WARREN COUNTY PLANS AND POLICIES

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GENERAL PROVISIONS

§ I.01 ADOPTING AND IMPLEMENTATION OF ASSIGNED COUNSEL PROGRAM.

(A) The Warren County Board of Supervisors, with frequent referral to the Warren County Bar Association, has during the past few years put into effect a revised plan for the voluntary assignment of counsel to indigent defendants, petitioners and/or respondents. The plan for representation of indigent defendants, petitioners and/or respondents in Warren County has been amended considerably since its inception in 1964.

(B) The current Assigned Counsel Plan for Warren County provides two separate services: The entire program is run daily by the Assigned Counsel Administrator, who is under the direct supervision of the Criminal Justice Committee of the Warren County Board of Supervisors. He or she is appointed by resolution of the Board of Supervisors. The Administrator is responsible for qualifying applicants financially as well as the assignment of the appropriate Public Defender, Conflict Defender or Assigned Counsel attorney once a person has been determined to be indigent, if a Judge has not already assigned an attorney in the matter. This is accomplished by reference to an alphabetical list of the attorneys available for indigent representation should the Public

Defender or a Conflict Defender not be available for the matter. When legal questions arise, they are referred to the Assistant County Attorney. There is a close working relationship between the Assigned Counsel's office and the County Attorney's office.

(C) The administrator prepares and furnishes to the Supreme Court Judge, the County Court and Surrogate Court Judge, the Family Court Judge and the judges for the City of Glens Falls, the Town of Queensbury, the Village of Lake George and to each town justice for Warren County a list of qualified and experienced attorneys. The attorneys on this list are members in good standing with Warren County Bar Association and have indicated in writing their willingness to represent indigent defendants, petitioners or respondents in Warren County. Such list shall be amended from time to time by additions and deletions as the Administrator shall determine. The Administrator shall, to the extent practicable, assist the courts in the assignment of counsel for indigent defendants, petitioners or respondents.

(D) Following the initial qualification process, each particular matter is assigned to an attorney - the three distinct components which make up the Assigned Counsel Program currently in effect in Warren County, pursuant to N.Y. County Law § 722(4), are listed below in the order they are used:

(1) *Public Defender Office*. This office was established in 2003, following posting of a Request for Qualifications with the Warren County Bar Association and disseminated in their newsletter. The office is made up of six attorneys, a confidential secretary and one part-time investigator. All cases for indigent representation pursuant to the Assigned Counsel Plan are initially assigned to the Public Defender's Office. Members of this office are Warren County employees. However, due to frequent conflicts, which may result from numerous issues, including but not limited to prior representation, representation on other matters as well as multiple parties or co-defendants to be represented, the Assigned Counsel office refers the matter to the assigned counsel list to secure representation for that indigent individual.

(2) *Conflict Defenders*. This service commenced in May 2006. We currently have in place a Conflict Defender contract. The first is for representation of indigents in Family Court should there be a conflict with the Public Defender's Office. The Conflict Defender, as well as any other applicants for contractual legal representation of indigents, applied for said work in response to a Request for Qualifications set forth in the Warren County Bar Association's monthly newsletter. The Legal Aid Society of Northern New York (LASNNY) contracts for Conflict Defender work in Family Court. It is, however, the expectation of the Warren County Board of Supervisors, Criminal Justice Committee and the Assigned Counsel Office that all courts in Warren County will eventually have contractual Conflict Defenders.

(3) *Assigned Counsel*. The list of attorneys qualified to represent indigents are accessed by the Assigned Counsel Administrator in alphabetical order. Said attorneys, 25 attorneys at present, are members in good standing with the Warren County Bar Association and in Warren County. These attorneys have agreed in writing to represent indigent defendants or respondents who are to appear before Courts in Warren County. That list is utilized when a conflict exists for a Conflict Defender as well. Additionally, the Courts of Warren County are furnished with this list and use such to appoint attorneys from the bench. However, it is planned that once all courts are covered contractually by Conflict Defenders, the individual Conflict Defenders will cross cover courts when the contracted Conflict Defender is unable to represent an indigent. Even with that eventuality, there may be instances in the case of multiple defendants where the list would need to be accessed.

(E) Assigned counsel under this plan shall receive compensation from Warren County for their services at the rates set forth in N.Y. County Law § 722-b and shall also be reimbursed for actual and necessary expenses. Investigative, expert or other services on behalf of the indigent defendant or respondent must first be approved by an Order of the presiding judge. The assigned counsel prepares a

voucher on a pre-printed form, which is first submitted to the presiding Judge for his review and signature and then is submitted to the Administrator for payment. The Administrator's responsibility at this point is to check the math and ensure that all requested monies are reasonable and accurate and conform to the records of the Assigned Counsel's office. Questions regarding the reasonableness of the requested payment are referred to the County Attorney's office. If a minor mathematical change is made by the Administrator, it is not resubmitted to the presiding Judge for his signature prior to proceeding to payment.

(F) If the indigent defendant, petitioner or respondent indicates that they would like to appeal the judgment of the Court, it is the duty of the assigned attorney to discuss such matter with his or her client and ensure that the necessary paperwork is filed with all appropriate persons and in a timely fashion. The Appellate Division decides whether or not that applicant is indigent and then contacts the Assigned Counsel office for recommendations of those attorneys available to provide the services requested.

(G) The Assigned Counsel Administrator is obligated to prepare and submit a detailed report regarding the representation of indigent defendants and respondents in Warren County on an annual basis. Said report is due to the New York State Office of Court Administration on March 1 of each year. In addition, the Administrator is responsible for preparation of the proposed annual budget, which is submitted to the Warren County Board of Supervisors, Criminal Justice Committee, in August of each year. Additionally, the Administrator appears regularly at meetings of the Criminal Justice Committee of the Warren County Board of Supervisors and reports on assigned counsel matters.

(H) The Administrator shall have the power to designate an acting administrator to perform the duties of the office in the absence or illness of the Administrator.

(I) In the event that any part of this plan shall be determined to be inconsistent with the provisions of any statute relating to the representation of indigent defendants or respondents, the statute shall prevail. Any matters which are not provided for in this plan shall be governed by the applicable statutes.

(J) This plan shall not take effect until it has been approved by the Office of Court Administration, the Warren County Bar Association and by resolution adopted by the Warren County Board of Supervisors. When approved, this plan shall become effective immediately and shall continue in effect until such time as the Warren County Board of Supervisors shall, by resolution, adopt an alternate plan for representation of indigent defendants, petitioners or respondents. If amended, the same approval process as set forth above is to be followed.
(Res. 241 of 2007, passed - -2007)

§ I.02 POLICIES TO STIPULATE THAT MATTERS EXTENDING BEYOND A SIX-MONTH PERIOD DURATION WILL BE SUBJECT TO INTERIM BILLING.

Pursuant to N.Y. County Law § 722-b and through Local Law 6 of 2003, this county established a Public Defender's Office. The County will continue to utilize the plan of the Warren County Bar Association to furnish representation to handle conflicts in representation by the Public Defender's Office. To that end, Warren County promulgates the following plan policies:

(A) In order to be considered for assigned counsel assignments, the attorney must be a member in good standing with the Warren County Bar Association. Each attorney must keep the Assigned Counsel Administrator informed of any changes to their address or telephone as well as their ability to take assignments.

(B) All bills, following the conclusion of representation on a particular matter, shall be submitted by the assigned counsel directly to the trial judge for review and signature.

(C) The assigned counsel is solely responsible for obtaining the court's review and approval of all final bills (vouchers) and transmitting such vouchers

to the Assigned Counsel Administrator. Said vouchers are to contain all the pertinent information and be submitted within a reasonable time following the disposition of said matter to the Assigned Counsel Administrator.

(D) (1) If a matter continues from one year to another, by December 31 of each year of representation, the assigned counsel shall submit to the Administrator the following:

(a) An estimate as to the cost of the remaining representation; and

(b) An interim accounting of the amount outstanding to date.

(2) In addition, the assigned counsel may submit to the Administrator an interim bill for payment which has been approved by the trial Court.

(E) Should any matter that extends beyond six months in duration be subject to an interim estimates/accounting of amount outstanding to date to be submitted to the Administrator by June 30 and December 31 of that year.

(F) Should any attorney fail to comply with the procedures set forth herein, their name will be removed from the assigned counsel panel list until such time as they are in compliance with the Assigned Counsel procedures.
(Res. 733 of 2006, passed - -2006)

§ I.03 SETTING DEADLINE FOR SUBMISSION OF ASSIGNED COUNSEL VOUCHERS.

