFICATION

By submission of this bid, each bidder, and each person signing on behalf of any bidder, certifies, and in the case of a joint bid each party thereto certifies as to its own organization under a penalty of perjury that to the best knowledge and belief:

1. That process in this bid has been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such process with any other bidder or with any competitor; and
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

**SECTION 26 –
Standardization**

Section 103 of the General Municipal Law makes it possible for the County to standardize on a particular type of material or equipment. The standardization resolution must be approved by at least two-thirds of all Legislative Members, and must state that for reasons of efficiency or economy there is a need for standardization. The resolution will contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

SECTION 27 – Tax-Exempt

The County is a tax-exempt organization. Department Heads or their designees are responsible for informing vendors that Cortland County is exempt from sales tax. It is recommended that vendors be provided with a tax-exempt form to eliminate the possibility of being charged sales tax. If sales tax is assessed on a purchase, it is the Department Head's responsibility to have the vendor remove the tax. Payment issued will be exclusive of sales tax.

SECTION 28 – Purchasing Card

Cortland County shall make available to Department Heads and selected staff a Purchasing Card that shall be used for purchases such as supplies, materials, meals, lodging and conference registration. The Purchasing Card will not be used for any of the items on the list of prohibited transactions and shall be used in conformity with the current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department and are subject to approval by the County Administrator or designee.

Purchases using the Purchasing "P" Card are required to follow the requirements laid out within this Purchasing Policy. It is understood that failure to comply with the Purchasing and Purchase Card Policy may be considered misappropriation of funds, and may be subject to revocation of card privileges and disciplinary action. See Appendix "A" for full information regarding the distribution and use of P Cards.

SECTION 29 – Gift Cards

In general, departments should not purchase store gift cards unless the department has a true client or program need. The use of a P Card or any other payment means to purchase gift cards is subject to approval by the Director of Finance, County Administrator, and County Auditor. Additionally, a department should not use grant funds to purchase gift cards unless specifically approved by the grantor. In all instances, departments are responsible for the proper use, security, handling, distribution, tracking and reconciliation of gift cards, and departments must maintain a proper audit trail documenting the distribution of gift cards. Departments are also responsible for providing the County Auditor with necessary reports to fulfill 1099 reporting requirements, as necessary.

Policy Addendum – Written consequences of non-compliance

See 1), 2), 3) and 4) below for written consequences of non-compliance with the requirements of the County's purchasing policy:

1) Consequences for not following purchase order requirements per the purchasing policy:

In the event the Finance department receives a claim without a purchase order, the procedures in 1a) or 1b) should be followed, as applicable. Additionally, if the purchase order received with a claim is not valid, Finance shall void the PO as a consequence and the procedures in 1a) or 1b) should be followed, as applicable.

1a) Consequences / Procedures to follow when the claim is within the available appropriations for the proper G/L account

- The following procedures, as applicable, must be completed in full before the claim can be approved for payment:
 - The department should complete the County's voucher form and the voucher must be approved by the Department Head or designee.
 - If the claim is \$10,000 or more, the voucher is required to be approved by the County Administrator or designee.
 - If the claim is for any technology related equipment or services, the voucher is required to be approved by the Director of IT or designee.
- Additionally, the County Auditor shall track County-wide compliance with purchase order requirements and present a report at least quarterly to the County Administrator and Finance & Administration committee. In response to instances of non-compliance, the County Administrator shall have the authority to take action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority.

1b) Consequences / Procedures to follow when the claim exceeds the available appropriations for the proper G/L account

- The Finance office shall NOT override available appropriations.
- The following procedures must be completed in full before a claim can be approved for payment:
 - A budget transfer or amendment must be completed in accordance with the terms of the County's Budget Modifications policy. The budget transfer or amendment is subject to

review and approval by the County Administrator or County Legislature, as specified in the Budget Modifications policy.

- If the transfer or amendment is approved, the department should complete the County's voucher form and the voucher must be approved in accordance with the procedures in 1a).
- If a department incurs any instance in a fiscal year in which claims exceed available appropriations for the proper G/L account, the County Administrator shall have the authority to take action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority. The only exception would be true emergencies as defined in the County's purchasing policy. At the County Administrator's direction, the Administrator may also forward a matter to the Finance & Administration committee for advice and counsel.