Warren County is obligated to pay for services rendered on any assigned counsel case up to 90 days from the date of disposition of the case, unless there are extraordinary circumstances.
(Res. 404 of 2004, passed - -2004)

WARREN COUNTY BAR ASSOCIATION PLAN FOR ASSIGNED COUNSEL SERVICES PURSUANT TO N.Y. COUNTY LAW § 722(3)

§ I.15 PRIMARY COVERAGE FOR LEGAL SERVICES TO BE PROVIDED BY THE WARREN COUNTY PUBLIC DEFENDER SYSTEM.

(A) The Warren County Public Defender Office established in 2003, which includes the Public Defender has primary responsibility for providing legal services to indigent persons or other persons unable to afford legal services ("indigent persons") for those matters in which such attorney services are required to be provided by the United States or New York State Constitution or by federal or state laws.

(B) As part of the Warren County Public Defender System, and in the event that a conflict is determined to exist in the representation of an indigent persons, the County of Warren is specifically authorized by this plan, but not required, to contract with a particular law firm or attorney of its choosing for a particular court or courts, to provide qualified conflict representation.

(C) In proceedings under the Family Court Act, representation may be provided by a private legal aid society or as otherwise set forth in N.Y. County Law § 722, paragraph 2.

(D) Any and all representation afforded by an attorney or attorneys for eligible indigent persons selected or contracted with by Warren County is to fully comply with all the Standards and Criteria for the Provision of Mandated Representation in Cases involving a Conflict of Interest. These standards which were recently established by the New York State Office of Indigent Legal Services are applicable to the New York State Conflict Defender Plans, effective July 1, 2012.
(Res. 481 of 2013, passed - -2013)

§ I.16 ROLE OF WARREN COUNTY BAR IN PROVIDING LEGAL SERVICES FOR INDIGENT PERSONS.

(A) In the event of cases not served by the Public Defenders Office and for which no other provision has been made by Warren County, including under § I.15(B) above, the Warren County Office of Assigned Counsel shall maintain a panel of qualified attorneys ready willing and able to accept assignment (the "Panel") to represent indigent persons.

(B) In the event that the Panel is unable to provide suitable representation, then a member of the Warren County Bar Association shall be assigned by the Assigned Counsel Administrator to provide such representation.

(C) Such attorney shall qualify, serve and be compensated pursuant to the terms and conditions of this plan and all applicable statutes.
(Res. 481 of 2013, passed - -2013)

§ I.17 ASSIGNED COUNSEL ADMINISTRATOR AND SUPERVISING JUDGE.

(A) The County of Warren created the office of Assigned Counsel in 1964, same is staffed by an Assigned Counsel Administrator. Such person is not an employee of the Warren County Bar Association, Inc., and may not be a judge, county attorney or official of the public defender's office.

(B) In the event that the Assigned Counsel Administrator requires direction or instruction concerning the operation or implementation of the Assigned Counsel Plan, the Assigned Counsel Administrator shall obtain such guidance from one or more of the Trial Court Justices of the Courts covered by the plan. The instruction, supervision and direction of the Trial Court Justices shall include, but is not limited to:

(1) Providing, as needed, opinions relative to the question of conflicts of interest.

(2) Mediation, as needed between the Public Defender and the Conflict Defender as to whether or not an actual conflict exits.

(3) Determining, as needed, whether a type of case is eligible for indigent services.

(4) Reviewing, as needed, assigned counsel billings to determine the appropriateness of charges.

(5) Reviewing, as needed, the credentials of assigned counsel to determine the appropriateness of an assignment.
(Res. 481 of 2013, passed - -2013)

§ I.18 QUALIFICATION OF ATTORNEY FOR ASSIGNMENT; GENERAL QUALIFICATIONS OF ATTORNEY.

(A) A Panel member and any other assigned attorney must be duly sworn as a practicing attorney in the State of New York.

(B) Each attorney's CLE requirements must be up to date.

(C) Each attorney must live or maintain an office for the practice of law in Warren County, NY or within 30 miles of the borders of Warren County, except in the case of extraordinary circumstances requiring additional or special counsel.

(D) Every attorney must provide such information as is reasonably requested by the Assigned Counsel Administrator from time to time in order to determine any such person's qualification and suitability for assignment.

(E) The Assigned Counsel Coordinator, in consultation with the Trial Court Justices, may disapprove the participation of any particular attorney.
(Res. 481 of 2013, passed - -2013)

§ I.19 APPLICATION AND APPOINTMENT FOR ASSIGNED COUNSEL PLAN.

(A) The Assigned Counsel Coordinator is hereby designated and authorized to maintain a list of attorneys qualified and available to be appointed to represent indigent persons for all classes of matters in which such representation is required in Warren County.

(B) Membership on the Panel is Voluntary. Members must apply using an application form created by the Assigned Counsel Coordinator in consultation with the Trial Court Justices. Applicants must demonstrate prior experience in criminal or family court matters.
(Res. 481 of 2013, passed - -2013)

§ I.20 APPOINTMENT OF ATTORNEY FOR REPRESENTATION OF INDIGENT DEFENDANTS.

(A) The Assigned Counsel Administrator shall appoint a qualified attorney for representation of an Indigent person within 48 hours of the qualification of an indigent person for such services, or 72 hours if said 48 hours includes a weekend.

(B) In the first instance the assignment shall be made from the Assigned Counsel Panel. In the event that the Assigned Counsel Panel lacks a suitable attorney able to take the case then an assignment shall be made to another attorney.

(C) The Assigned Attorney shall be initially notified by phone or by e-mail correspondence. If the client is incarcerated then the assigned attorney shall be notified immediately upon appointment, and shall be notified that the client is incarcerated.

(D) In all cases, assignment of counsel shall be accomplished so that an indigent defendant will be represented at all critical phases of the prosecution, including arraignment, and shall comply with all statutory and constitutional mandates.
(Res. 481 of 2013, passed - -2013)

§ I.21 STANDARDS OF INDIGENCE.

(A) If such standards are created by appropriate law or regulation then they shall be deemed a part of this Plan.

(B) Until the adoption of such statewide standards, the foregoing standards of indigence shall apply:

(1) All cases except felonies:

(a) *Income test*. 125% of the federal poverty guidelines, with reasonable deductions, including FICA expense and Child Support payments, however if the client has children not residing in the household, then such children shall NOT be counted as members of the household for determining federal poverty guidelines. If the prospective client is under the age of 21 and living with a parent or guardian then such parent or guardian's income shall be taken into consideration.

(b) *Asset test*. In the event that the client has liquid assets readily available as cash in excess of $1,500 said client shall not be eligible for assigned counsel representation.

(2) Felonies.

(a) *Income test*. 125% of the federal poverty guidelines, with reasonable deductions, including FICA expense and Child Support payments, however if the client has children not residing in the household, then such children shall NOT be counted as members of the household for determining federal poverty guidelines. If the prospective client is under the age of 21 and living with a parent or guardian then such parent or guardian's income shall be taken into consideration.

(b) *Asset test*. In the event that the client has liquid assets readily available as cash in excess of $5,000, said client shall not be eligible for assigned counsel representation.

(3) In all cases the assigned client shall have a continuing obligation to disclose any change in financial circumstances.

(4) All clients shall be re-evaluated for indigence at least annually, and more frequently at the option of the Assigned Counsel Administrator.

(D) Judges retain their statutory and constitutional authority to appoint counsel, regardless of the eligibility standards in the plan if the judge determines, based on the facts of the case, that the defendant cannot afford to retain counsel.
(Res. 481 of 2013, passed - -2013)

§ I.22 STANDARDS OF CONDUCT FOR ASSIGNED COUNSEL.

(A) Every Assigned Attorney will at all times act with the utmost professionalism.

(B) An Assigned Attorney must immediately determine if the client is incarcerated.

(1) If the client is incarcerated or otherwise deprived of liberty the assigned attorney should meet with the client in person within two business days from the time of notification of appointment. At that meeting the assigned attorney should discuss the issue of bail with the client.

(2) If the client is not incarcerated the attorney should contact the client within two business days, but such contact may be by phone or by letter.

(C) No assigned attorney shall accept any payment of gift or thing of value from the client.

(D) The assigned attorney should make application to the appropriate court for investigatory services or expert services, when reasonably required.

(E) The assigned attorney shall attempt to communicate with the client within a reasonable period of time after each court appearance if the client was not in attendance at the appearance.

(F) Clients shall be timely notified of their right to appeal.

(G) Notices of appeal shall be filed, as appropriate as soon as possible after the conclusion of a matter and before billing the matter.

(H) Assigned attorneys shall maintain a separate file for each assigned matter and shall maintain such files for at least seven years.

(I) Once assigned to the case the assigned attorney remains the attorney of record until an application for withdrawal is approved by presiding judge or justice (or the assigned counsel and the client agree, in writing) and a new assigned counsel, is assigned by the Assigned Counsel Coordinator.

(J) Intentional submission of materially incorrect information or applications, vouchers or other submissions to the Office of Assigned Counsel shall cause an attorney to be dismissed from the Assigned Counsel Panel. Said determination shall be made by the Assigned Counsel Coordinator, after giving the panel member a reasonable opportunity to be heard with respect to said misinformation.
(Res. 481 of 2013, passed - -2013)

§ I.23 LIMITATION ASSIGNMENTS.

The Assigned Counsel shall limit the annual number of assignments which may be made to a particular Assigned Attorney to a maximum of 250 non-felony matters, 60 felonies, or 25 appeals, or a reasonable combination of such services.
(Res. 481 of 2013, passed - -2013)

§ I.24 PAYMENT OF ASSIGNED COUNSEL.

(A) Assigned Counsel shall not receive payment or benefit of any kind for representing an assigned client except through the County's voucher and payment system. In particular no fee or benefit may be accepted from the assigned client.

(B) The form of voucher shall be selected by the Assigned Counsel Administrator in consultation with the Warren County Auditor, the County Judge.

(C) Assigned attorneys shall maintain accurate contemporaneous time records for each assigned matter and shall maintain such files for at least seven years. Such time records shall be made available to the Assigned Counsel Administrator, the Warren County Auditor and the appropriate presiding judge or justice, upon reasonable demand.

(D) Assigned Counsel shall bill, and may be paid, only for reasonable and necessary services and expenses.

(E) Time spent traveling or waiting in court for the benefit of more than one assigned client shall be apportioned between or among such clients or assigned all to one client so long as it is not billed more than once. In no case may an attorney bill for more time than was actually spent.

(F) Time spent billing the file or discussing the bill with the Assigned Counsel Office or any judicial officer or auditor may not be billed and shall not be paid.

(G) Vouchers for payment shall be submitted to Assigned Counsel Administrator's Office with 45 days of completion of an assigned case except in extraordinary circumstances. All work completed in any calendar year shall be submitted not later than January 15 of the following calendar year; regardless of whether or not the case has concluded.

(H) Vouchers shall show accurate and complete records for work done on the case and for all expenses.

(I) The Assigned Counsel's signature on the voucher' seeking payment shall be deemed a verification of all information contained therein.

(J) Vouchers shall be reviewed by the Assigned Counsel Administrator. If approved, they shall be signed by the Assigned Counsel Administrator as Department Head of the County Assigned Counsel Office and then forwarded to the presiding judge or justice for further review and signature pursuant to N.Y. County Law § 722. When approved by the presiding judge or justice they shall be submitted to the Warren County Auditor for payment.
(Res. 481 of 2013, passed - -2013)

§ I.25 ANNUAL REPORT.

Upon written request of the Warren County Bar Association, Inc. which request shall not be made more frequent than once in a 12-month period, the Assigned Counsel Coordinator shall prepare and submit a report of the matters covering the prior 12-month period to the Warren County Bar Association, Inc. and the Warren County Board of Supervisors. The report shall be submitted no later than 60 days from receipt of the request.
(Res. 481 of 2013, passed - -2013)

§ I.26 APPROVAL OF PLAN BY WARREN COUNTY BAR.

This Plan shall be certified by the Secretary of the Warren County Bar Association, Inc, showing that it has been duly adopted by that organization.
(Res. 481 of 2013, passed - -2013)

§ I.27 SUBJECT TO APPROVAL BY WARREN COUNTY BOARD OF SUPERVISORS.

This Plan is subject to the approval of the County Board of Supervisors.
(Res. 481 of 2013, passed - -2013)

§ I.28 SUBJECT TO APPROVAL OF UNIFIED COURT SYSTEM.

This Plan is subject to the approval of the Unified Court System as required by N.Y. County Law § 722.
(Res. 481 of 2013, passed - -2013)

CHAPTER II: BUILDINGS AND GROUNDS

Section

General Provisions

II.01 Designating certain areas for employee parking
II.02 Setting of thermostats for winter at municipal center and prohibiting use of personal space heaters

Meeting Room Use Policy for the Warren County Municipal Center and Human Services Building

II.15 Warren County policy for use of county meetings rooms in the Municipal Center
II.16 Warren County policy for use of county meetings rooms in the Human Services Building
II.17 Application for use of Warren County facilities

GENERAL PROVISIONS

§ II.01 DESIGNATING CERTAIN AREAS FOR EMPLOYEE PARKING.

The Building and Grounds Department shall develop a parking plan for the Warren County Municipal Center to designate certain areas as employee parking.
(Res. 192 of 1995, passed - -1995)

§ II.02 SETTING OF THERMOSTATS FOR WINTER AT MUNICIPAL CENTER AND PROHIBITING USE OF PERSONAL SPACE HEATERS.

The use of space heaters at the Municipal Center is hereby prohibited, unless approved by the Superintendent of Buildings, and be it further resolved, that the above take effect immediately.
(Res. 741 of 2009, passed - -2009)

[See next page.]

MEETING ROOM USE POLICY FOR THE WARREN COUNTY MUNICIPAL CENTER AND HUMAN SERVICES BUILDING

§ II.15 WARREN COUNTY POLICY FOR USE OF COUNTY MEETINGS ROOMS IN THE MUNICIPAL CENTER.

WARREN COUNTY POLICY FOR USE OF COUNTY MEETING ROOMS IN THE MUNICIPAL CENTER

Warren County has several meeting rooms available for public use in the Warren County Municipal Center. The following policy must be followed in order to use such rooms:

1. Since the facilities to be used are public property, rooms will be available for meetings and activities of non-profit civic, cultural and educational organizations.
2. Out-of-town groups will be allowed only on occasions when the building is NOT scheduled for local use, and the intended use by such group will directly benefit the citizens of the County of Warren.
3. Permission to use these facilities does not constitute an endorsement by the County of any groups's beliefs, policies or activities.
4. Priority will always be given to Official County Business when there are conflicts of time and space.
5. Warren County Facilities are normally available Monday through Friday from 8:00 a.m. to 8:00 pm exclusive of Legal Holidays.
6. Applicants will be responsible for holding the County of Warren harmless from any liability claim arising from the use of any area. Any applicant not affiliated with the County shall provide the County Attorney's Office with a certificate of insurance in the amount of One Million Dollars ($1,000,000) naming Warren County as additional insured.
7. The Board of Supervisor's Office is responsible for scheduling and approving the use of any meeting room. Warren County Facility Use Forms are available in the Board of Supervisor's Office. The Board reserves the right to reject any application or to cancel the privilege of use by any group if, in the County's opinion, said group might cause undue hardship on staff or the facility. In addition, please check with the Board of Supervisor's Office several days prior to your group's anticipated use, to ensure that the room(s) are still available.
8. No smoking, no weapons, consumption of alcoholic beverages or drugs will be allowed in the building(s).
9. Applications for meeting room use must be submitted to the Board of Supervisors NO LESS than four (4) weeks prior to the event. Annual reservations must be renewed prior to January 31st of each year. Exceptions will only be granted for official County business.
10. Applicants using meeting rooms shall be responsible for providing proper supervision and payments of costs arising from any damage or loss during such use.
11. Furnishings for the meeting rooms will be provided by the County (meeting table and chairs). The County will not be responsible for equipment, supplies or materials provided by the applicant.

12. Clean up from serving refreshments will be the responsibility of the applicant. The cost for any custodian's work above and beyond that normally used will be the responsibility of the applicant.

_____
Applicant's signature

(Res. 192 of 2012, passed - -2012)

§ II.16 WARREN COUNTY POLICY FOR USE OF COUNTY MEETINGS ROOMS IN THE HUMAN SERVICES BUILDING.