2) Consequences for not following requirements per the P-card policy manual:

- The requirements with respect to P-card purchases are the same as that for any other purchases. In the event that a P-card transaction is not supported by a proper PO, the steps in 1a) or 1b) should be followed, as applicable. In the event a cardholder incurs any transaction that exceeds the available appropriations of the proper G/L account, the County Administrator has the authority to take action at the Administrator's discretion, including canceling the cardholder's card.
- In the event of any instance in which the cardholder does not provide proper receipts by the deadline (7th of the following month, per policy), the County Administrator has the authority to take action at the Administrator's discretion, including canceling the cardholder's card.
- In the event a cardholder incurs sales tax charges on their card, the cardholder has four months from the statement date to have the charges credited by the vendor. If the charges are not credited within four months, the County can take action including holding the cardholder personally liable for reimbursing the County for the sales tax charges, and/or the County Administrator can take action at the Administrator's discretion, including canceling the cardholder's card.

3) Consequences for not following quote or competitive bid requirements per the purchasing policy:

- In the event written quotes are required but the threshold for competitive bid is not met, copies of the vendor quotes must be attached with the requisition. A claim cannot be approved for payment until proper quote documentation is received. On a monthly basis, the County Auditor shall report any claims lacking compliance with written quote requirements to the County Administrator. If a department incurs any instance of non-compliance with quote requirements, the County Administrator has the authority to take

action at the Administrator's discretion, including the ability to remove or restrict the department head's purchasing authority.

- In situations in which the threshold for competitive bid is met, exceptions must be documented by the department and included with the requisition. The only allowable exceptions are those provided in the purchasing policy (consistent with that per NYS GML § 103). On a monthly basis, the County Auditor shall immediately report any claims lacking compliance with competitive bid requirements to the County Administrator as well as the appropriate statutory committee chair. After a single instance of non-compliance with competitive bid requirements, the County Administrator has the authority to take action at the Administrator's discretion, including the ability remove or restrict the department head's purchasing authority. At the County Administrator's direction, the Administrator may also discuss a matter with the appropriate statutory committee and the Finance & Administration committee for advice and counsel.

4) Willful or intentional violations

Willful or intentional violations of the County's purchasing policy may result in discipline, up to and including termination of employment. As an example, knowingly splitting purchases to avoid competitive procurement requirements is an intentional violation.

Appendix “A”

**CORTLAND COUNTY PURCHASING CARD USER’S
GUIDE AND POLICY MANUAL
FOR
CARDHOLDERS AND DEPARTMENT HEADS**

Introduction

Welcome to the Purchasing “P” Card Program for Cortland County. The Card is a simplified and cost-effective method of purchasing and remitting payment for approved expenditures. The Purchasing Card can be used for retail purchases, mailed, telephoned, Internet or faxed orders.

The P Card is **not** intended to avoid or bypass appropriate purchasing procedures as outlined in the Cortland County Purchasing Policy, but is to be used in accordance with the guidelines established by the CORTLAND COUNTY LEGISLATURE as detailed in this manual. You are asked to treat this program with the same sense of responsibility and security you would use with your personal credit card.

All P Cards are issued at the request of your Department Head and card usage will be audited and can be restricted and/or rescinded at any time. You are the only person authorized to use your card and it is only to be used for **AUTHORIZED CORTLAND COUNTY** purchases.

This manual provides the guidelines under which you may utilize your P Card. Please read it carefully. Your signature on the Cardholder Authorization Form indicates that you understand the intent of the program and agree to adhere to the guidelines established for the program.

A critical element of this program is the retention of all receipts and prompt reconciliation of statements to these receipts.

CORTLAND COUNTY is a tax-exempt organization. Therefore, sales tax is **NOT** to be paid on purchases made with the P Card. It is strongly recommended that you provide vendors with a tax exemption form to eliminate the possibility of having sales tax charged to the card that will require additional processes to have it removed.

Cardholder Responsibilities

The P Card is intended for purchases such as supplies, materials, meals, lodging and conference registration. The P Card will not be used for any of the items on the list of prohibited transactions and should be used in conformity with current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department.

❖ **ONLY AUTHORIZED PURCHASES FOR CORTLAND COUNTY ARE ALLOWABLE. Use of the P Card for personal purchases is not permitted at any time.**

❖ Misuse of the P Card will result in revocation of the Card and if necessary, appropriate disciplinary action. Violations include:

- Purchasing items for personal use.
- Failure to reconcile expenses, attach receipts and forward to the Budget & Finance Office no later than the 7th day of each month.
- Using the Card for items clearly defined as “Not for Card use”.
- Allowing someone else to use your card.