WARREN COUNTY POLICY FOR USE OF COUNTY MEETING ROOMS IN THE HUMAN SERVICES BUILDING

Warren County has several meeting rooms available for public use in the Warren County Human Services Building. The following policy must be followed in order to use such rooms:

1. Since the facilities to be used are public property, rooms will be available for meetings and activities of non-profit civic, cultural and educational organizations.
2. Out-of-town groups will be allowed only on occasions when the building is NOT scheduled for local use, and the intended use by such group will directly benefit the citizens of the County of Warren.
3. Permission to use these facilities does not constitute an endorsement by the County of any groups's beliefs, policies or activities.
4. Priority will always be given to Official County Business when there are conflicts of time and space.
5. Warren County Facilities in the Human Services Building are normally available Monday through Friday from 8:00 a.m. to 8:00 p.m. exclusive of Legal Holidays.
6. Applicants will be responsible for holding the County of Warren harmless from any liability claim arising from the use of any area. Any applicant not affiliated with the County shall provide the County Attorney's Office with a certificate of insurance in the amount of One Million Dollars ($1,000,000) naming Warren County as additional insured.
7. The Warren County Commissioner of Social Services's Office is responsible for scheduling and approving the use of any meeting room. Warren County Human Services Use Forms are available in the Commissioner's Office. Please contact Deborah Schreiber of that office at 761-6310. The Commissioner reserves the right to reject any application or to cancel the privilege of use by any group if, in the County's opinion, said group might cause undue hardship on staff or the facility. In addition, please check with the Commissioner's Office several days prior to your group's anticipated use, to ensure that the room(s) are still available.
8. No smoking, no weapons, consumption of alcoholic beverages or drugs will be allowed in the building(s).
9. Applications for meeting room use must be submitted to the Commissioner's Office (c/o Deborah Schreiber) NO LESS than four (4) weeks prior to the event. Annual reservations must be renewed prior to January 31 of each year. Exceptions will only be granted for official County business.
10. Applicants using meeting rooms shall be responsible for providing proper supervision and payments of costs arising from any damage or loss during such use.

11. Furnishings for the meeting rooms will be provided by the County (meeting table and chairs). The County will not be responsible for equipment, supplies or materials provided by the applicant.

12. Clean up from serving refreshments will be the responsibility of the applicant. The cost for any custodian's work above and beyond that normally used will be the responsibility of the applicant.

_____
Applicant's signature

(Res. 192 of 2012, passed - -2012)

§ II.17 APPLICATION FOR USE OF WARREN COUNTY FACILITIES.

APPLICATION FOR USE OF WARREN COUNTY FACILITIES

Application Date: _____ Name of Organization: _____

Contact Person: _____ Position: _____

Contact Mailing Address: _____

Email address: _____

Person Responsible for Supervision of Event: _____

Supervisor telephone numbers (home and work) _____

Supervisor Mailing address: _____

Date(s) requested: _____ Times requested from: _____ to _____

No. of rooms requested: _____ Estimated number of attendees:_____

What is the purpose of this event or meeting? _____

What Non-County equipment will be used? _____

What, if any, refreshments will be served? _____

As an authorized representative of the above-named organization, I agree that the organization will be fully responsible for the care of the room(s) requested and for the complete supervision of all persons entering in connection with this activity. I further agree that this organization will reimburse the County of Warren in full for any and all damage to County property resulting from the requested use within sixty (60) days of the damage being incurred. I understand that I must furnish the appropriate insurance certification to the appropriate office. I have read the attached Warren County Policy for Use of County Meeting Rooms and hereby certify that the organization which I represent and the activity which we are sponsoring fully meets the conditions set forth, and hereby agree to observe all of the rules and procedures outlined in the policy.

Applicant's signature _____ Date _____

FOR OFFICE USE ONLY

Certificate of Insurance on File: _____ Expiration Date: _____

Approved _____ or Not Approved _____ by _____

Date: _____

(Res. 192 of 2012, passed - -2012)

CHAPTER III: COUNTY ADMINISTRATOR/BOARD OF SUPERVISORS

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III.002 Preservation of institutional information policy
III.003 Credit card policy
III.004 Establishing standard workday for all elected and appointed positions in Warren County government under Retirement and Social Security Law
III.005 Intern policy
III.006 Policies protecting individuals engaged in nonviolent civil rights demonstrations
III.007 Policy concerning paid leave of absence for employees during a declared state of emergency
III.008 Prohibiting solicitors and peddlers
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Warren County Corporate Compliance Policy

III.020 Statement of policy
III.021 Scope
III.022 Procedure

Code of Ethics

III.035 Title
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GENERAL PROVISIONS

§ III.001 AGREEMENTS FOR SERVICES POLICY.

The Warren County Board of Supervisors does hereby establish a policy pertaining to agreements for services authorized by resolution of the Warren County Board of Supervisors as follows:

(A) Any agreement for services to be rendered to the County of Warren by an individual or firm must be authorized and duly approved by the Warren County Board of Supervisors by resolution of the Board.

(B) Following the adoption of a resolution of the Warren County Board of Supervisors authorizing an agreement, a written agreement duly executed by the parties involved and consenting to the terms and conditions stated therein, shall be filed with the Office of the Clerk of the Warren County Board of Supervisors. All agreements filed shall be in the form approved by the County Attorney.

(C) No payment for contractual services shall be approved by the Warren County Auditor or made by the Warren County Treasurer to an individual or firm for such services rendered to the County unless a written agreement duly executed by the parties involved has been filed with the Clerk of the Warren County Board of Supervisors, except as provided in division (D) of this Resolution.

(D) Pending the execution of a formal agreement between the County and the provider of personal services, the County Treasurer is hereby authorized to pay the provider for services actually rendered upon delivery of a voucher certified by the provider and audited by the County Auditor attesting to the services rendered and agreeing to comply with the terms of the resolution authorizing such services. In any event, unless a contract for such personal services has been duly executed by the provider and filed in the Office of the Clerk of the Board of Supervisors within 45 days of the date of adoption of the resolution authorizing such services, no further payments shall

be approved by the County Auditor until such time as a duly executed contract has been filed in the Office of the Clerk of the Board of Supervisors. This exception shall not apply to tourism related contracts nor to any contract awarded as a result of competitive bidding. (Res. 104 of 1985, passed - -1985; Res. 106 of 1991, passed - -1991)

§ III.002 PRESERVATION OF INSTITUTIONAL INFORMATION POLICY.

(A) *Purpose*. The purpose of this policy is to establish a uniform policy and procedure applicable to all Warren County Officials, Warren County Departments and employees with respect to preservation of institutional information maintained by the County. For purposes of this policy, institutional information is generally any document, material or record created by the County, received by the County or maintained by the County whether such institutional information is stored electronically or maintained in a tangible format. Courts have ruled that parties to litigation have an obligation to preserve institutional information and can be sanctioned for failing to do so. This policy institutes safeguards for preservation of institutional information which will ensure the County meets legal requirements to preserve institutional information.

(B) *Application/process/responsibilities*.

(1) Upon the effective date of this policy each County Official, Department Head or employee who is notified of litigation either directly or through the County Attorney shall preserve and maintain relevant or material information. The failure to comply with this policy could result in serious adverse consequences to the County.

(2) This policy becomes operative when the County reasonably anticipates litigation or has been notified of the likelihood or probability of a legal proceeding against the County through a Notice of Claim, Summons and Complaint, Notice of Petition, Petition, any other means of notifying or instituting legal proceedings and any administrative proceeding involving the County or any legal proceeding commenced by the County (collectively "litigation"). This policy requires the preservation of all institutional information which may be considered material, admissible or relevant in litigation, which may be stored in County's computer systems, removable electronic media or stored at other locations and any and all tangible institutional information.

(3) This policy shall not be viewed as superceding or replacing applicable New York State Records Retention Laws or regulations applicable to public entities, the Freedom of Information, Warren County Policy and Rules regarding retention, archiving and storing of County records or any other applicable federal or state laws or regulations. However, when litigation is reasonably anticipated or when the likelihood or probability of litigation has been identified, the County's routine document retention/destruction policy shall be placed on hold to ensure the preservation of relevant documents.

(4) Typically, the County Attorney receives or issues direct notice of litigation. Upon review of the litigation documents the County Attorney will notify all potential Departments within Warren County that may be involved in the litigation or have an interest in the litigation. In all instances, notification of the litigation by the County Attorney will include notification to the County's Information Technology Department ("IT Department"). Whenever a County Official or Department Head is notified of litigation before the County Attorney notifies the County Official or Department Head of litigation, the County Official or Department Head shall immediately notify the County Attorney and present copies of all papers received or served to the County Attorney. In all instances, the County Attorney will review this policy with County Officials or Department Heads to ensure its proper application.

(5) It will be the responsibility of the County Official or Department Head to share this policy with employees within the Department who may possess institutional information particular to the litigation. Moreover, the County Official or Department Head is responsible for informing and reminding employees within their Department of the need to comply with this policy.

(6) Questions concerning the application or interpretation of this policy shall be referred to the County Attorney. Upon completion of such referral, the County Attorney shall furnish the County Official or Department Head an opinion and any recommendations associated therewith. Notwithstanding the foregoing, where there is uncertainty whether a document or record constitutes institutional information, the uncertainty shall be resolved in favor of preservation of the document or information.

(C) *Preservation obligations*.

(1) General: Each County Official, Department Head or employee (sometimes referred to herein as "You") shall comply with the following institutional information preservation objectives:

(a) Maintain and preserve all relevant tangible and/or hard documents, materials and information;

(b) Discontinue all data destruction and backup tape recycling policies or practices that could affect relevant information;

(c) Preserve (do not dispose of) relevant hardware unless an exact replica of the file (a mirror image) is made;

(d) Maintain all other pertinent information and tools needed to access, review, and reconstruct all requested or potentially relevant electronic data.

(2) *Electronic files*. You have an obligation to preserve all digital or analog electronic files in electronic format, regardless of whether hard copies of the information also exists. This includes preserving:

(a) Active data (i.e., data immediately and easily accessible on the County's systems today);

(b) Archived data (i.e., data residing on backup tapes or other storage media);

(c) Deleted data (i.e., data that has been deleted from a computer hard drive but is recovered through computer forensic techniques);

(d) Legacy data (i.e., data created on old or obsolete hardware or software);

(e) Word-processed files, including drafts and revisions;

(f) Spreadsheets, including drafts and revisions;

(g) Databases;

(h) CAD (computer-aided design) files, including drafts and revisions;

(i) Presentation data or slide shows produced by presentation software (such as Microsoft PowerPoint);

(j) Graphs, charts, and other data produced by project management software (such as Microsoft Project);

(k) Animations, images, audio, video, and audiovisual recordings, MP3 players, and voicemails files;

(l) Data generated by calendaring, task management, and personal information management (PIM) software (such as Microsoft Outlook or Lotus Notes);

(m) Data created with the use of personal data assistants (PDAs), such as Blackberry, Treo, PalmPilot, HP Jornada, Cassiopeia, or other Windows CE-based, smart phones, tablets or any other Pocket PC devices;

(n) Data created with the use of document management software;

(o) Data created with the use of paper and electronic mail logging and routing software;

(p) Magnetic, optical, or other storage media, including the hard drives or floppy disks used by County computers;

(q) Backup media (i.e., other hard drives, backup tapes, floppies, Jaz cartridges, CD-ROMs) and the software necessary to reconstruct the data contained on the media; and

(r) Archived media should be preserved by creating a mirror image copy of any media no longer in service but potentially related to the litigation.

(3) *Emails*. You have an obligation to preserve all potentially relevant internal and external emails that were sent or received. Email must be preserved in electronic format, regardless of whether hard copies of the information exist. Discontinue any automatic deletion of e-mails.

(4) *Internet Web Activity*. You have an obligation to preserve all potentially relevant records of internet and Web-browser generated files in electronic format, regardless of whether hard copies of the information exists. This includes Internet and Web-browser generated history files, caches, and "cookies" files stored on backup media.

(D) *Hardware*. The County has an obligation to preserve all electronic processing systems that may contain relevant information, even if they are replaced. This includes computer servers, stand-alone personal computers, hard drives, laptops, PDAs, and other electronic processing devices. To the extent practicable, the County will retain copies of any hardware no longer in service.

(E) *Records/documents*. This policy does not require the creation of any summaries or new documents relating to litigation in any way. Therefore, you should not create any summaries or new documents unless directed to do so by the County Attorney. For example, do not make any notes to yourself or anyone else regarding the litigation.

(F) *Questions*. If this policy in any respect is unclear or if you have any questions concerning this policy, please contact the County Attorney immediately. Thank you for your cooperation.
(Res. 482 of 2014, passed - -2014)

§ III.003 CREDIT CARD POLICY.

(A) *Overview and purpose*.

(1) *Overview*. The use of conventional credit cards (hereinafter "credit cards") and/or ghost credit cards (credit accounts without the issuance of a physical plastic card for volume purchases where physical cards are not needed or desired and hereinafter "ghost cards") can be a cost effective method of obtaining products and services for the County. Credit and/or ghost cards can also save personnel time. Travel, training and other similar expenses are more practically and easily handled through the credit card process. In certain cases and depending on the source of the credit or ghost card and terms thereof, the County may even be able to gain additional savings when using a credit and/or ghost card to make purchases of equipment, fuel, materials and/or supplies.

(2) *Purpose*. To establish the policy and procedures for the use of County credit and/or ghost cards by Department Heads or their designee(s). These procedures are intended to accomplish the following:

(a) To ensure that the procurement with credit and ghost cards is accomplished pursuant to the policy and procedures established by the County Board;

(b) To ensure appropriate internal controls are established within each department procuring with credit and/or ghost cards so that they are used for authorized purposes only;

(c) To enhance productivity, significantly reduce paperwork, improve internal controls and reduce the overall cost associated with approved purchases as listed below; and

(d) To ensure that the County bears no legal liability from inappropriate use of credit and/or ghost cards.

(B) *Administration of the County's relationship with the bank issuing the credit card.*

(1) *Obtaining credit cards and ghost cards.*

(a) Credit cards shall be obtained from the bank or financial institution authorized by resolution of the County Board of Supervisors. Ghost cards for high volume purchases shall be obtained from the same banking institution that credit cards are obtained from and as authorized by the County Board of Supervisors.

(b) Once credit cards and/or ghost cards are authorized by the Board of Supervisors, the County Administrator will coordinate and arrange for issuance of credit and/or ghost cards in accordance with this policy.

(c) The County Administrator and Treasurer shall review enrollment forms, verify all information, and submit an application for credit and/or ghost cards to the bank or financial institution identified in division (B)(1)(a) hereof. The Chairman of the Board of Supervisors shall sign the enrollment forms on behalf of the County.

(d) Credit and/or ghost cards shall be issued to:

1. Those Department Heads (hereinafter "Cardholders");

2. For the purposes indicated and at the expenditure limits set forth in Schedule "A" which may be amended from time to time by further resolution of the County Board of Supervisors.

(e) All Cardholders shall execute the Cardholder authorization form annexed hereto as Schedule "B" and sign the back of the credit card upon receipt (signature on ghost cards is not possible and hence not necessary).

(f) The aggregate County credit limit for all issued credit and ghost cards shall be $252,000.

(2) *Contact with card issuer representatives.*

(a) The following officials are authorized to discuss credit card invoices, payments, disputes, temporary limit excess and similar matters:

1. Treasurer or designee;

2. County Administrator; and

3. Assistant County Administrator.

(b) Cardholders are authorized to discuss credit card invoices, disputes and lost or stolen cards for their for respective department issued credit and/or ghost card(s).

(3) *Online management of credit cards.* The County Administrator, the Assistant County Administrator and/or designee of the County Administrator shall arrange for online management of credit and/or ghost cards including required passwords for purposes of viewing account expenditures and payments, card charge requests, new applications, reconciling invoices and other features typically offered by banks or credit card issuers as online management tools.

(C) *Use of the credit card, revocation and record keeping.*

(1) *Authorized users.* The Cardholder who is issued the card or ghost card is the only person authorized to use that card, except:

(a) In the instance of the Clerk of the Board who may authorize other County officials or employees to use the card for lodging or general use using the forms annexed hereto as Schedules "C" and "D"; and

(b) With respect to the other Cardholders, the Cardholder may allow staff in their respective County Departments to make purchases using the cards or ghost cards, but this shall only be allowed after the credit card use form annexed hereto as Schedule "C" or "D" is completed.

(2) *Authorized purchases*. The credit card or ghost card is to be used in the conduct of the County's business only. The use of a County credit card or ghost card to acquire or purchase goods and services for other than official use of the County is fraudulent use and will subject the employee to disciplinary action up to and including dismissal. In addition, the fraudulent use will be reported to the appropriate law enforcement agency for investigation and possible prosecution.

(3) *Rules of use*. The following restrictions will apply to purchases made with credit or ghost cards:

(a) The goods or services must be budgeted and legally allowable.

(b) The total value of a transaction shall not exceed a Cardholder's card limit. Payment for a purchase WILL NOT be split into multiple transactions to stay within the card limit.

(c) Spending limits for the month must be adhered to.

(d) Credit and/or ghost card users must inform the merchant that the purchase is tax exempt and provide tax exempt form as necessary.

(e) Credit card and/or ghost card users must retain vendor's receipts and/or records of telephone, internet, and/or mail orders for future reconciliation of the credit card statement. Cardholders or designees shall attach receipts, etc. to the invoice batch submitted to the County Auditor when requesting payment of credit and/or ghost card purchases attributable to the Cardholder or the Cardholder's Department as appears on monthly statements.