Cardholders are responsible for informing the vendors that Cortland County is exempt from sales tax. When using your card in person, if a vendor will not process the transaction as tax exempt, **do not complete the transaction.**

❖ If you are assessed sales tax on phone, Internet or mail orders, the tax is to be adjusted on your statement before processing for approvals.

❖ Refunds and exchanges must be credited directly back to the P Card account. **Under no circumstances shall cash be received for refunds or exchanges.**

❖ If your purchase is software or computer related you must first receive approval from the Information Technology Department.

❖ A transaction report is provided on-line for each account. It is a **Monthly Statement** available after the first day of each month. The Cardholder will reconcile all receipts with the monthly detailed statement, attach all receipts to the statement and forward it to the department head for approval. After

approval, all documentation must be forwarded to the Budget & Finance office for payment by the 7th day of each month.

- ❖ The P Card should be treated with the same level of security as cardholders treat their own personal credit cards. Lost or stolen cards must be immediately reported to JP Morgan Chase Bank at **1-800-270-7760**, your Department Head and Program Administrator. Replacement of the P Card must be authorized by the Department Head and Program Administrator.

Purchasing Card Controls

Each card issued will have certain controls/restrictions placed on them. The types of controls consist of:

Card Limits:

- ❖ Each card will have a maximum amount that can be spent per transaction. The Program Administrator will set the maximum dollar limit per transaction and it will be determined on a card-by-card basis. Generally the limit will be set at \$1,500, but will vary depending upon department needs.

Exclusions by Merchant Category Code (MCC): Specific vendors are excluded from use on all the CORTLAND COUNTY P Cards. Any attempt to use these vendors will cause the card to be declined and will be reported to the Program Administrator. Examples of excluded vendors include:

- ❖ Banks, ATM's, and Financial Institutions
- ❖ Liquor Stores
- ❖ Medical Services
- ❖ Insurance Agencies
- ❖ Personal Service Providers (Dry cleaners, beauty salons, spas, etc.)
- ❖ Amusement & Entertainment (golf courses, theaters, etc.)
- ❖ Phone Services

How to Obtain a Purchasing Card

In order to obtain a P Card, the Department Head must request the Card on behalf of the employee. The request must be in writing using the “Purchasing Card Request” form and must be signed by the Employee and Department Head, and forwarded to the Program Administrator.

At that time a JP Morgan Chase Purchasing Card application form will be sent to the employee for completion. It will then be returned to the Program Administrator for processing. When the Program Administrator receives your card you will be required to sign the cardholder’s agreement.

How the Process Works

Step 1 – Make a Purchase

Purchases can be made in person, over the telephone, by fax, or by mail by completing an order form or via the Internet. All purchases require a purchase order prior to purchase.

Documentation/receipts will be required for all purchases.

- ❖ Identify yourself as a CORTLAND COUNTY Employee
- ❖ Inform the vendor that you are making a tax-exempt purchase prior to completing the transaction
- ❖ If you make a purchase over \$2,500, the purchasing policy requires quotes. Copies of the telephone quotes or other documentation should be attached to your purchase requisition as well as to the back of your statement when submitting it to Budget & the Finance office
- ❖ ~~It is your responsibility to verify a W-9 form is on file for the vendor.~~ JPMorgan should be identified as the vendor on all purchase orders in which a P Card is to be used

Step 2 – Receive the Goods

Upon pick up or delivery of your goods, it is important to retain the receipt and packing list (if one is not provided you need to contact the vendor immediately for this documentation). **Every** purchase made on your P Card must be documented with a receipt, which could be in the form of a sales receipt, invoice, e-mail confirmation or registration application. You need to keep all receipts and charge slips for reconciliation of your statement.

All receipts must contain the following information:

- ❖ Merchant name
- ❖ Purchase date
- ❖ A description of each item purchased, including quantity
- ❖ Per item cost
- ❖ Total cost
- ❖ Cardholder name

If this information is not on the receipt the Cardholder is to handwrite it on the receipt prior to attaching it to the statement. If a receipt is lost and cannot be replaced by the vendor a copy can be secured by JP Morgan Chase Bank for a fee, the Cardholder is responsible for payment of this fee.

- ❖ If an item has been ordered by mail that has not yet arrived (therefore no receipt), this should be noted on the statement and a copy of the order form included if available, and the receipt forwarded to the Budget & Finance office as soon as it is received.