(f) Credit card and/or ghost card users must still complete Purchase Orders as required by the County Purchasing Policy (identifying the credit/ghost card issuing bank as payee and providing details as to the service or item purchased). Nothing in this policy shall be construed as a means to circumvent the existing Purchasing Policy of the County in regards to bidding requirements, both formal and informal.

(g) Any incentive program benefits arising from the use of County credit cards and/or ghost cards shall be the property of the County and deposited in the County General Fund. The County Board of Supervisors shall determine the use of such incentives, if any.

(4) *Unauthorized credit or ghost card use*.

(a) The credit and/or ghost card SHALL NOT BE USED for the following:

1. Personal purchases or identification;

2. A purchase that exceeds the Cardholder's monthly purchase limit; and

3. Cash advances.

(b) A credit card or ghost card user who makes unauthorized purchases shall be liable for the total dollar amount of such unauthorized purchases, plus any administrative fees charged by the bank or card company in connection with the misuse.

(5) *Cardholder record keeping*.

(a) When the purchase is made over-the-counter, the credit/ghost card user shall retain the invoice and "customer copy" of the charge receipt. The credit/ghost card user is responsible for checking that the vendor lists the quantity, fully describes the item(s), and includes any tax prior to the credit card user signing the slip. Invoices for meals, hotel stays, etc. will include an itemized list of all items and services purchased.

(b) When the purchase is made on the internet, the credit/ghost card user shall print a copy of the receipt and order confirmation before exiting the site.

(c) When a purchase is made over the telephone, the credit/ghost card user shall have the vendor fax or email them a copy of the receipt.

(d) When the purchase is made by mail, the credit/ghost card user shall retain all confirmations and shipping documentation.

(e) When an item is returned, the vendor shall issue a credit, which should appear on a subsequent statement. Under no circumstances should the credit/ghost card user or Cardholder accept cash in lieu of a credit of the credit card account.

(6) *Review of monthly statement*.

(a) At the end of each billing cycle, the Cardholder or staff member designated in writing or by email shall receive his or her monthly statement of account that will list the transactions to the Cardholder's credit card for that period.

(b) The Cardholder or staff member designated in writing or by email shall check each transaction listed on the monthly statement against the authorizations to verify that the statement is correct. If an item is returned and a credit voucher received, the Cardholder or designee shall verify that this credit is reflected on the monthly statement.

(c) If purchased items are not listed on the monthly statement, the appropriate transaction documentation shall be RETAINED by the Cardholder until the next monthly statement. If the purchase or credit does not appear on the statement within 60 days after the date of purchase or return, the Cardholder shall notify the County Administrator and the Treasurer.

(d) If in reviewing the monthly statement, if it is known that an item purchased was found to be unacceptable or not received or not even ordered, the Cardholder or designee is responsible for either, obtaining the item, obtaining a replacement or indicating a dispute of a non-ordered item as soon as possible as indicated herein. In the case of an item that has been ordered that is not acceptable, the Cardholder should attempt to receive that item by the date the Cardholder receives his or her monthly statement or consider placing the item into dispute. If any items are placed in dispute by the Cardholder, it should be documented using Schedule "E" Transaction Dispute Form and attached to the statement with the originals to be forwarded to the County Auditor and a copy of all documents to be forwarded to the County Administrator or the Assistant County Administrator who shall handle and/or process the dispute as may be determined appropriate.

(7) *Cardholder security*.

(a) It is the Cardholder's responsibility to safeguard the credit/ghost card and account number and any security codes to the same degree that a Cardholder safeguards his or her personal credit information. A violation of this trust will result in that Cardholder having his or her credit/ghost card withdrawn and disciplinary action.

(b) If a credit card or a ghost card number or security code is lost or stolen, the Cardholder shall immediately notify the credit card company, representatives are available 24 hours a day. The County Administrator and Treasurer should also be notified and the lost/stolen card notification form, Schedule "F", filled out.

(c) A new credit or ghost card shall be promptly issued to the Cardholder after the reported loss or theft. A credit card that is subsequently found by the Cardholder after being reported lost shall be submitted to the County Administrator who will then forward the card to the Treasurer for destruction.

(8) *Cardholder separation*. Prior to separation from the County of Warren, the Cardholder shall surrender the credit card and current credit card proofs of purchase to the County Administrator. Upon

its receipt, the County Administrator will follow the steps outlined under Review of Monthly Statement and Payment of Credit Card Purchases, and forward the card to the Treasurer to be destroyed. Any Cardholder ghost cards shall likewise be terminated and new ghost cards established.

(9) *Revocation of credit card privileges.*

(a) The issuance of a credit card and/or ghost card to an employee is done at the discretion of the County Board of Supervisors.

(b) Failure to comply with proper record keeping procedures as outlined in this policy will be cause to revoke the employee's credit and/or ghost card privileges.

(c) Repeated loss or theft of any issued credit or ghost card will be cause to revoke the employee's credit/ghost card use privilege. Failure to immediately report the theft/loss of a card upon discovery may also lead to revocation of the credit/ghost card privilege.

(D) *Document submission and payment of monthly credit/ghost card invoice.*

(1) *General County department procedure.* Original sales documents (packing slip, invoice, cash register tape, credit card slips, etc.) for each transaction MUST be neatly attached to the credit card statement and attach the same to the account payable batch and submit the same to the Auditor's Office within five business days of receiving the monthly statement.

(2) *County Administrator special procedure for department charges not paid from the General Bank Account.* The County Administrator or designee will process an out of audit accounts payable batch for any charges that are not paid through the General Bank Account. These invoices will be charged to G/L Account - A.391.00 Due from other funds with the department name, vendor and appropriation code entered into the item description.

(3) *County Auditor review and payment by Treasurer.*

(a) The Auditor's Office will:

1. Review the documents for accuracy;

2. Review whether the charges are to the proper accounts; and

3. Approve the statement for payment.

(b) The County Treasurer or staff member designated in writing shall be authorized to access the County's credit account online in order to verify charges and make or push online payments.

(c) All purchases made with credit and/or ghost cards shall be paid for within the grace period so that no interest charge or penalties will accrue.

(E) *Audits.* The Treasurer may, at the Treasurer's discretion, conduct random audits for both card authority and receipt retention as well as statement review.

SCHEDULE "A"

Credit card and/or ghost cards shall be issued to the Department Heads (hereinafter "Cardholders") for the purposes and monthly limits set forth:

a. Three credit cards in the name of the Clerk of the Board of Supervisors, in care of the County of Warren, for travel and lodging and general use purposes each with a monthly credit limit of $10,000;

b. One credit card in the name of the Sheriff for travel, lodging and general use purposes, with a monthly credit limit of $10,000;

c. One credit card in the name of the Undersheriff for travel, lodging and general use purposes, with a monthly credit limit of $10,000;

d. One credit card in the name of the Superintendent of the Department of Public Works for eBay fees only with a monthly credit limit of $1,000;

e. One credit card in the name of the Purchasing Agent for eBay fees only with a monthly credit limit of $1,000; and

f. Up to five ghost cards in the name of the Department(s) individually and for use with high volume vendors as selected by the County Administrator with four cards to have a monthly credit limit not to exceed $15,000 and one card to have a monthly credit limit not to exceed $150,000.

Use of credit cards for travel and lodging shall be for the purposes set forth as Schedule "D".

Use of credit cards for general purposes shall include purchases of a small dollar amount, food service, fuel, supplies, materials, conference registrations, hardware store purchases, Federal Express, United Parcel Service and postal charges, other miscellaneous items authorized in department budgets, except when the County has an established account or using a ghost account with a vendor in which case that account shall be used and not the credit card. General purposes shall not include alcoholic beverages, tobacco, lottery tickets, cash advances or ATMs, gift certificates or purchases that require Board Resolutions until such a Board Resolution has been adopted.

SCHEDULE "B"

ACKNOWLEDGMENT OF RECEIPT OF THE MASTERCARD PURCHASE CARD

I acknowledge that, on the date indicated below, I received a Purchase Card for my Department's use. I have previously received a copy of the County Credit Card Policy which set forth, among other things, Cardholder use and responsibilities. I understand that:

The Purchase Card is a cost-effective method for the purchase and payment of small dollar material transactions and is limited to $_____per month.

The Purchase Card is to be used solely for business purchases; not personal purchases.

I am responsible for reconciling monthly statements and maintaining accurate accounting records.

Should my employment with Warren County terminate, I am responsible for returning the Purchase Card to the County Administrator.

Department Head Name: _____
(Please Print)

Department Head Signature: _____

Date: _____

SCHEDULE "C"

GENERAL CREDIT CARD AUTHORIZATION

Date: _____ Appropriation Code: _____ Amount $ _____

Purchase Order # (if required): _____

This is to confirm _____ is authorized to use my credit card for _____(merchandise) for County purposes. All purchases are tax exempt.

Vendor Name: _____

Date of Purchase:_____

Name on credit card: Clerk of the Board (Amanda Allen)

Card Number: Ending in:_____ Mastercard / Visa / Other

Expiration Date: _____

Call me at ___(518) 761-6563___with any questions.

I understand that I am responsible for all charges noted above that are incurred on this account.

CARDHOLDER'S SIGNATURE _____

CARDHOLDER'S NAME (please print) ____Clerk of the Board (Amanda Allen)_____

SCHEDULE "D"

TRAVEL CREDIT CARD AUTHORIZATION

Date: _____ Appropriation Code: _____ Amount $_____ This is to confirm _____ is authorized to use my credit card for airline tickets, hotel charges and conference fees (as listed below) for County purposes. All purchases are tax exempt.

AIRLINE TICKETS:
Date of Purchase: _____ Name of Airline: _____

HOTEL CHARGES:
Name and address of hotel: _____
Arrival Date: _____ Departure Date: _____

- ☐ Room and room tax charges (tax exempt must have form)
- ☐ Long distance phone calls
- ☐ Banquet and meeting room charges
- ☐ Local phone calls
- ☐ Restaurant charges
- ☐ Laundry charges

CONFERENCE FEES:

Date of Purchase:_____ Name of Organization (ie. NYSAC):_____

Name on credit card: Clerk of the Board (Amanda Allen)_____
Card Number: Ending in: _____ Mastercard / Visa / Other _____
Expiration Date:_____
Call me at ___(518) 761-6563_____ with any questions.
I understand that I am responsible for all charges noted above that are incurred on this account.
CARDHOLDER'S SIGNATURE_____
CARDHOLDER'S NAME (please print) ____Clerk of the Board_____

SCHEDULE "E"

COUNTY OF WARREN
TRANSACTION DISPUTE FORM

Cardholder Information:

Cardholder's Name: _____
Card Number: _____

Cardholder's Signature: _____ Date:_____

Vendor Name: _____
Statement Date:_____ Transaction Date:_____
Transaction No. _____ Posting Date:_____
Amount Disputed:_____

Dispute:

The item referenced above is being disputed because:

_____ There is a difference in the amount I authorized and the amount I was billed. (A copy of your charge must be attached.)

_____ I only transacted one charge and I was previously billed for it. (Date of Purchase charge:_____.)

_____ The above transaction is mine, but I am disputing the transaction. (Please state your reason for the denial in detail.)

_____
_____
_____

_____ I do not recognize the above transaction.

_____ I have received a credit voucher for the above transaction, but it has not yet appeared on my account. (A copy of the credit voucher must be attached.)

_____ My account has been charged for the above transaction, but I have not received the merchandise. The details of my attempt to resolve the dispute with the merchant and the merchant's response are indicated below.

_____
_____
_____

Attach the completed form to your monthly statement for review and approval by your Approving Supervisor and the Auditor's Office and County Administrator or Assistant County Administrator.

SCHEDULE "F"

COUNTY OF WARREN
LOST/STOLEN CARD NOTIFICATION

Cardholder's Name: _____
Card Number: _____

Please Check One:

Card was: _____ Lost
_____ Stolen
_____ Other (Describe) _____
_____
_____
_____

Describe how card was lost/stolen: _____
_____
_____
_____
_____

Was a Police Report filed (Circle): Yes No

If yes: Department: _____

Report Number: _____

Cardholder Notified the Credit Card Company:

Date:_____

Time:_____

Cardholder's Signature:_____ Date:_____

Treasurer's Signature:_____ Date:_____

(Res. 222 of 2015, passed 4-17-2015; Res. 460 of 2015, passed - -2015)

§ III.004 ESTABLISHING STANDARD WORKDAY FOR ALL ELECTED AND APPOINTED POSITIONS IN WARREN COUNTY GOVERNMENT UNDER RETIREMENT AND SOCIAL SECURITY LAW.

The standard workday for elected Warren County Officials shall be as follows:

Position	***Workday***	***Workweek***
County Clerk	7 hours	5 days/week
County Treasurer	7 hours	5 days/week
District Attorney	7 hours	5 days/week

Sheriff	7 hours	5 days/week
Coroner	7 hours	1.5 days/week
Supervisor	6 hours	2.5 days/week
Budget Officer	6 hours	3 days/week
Vice-Chairman	6 hours	3 days/week
Chairman of the Board (Including time as Supervisor)	6 hours	3 days/week

(B) The standard workday and workweek for all appointed positions shall be seven hours per day, consisting of five workdays per week.

(C) The above shall become effective as of January 1, 2010.
(Res. 23 of 2010, passed - -2010)

§ III.005 INTERN POLICY.

A student intern program for the County of Warren be, and hereby is, established upon the following terms and conditions:

(A) With prior County Administrator approval, any department within the County of Warren may establish a student intern position for students from SUNY Adirondack, or other four and two year state owned and private colleges or universities, which also includes allowances for the New York State Education Department's Career & Technical Education Career Exploration Internship Program which is a school-business partnership initiative providing high school students, age 14 and above with internship opportunities;

(B) Only unpaid intern positions are authorized;

(C) In determining whether to approve a student intern position, the County Administrator shall consider, among other things, the impact of the intern upon the work load and functioning of the department and the effect on the County overall;

(D) Student intern positions will only be established after an agreement and appropriate waivers have been executed by the affected student and/or college and/or university with said agreements to be in a form and covering the types of indemnities and insurance and waivers that are typically required when student intern positions are presently established in Warren County for colleges and/or universities and/or schools;

(E) All agreements shall be executed by the Chairman of the Board of Supervisors and said agreements and waivers shall be in a form approved by the County Attorney.
(Res. 96 of 2014, passed - -2014; Res. 215 of 2016, passed - -2016)

§ III.006 POLICIES PROTECTING INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS.

(A) Warren County:

(1) Prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

(2) Will enforce applicable State and Local Laws against physically barring entrance to or exits from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(B) The above shall constitute Warren County's policies with regard to the use of excessive force and all nonviolent civil rights demonstrations; copies of this Resolution shall be sent to all Department Heads in Warren County.
(Res. 319 of 2002, passed - -2002)

§ III.007 POLICY CONCERNING PAID LEAVE OF ABSENCE FOR EMPLOYEES DURING A DECLARED STATE OF EMERGENCY.

(A) The Warren County Board of Supervisors hereby establishes a policy concerning paid leave of absence for employees during a declared State of Emergency.

(B) Warren County Policy concerning paid leave of absence for employees during a declared State of Emergency:

(1) During the time that a state of emergency exists following a declaration of such emergency by either the Chairman of the Warren County Board of Supervisors or a Warren County Town Supervisor, an employee of the County may request a leave of absence from his or her County employment for purposes of engaging in the actual performance of duties as:

(a) A volunteer firefighter; or

(b) Volunteer ems/ambulance attendant as part of the response to the event that gave rise to the declaration of a state of emergency.

(2) Requests for such leave of absence must be made to the Department Head or designee before the absence. The absence may be granted by the

employee's immediate Department Head or designated Deputy but only to the extent that such absence will not interfere with Departmental operations. No leave of absence shall be authorized without Department approval and absences will be limited to the time authorized by the Department Head or designee. The Department Head or designee may require employees seeking leave to obtain a new authorization for each day or other period or interval of leave selected by the Department Head or designee. Absence without such authorization may result in disciplinary action or termination if provided for under any Labor Collective Bargaining agreement.

(3) In the event the Department Head or designee approves the leave of absence, the County employee shall be compensated at his or her regular rate of pay for those regular hours during which the employee is absent from work without loss of any vacation, personal or sick leave accruals that the employee may be entitled to. No County employee will be paid for hours volunteered outside their standard work hours in response to any declared state of emergency.

(4) Any applicable leave shall not exceed 20 days in any calendar year.
(Res. 396 of 2008, passed - -2008)

§ III.008 PROHIBITING SOLICITORS AND PEDDLERS.

(A) All persons be and hereby are prohibited from soliciting funds or selling or soliciting the sale of merchandise in the Warren County Municipal Center without express permission from the Board of Supervisors.