Step 3 – Verification of Goods Received

The Cardholder is responsible for working with the vendor to correct any problems, exchanges or credits. Your statement of account is available on line for you to review. You are responsible for locating any errors and reporting them to JP Morgan Chase Customer Service available at **1-800-270- 7760**. JP Morgan Chase will request complete details of the dispute in writing on County department letterhead in order to research the item in question.

If you believe the supplier has charged you incorrectly or there is an outstanding quality or service issue, you must first contact the supplier and try to resolve the matter directly with the vendor. If a credit or adjustment is due be sure to highlight the line item on your copy of your monthly statement to verify receipt on your next monthly statement.

JP Morgan Chase must receive any charge dispute within 60 days of your statement date. While pending resolution, JP Morgan Chase will credit your account for the amount of the disputed transaction.

Although JP Morgan Chase acts as the arbitrator in any dispute, you should never assume that a dispute will be resolved in your favor.

If the dispute is not resolved to your satisfaction, and you believe you have been unfairly treated by the supplier, please notify the Program Administrator with the relevant details.

Any fraudulent charges must be reported immediately to the JP Morgan Chase Customer Service Center and your Program Administrator. Prompt reporting of any such charges will help to prevent the county from being held responsible.

Step 4 – Reallocate the Charges

All charges made against the purchasing card shall be assigned an account number by the cardholder by the 3rd working day of each month, to allow ~~the Budget & Finance~~ office time to process the payment without incurring late fees.

The Department Head or Designee is responsible for the review and verification that all transactions are charged to the correct account.

The Department Head or Designee shall confirm that all purchases are reasonable, authorized for departmental business, and that the transactions were not in violation of the P Card or County purchasing policies. The Department Head or Designee shall review and approve the Cardholder statements by signing and dating it and forwarding it to ~~the Budget & Finance~~ office.

Approved statements with the attached receipts are due in the ~~Budget & Finance~~ Office by the 7th of each month. Card billings will be closed on the last day of each month. On the first working day of each month the cardholders should reconcile their transactions in MUNIS, print the statement, attach all receipts and secure Department Head or Designee approval of the corresponding purchase order.

If this information is not submitted on time your card will be cancelled.

Separation of Employment

When a Cardholder leaves County employment, he/she must return their P Card to their Department Head. The Department Head is responsible for ensuring the card is returned and cancelled. The Department Head shall also notify the Program Administrator of the employee's notice of separation of employment or actual ending date. The P Card shall be cut in half and returned to the Program Administrator. The Department Head or Designee is responsible for submitting the final statement to the~~Budget &~~ Finance office with all receipts attached.

If an employee is on extended leave or disability, the Department Head should contact the Program Administrator to have the card "suspended" until the Cardholder returns to work.

Audits of the Program

All card purchases will be audited to confirm the P Cards are being utilized responsibly, receipts are being retained and the Cardholder's statements are being reconciled on a timely basis.

Conferences & Lodging

For lodging within New York State, you will still need to secure a lodging tax exemption form and a sales tax exemption form available online to be presented upon check in. If traveling out of state you should also present these forms.

A Travel Authorization form must be completed and approved by the Department Head or County Administrator prior to booking and charging to the P Card.

Appendix “B”

“Best value” is defined for this purpose as a basis for awarding contracts “to the offerer, which optimizes quality, cost and efficiency, among responsive and responsible offerers.” (State Finance Law, section 163 (l)(j), General Municipal Law, section 103(1) cross-references the definition of “best value” in State Finance Law, section 163) Therefore, in assessing best value, no price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis.

For purposes of best value, a responsive offeror is an offeror meeting the minimum specifications. In assessing whether an offeror is responsible, consideration of an offeror’s capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity.

Accordingly, should you award a purchase contract on the basis of best value, you must show that: (1) the offeror is responsive and responsible; and (2) the review applied objective and quantifiable standards, whenever possible, to determine that the offer optimizes quality, cost and efficiency. Also there should be written justification if a decision is based on a best value award on criteria that are not objective and quantifiable.

The best value specification should describe the general manner in which the evaluation and award of offers will be conducted and, as appropriate, identify the relative importance or weighting of price and non-price factors.¹⁶ As noted, the decision to award a contract on the basis of best value must be based on objective and quantifiable analysis, such as a cost-benefit analysis whenever possible. In evaluating and determining to accept a higher priced offer, the local government or school district general manager should use a cost-benefit analysis to show quantifiable value or savings from non-price factors that offset the price differential of the lower price offers. The local government or school district’s procurement policies and procedures should require documentation of this analysis.

A local government solicits competitive offers to purchase a new pickup truck. Vendor A offers the lowest priced truck at \$40,000. Vendor B offers a more fuel-efficient truck at a price of \$45,000. Both vendors are responsive and responsible offerors. The local government reasonably estimates its average annual fuel costs to be \$4,000 for Vendor A’s truck and \$3,000 for Vendor B’s truck. The local government also concludes, based on reliable independent studies and assuming current usage of the vehicle, that the more fuel efficient truck (Vendor B) will likely have \$250 less in maintenance costs annually than Vendor A (assuming annual maintenance costs of \$1,000 annually for Vendor A’s truck). The local government determines the expected useful life of a new truck to be 10 years and intends to retain the truck for the full useful life. In order to quantify these other critical aspects relating to the new pickup truck purchase, the local government prepares the following cost-benefit analysis:

Vendor A	Vendor B	Price (Truck)	\$40,000	\$45,000
		Fuel Costs over Useful Life (10 Years)	\$40,000	\$30,000
		Maintenance Costs over Useful Life (10 Years)	\$10,000	\$7,500
		Total Cost	\$90,000	\$82,500

Based on this analysis, it may be possible for the local government to support a determination that the truck from Vendor B provides the “best value” to the local government.

Whether a local government or school district elects to award a purchase contract based on lowest responsible bidder or best value, they are required to comply with public advertising and bid/offer opening requirements that apply to purchase contracts above existing statutory thresholds.

ON MOTION OF KEVIN WHITNEY

RESOLUTION NO. 57-16

Adopt Local Law 6 of 2016 Authorizing the Use of Best Value Award Methodology for Purchase Contracts

WHEREAS, New York State General Municipal Law §103 has been amended to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law), on the basis of best value;

NOW THEREFORE, BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Section 1

Legislative Intent

With the increased complexity of the goods and services that the County must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria which measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the County's performance requirements, including, but not limited to, selection factors such as useful lifespan, quality, and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

Section 2

Definitions

As used in this local law, the following terms shall have the following meanings:

- A. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j))
- B. Factors which may be used to determine "best value" and to award a contract to other than the lowest bidder, are as follows:
 1. Cost of maintenance;
 2. Product life;
 3. Warranties;
 4. Past performance, reliability, or durability, and current or past experience with the provision of similar goods/services;
 5. Organization, staffing (particular abilities and/or experience), and ability to undertake the type and complexity of the work;
 6. Financial capability;
 7. Record of compliance with all federal, state and local laws, rules, and licensing

- requirements; or
8. Ability to meet County needs in a timely and accountable fashion.
- C. “Lowest Price” means the basis for awarding contracts for commodities among responsive and responsible offerers. (New York State Finance Law §163(1)(i))
- D. “Procurement Record” means documentation of the decisions made and the approach taken in the procurement process. (New York State Finance Law §163(1)(f))

Section 3

Best Value Award Methodology Requirements

Where the basis for an award of a purchase contract will be the best value offer, the purchaser shall, in all instances:

- A. Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.
- C. Select a formal competitive procurement process in accordance with New York State General Municipal Law and other state law and the guidelines established under Cortland County’s Purchasing Policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to:
1. a clear statement of need;
 2. a description of the required specifications governing performance and related factors;
 3. a reasonable process for ensuring a competitive field;
 4. a fair and equal opportunity for offerers to submit responsive offers;
 5. a balanced and fair method of award.
- D. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved. Each individual purchaser (County Department) shall maintain and retain all documentation used in the award process.
- E. The determination to award a contract on the basis of best value shall be made by the

Cortland County Legislature. Such determination shall include the specific criteria applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Legislature should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers.

F. In the event that no best value election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing required security.

G. This local law does not apply to purchase contracts for the following:

- (i) Any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law; and
- (ii) Any purchase or procurement of goods and/or services otherwise excluded by law from best value purchasing standards, whether now existing or hereafter arising.

Section 4

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect 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 application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5

Effective Date

This local law shall take effect immediately upon adoption by the Cortland County Legislature and filing with the New York State Secretary of State.

STATE OF NEW YORK) SS: COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 28th day of January, 2016 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 28th day of January, 2016.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

Appendix “C” - Forms

VENDOR COMPLAINT MEMO

(This form may be completed by the ordering department when necessary.)

Date

Department

Contact Person

Vendor Name

Items purchased

Problem Complaint:

☐ Delayed Delivery

☐ Inferior Product

☐ Other

Explanation In Detail:

Vendor Response and Resolution: (if available)

Is the resolution acceptable to the Department?

If no, the completed form is to be sent to Purchasing for review and resolution.)

TELEPHONE PRICE QUOTES

Department: _____ Date: _____
 Department Representative Obtaining Quotes: _____

Items Requested:	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	

VENDOR:

Vendor Representative:		Phone/Fax/email:	
Item/Part #:	Quote:	Delivery Information:	
		When Available?	
		Delivery Charge	
		Re-stocking Fee?	

COUNTY OF CORTLAND

Purchase Order Change Form

PO #	Department
Vendor #	Vendor Name
Current PO Balance	Description of Goods/Services

PO VOID/CLOSE REQUEST

Complete this section for a NORMAL or BLANKET PO with a balance of \$200 or more

Note: Void/Close for a PO with a balance under \$200 can be noted on the PO when submitted for payment

☐ Void ☐ Close	Reason for Void/Close
--	-----------------------

PO DECREASE REQUEST

Complete this section for a NORMAL or BLANKET PO decrease of any \$ amount

Reason for Decrease			
GL Account	Available Account Balance	Decrease Amount	Revised PO Balance

Department Head Signature

Date

Cortland County Purchasing Card Request

Please fill in all information as requested.

Employee Name (as it will appear on card): _____

Employee Department: _____

Requested Maximum Single Transaction Limit: \$_____

Employee D/O/B: _____

Employee Home Address: _____

Employee Signature Date

Department Head Date

Program Administrator Date

This section for Program Administrator use

Date card received and forwarded to employee: _____

Card Number: _____

Transaction Credit Limit Assigned: _____

Cortland County Purchasing Card
JPMorgan Chase Bank- Visa
Acknowledgment of Card Receipt And Card Holder
Agreement

Please read and sign page two of this form.

Employee Name: _____

Department: _____

Card Number: _____

Transaction limits are: Each \$ _____

You are being entrusted with a CORTLAND COUNTY Purchasing Card issued by Visa through JP Morgan Chase Bank. The card is provided to you to take care of your need to purchase materials for CORLTAND COUNTY. The card may be revoked at any time without your permission. Your signature below indicates that you have read the Purchasing Card Policy manual and will comply with the manual and the terms of this user agreement.

I understand that I will be making financial commitments on behalf of CORTLAND COUNTY and will strive to obtain the best value for CORTLAND COUNTY when making purchases.

This purchasing card is issued in my name. I will not allow any other person to use my assigned card.

I have read the CORTLAND COUNTY Purchasing Card Policy Manual as well as this cardholder agreement, understand them, and I will comply with both. Failure to do so may be considered misappropriation of funds, and may subject me to revocation of card privileges and disciplinary action.

I understand that the policies and procedures related to the Procurement Card Program may be updated or changed at any time. The Card Administrator will notify me of these changes. I agree to and will be responsible for the execution of any program changes.

I will review and approve transactions on a regular basis via the Internet and reconcile my monthly statement.

I will use the card only for authorized purchases.

I will obtain a hard copy receipt from the vendor each time the card is used. When ordering by phone or via the Internet, I will request the vendor provide me with a receipt. If the receipt is lost and cannot be replaced by the vendor, any charges for a copy through JP Morgan Chase Bank will be paid at my expense.

I understand that my card account is subject to internal control reviews and audits to protect the interests of CORTLAND COUNTY and I agree to comply with these reviews and audits.

I am responsible for immediately notifying the JP Morgan Chase Bank, my supervisor and the Program Administrator if the card is lost or stolen. I will complete the Lost or Stolen Card form and submit it to the Program Administrator.

Upon resignation/separation, or the request of my Department Head or the Program Administrator, I will turn in the card to the Department Head.

As I am responsible for all charges on the card, I will reconcile the statement and resolve any discrepancies by either contacting the vendor or JP Morgan Chase Bank.

Employee Signature: _____ Date _____

Program Administrator: _____ Date _____

**CORTLAND COUNTY– Purchasing Card JP Morgan Chase Bank-
Visa Lost/Stolen Card Notification Form**

Name of Cardholder: _____

Cardholder Account Number _____

I certify that my Visa card has been lost/stolen. I first noticed it was missing on (Date). I have called JP Morgan Chase Bank at 1-800-270-7760 and have also spoken with my Department Head to notify them that the card is lost/stolen so that no more charges may be made on it.

Cardholder Signature _____

Department Head Signature _____

Upon completion of this form please fax it directly to the Program Administrator @ 607-753-504983