(B) The authority to grant permission for the soliciting of funds or the sale or soliciting the sale of merchandise is hereby expressly delegated to the Clerk of the Board of Supervisors.

(C) The Clerk of the Board of Supervisors be and hereby is authorized and directed to cause suitable signs to be erected in The Municipal Center to give notice of the prohibition against soliciting and peddling in The Center.
(Res. 178 of 1963, passed - -1963)

§ III.009 PROVIDING FOR BACKGROUND CHECKS OF CANDIDATES FOR MANAGERIAL LEVEL EMPLOYMENT.

(A) Effective immediately, no offer of employment shall be made to a candidate for Department Head, Deputy Department Head or managerial position of similar status, including, but not limited to, division managers, Director of Nursing, attorney, coordinator, and other similar positions, until a background investigation has been completed, and in the event it is determined to make an offer of employment, prior to completion of a background investigation, any such offer of employment made shall be expressly contingent upon the completion of a background investigation and the County's review of the results of the background investigation.

(B) A background investigation of a candidate for employment shall include:

(1) Social Security Number and Address History;

(2) Statewide Criminal Search;

(3) DMV Search;

(4) Sex Offender Registry;

(5) Employment Verification;

(6) Education Verification;

(7) References Verification; and

(8) Credit Report.

(C) The County Administrator's office shall make arrangements for the background checks through Alliance Worldwide Investigative Group, Inc.

or such similar organization that may be approved, from time to time, by the Warren County Board of Supervisors.

(D) The cost for any background investigation shall be paid for from the budget of the department in which the candidate is being offered employment.

(E) The background investigation provided for herein shall not be applicable to candidates for employment in any capacity with the Warren County Sheriff's Office, provided that the Sheriff continues to complete background investigations substantially in a manner in which has been conducted to date with modifications to such investigation to lie within the purview of the Sheriff.

(F) The background investigation of a candidate for employment shall include a Federal Search on each candidate for managerial level employment with Warren County at an additional cost of $10 each.
(Res. 501 of 2012, passed - -2012; Res. 590 of 2012, passed - -2012)

WARREN COUNTY CORPORATE COMPLIANCE POLICY

§ III.020 STATEMENT OF POLICY.

(A) Warren County is committed to providing quality health care in compliance with all applicable laws, rules, regulations and other directives of federal, state and local governments and agencies.

(B) Warren County recognizes that the federal and state agencies responsible for enforcement of Medicare and Medicaid laws and regulations applicable to healthcare providers have required the development and implementation of formal compliance programs by health service providers.

(C) Compliance programs which are consistent with federal and state laws and regulations are designed to promote the highest level of ethical and lawful conduct throughout the County government to combat health care fraud and abuse.

(D) Warren County is committed to the prevention and detection of any fraud, waste and abuse related to Federal and State health care programs (Medicaid, Medicare and other governmental payer programs), and the protection of any "whistle blower".

(E) This policy is not intended to replace other compliance practices, rules or procedures defined elsewhere in any County or departmental policies and procedures, standard operating procedures manuals, standard operating procedures, local laws, etc.
(Res. 803 of 2010, passed - -2010)

§ III.021 SCOPE.

This policy applies to all Warren County employees, contractors, medical staff, volunteers and vendors.
(Res. 803 of 2010, passed - -2010)

§ III.022 PROCEDURE.

(A) *Written policies, procedures and standards of conduct.*

(1) It is the policy of Warren County to require employees to comply with provisions of the Warren County Code of Ethics, their department compliance program, as well as any other applicable protocols, standards, policies and procedures established or adopted by the County or department.

(2) County departments will develop and distribute written standards of conduct as well as clinical, financial and administrative policies on the provision of service by which all employees are expected to comply. The standard of conduct is for the employee to follow all department specific policies and procedures while performing their job duties.

(3) Divisions and departments will develop policies and procedures addressing the non-employment or retention of excluded individuals or entities and the enforcement of appropriate disciplinary action against employees or contractors who have violated corporation compliance policies and

procedures, applicable statues, regulations, federal, state or private payor healthcare requirements.

(4) The County prohibits the knowing submission of a false claim for payment in relation to a Federal or State funded health care program. The County encourages any employee who is aware of or reasonably suspects the preparation or submission of a false claim or report or any other potential fraud, waste, or abuse related to a Federally or State funded health care program to report such information to his or her supervisor, department compliance officer or to the County's Compliance Officer. Any employee who reports such information will have the right and opportunity to do so anonymously and will be protected against retaliation for making the report. The County commits itself to swiftly and thoroughly investigate any reasonably credible report of fraud, waste or abuse or any reasonable suspicion thereof through the County compliance program. The County retains the right to take appropriate action against an employee or vendor who has participated in a violation of any applicable law or this Policy.

(B) *Compliance officer and compliance committee*.

(1) Warren County's Corporate Compliance Officer is designated as Joann McKinstry ("County Compliance Officer"). The County Compliance Officer will serve as the focal point for compliance activities and be responsible for oversight of the development, implementation and operation of the compliance program policies and procedures. The County's Compliance Officer will report quarterly to the County Administrator and report annually to the Board of Supervisors.

(2) There shall be established a County Compliance Committee, whose membership will consist of the County Compliance Officer as Chairman, and department compliance officers as members. The Committee will meet quarterly to review and update issues, protocols and ongoing compliance program requirements.

(3) Department heads will designate a department compliance officer to ensure compliance with department specific policies. Compliance issues detected will be brought to the attention of the department compliance officer. Department compliance officers will also work cooperatively with the County Compliance Officer in meeting compliance obligations, requirements and responsibilities.

(C) *Training and education*.

(1) All employees will be oriented on the first day of employment in accordance with County and Department Policies and Procedures.

(2) During the orientation process new employees will be oriented to the department specific polices and procedures. On an annual basis the departments will train employees on corporate compliance department policies and procedures.

(3) Each department will adopt a process whereby employees will certify that they have received, read and will abide by department specific corporate compliance policies and procedures at orientation, annually and as revised and/or amended.

(D) *Effective lines of communication*. Each department's Compliance Officer will adhere to an open door policy and encourage employees to discuss any issues in regards to abuse and fraud. Employees are assured of non-retaliation and confidentiality.

(E) *Enforcement through discipline*. Failure to adhere to compliance standards and department policies will result in disciplinary action up to and including termination.

(F) *Conducting internal monitoring and auditing to prevent fraudulent activities*.

(1) Each department will develop internal monitoring and auditing systems to reduce fraud, waste and abuse, enhance operational functions, improve the quality of health care services and decrease costs. The department and/or County will thoroughly and thoughtfully investigate in a timely and appropriate manner compliance issues that are brought to their attention. Response and corrective action to any findings will be prompt and thorough.

(2) Reports may be anonymous and confidentiality will be maintained.

(3) To report a suspected issue of fraud or abuse the employee may report verbally, by phone or in person to the Department Compliance Officer or to the County Compliance Officer.

(4) After completion of any investigation, the department compliance officers and County Compliance Officer will report applicable findings to the Personnel Officer, County Administrator or law enforcement officer. Following investigation of complaints, disciplinary action will be in accordance with any applicable collective bargaining agreements and/or N.Y. Civ. Serv. Law § 75.
(Res. 803 of 2010, passed - -2010)

CODE OF ETHICS

§ III.035 TITLE.

This Local Law shall be entitled "Warren County Ethics and Disclosure Law".
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.036 PURPOSE.

Officers and employees of Warren County hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Board of Supervisors recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.037 DEFINITIONS.

For the purpose of this Local Law, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Warren County Board of Supervisors.

CODE. This Code of Ethics.

INTEREST. A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an ***INTEREST*** in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

MUNICIPAL OFFICER OR EMPLOYEE. A paid or unpaid officer or employee of Warren County, including, but not limited to, the members of any municipal board and includes elected officials and officers or employees who hold policy making positions.

MUNICIPALITY. Warren County. The word ***MUNICIPAL*** refers to the municipality.

RELATIVE. A spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.038 APPLICABILITY.

This code of ethics applies to the officers and employees of Warren County, and shall replace and supersede the Warren County Code of Ethics dated December 14, 1990. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, N.Y. Gen. Mun. Law Article 18 and all rules, regulations, policies and procedures of Warren County.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.039 PROHIBITION ON USE OF MUNICIPAL POSITION FOR PERSONAL OR PRIVATE GAIN.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.040 DISCLOSURE OF INTEREST IN LEGISLATION AND OTHER MATTERS.

(A) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(B) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(C) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.041 ANNUAL DISCLOSURE.

(A) *Officers and employees required to file.* The officers and employees of Warren County as set forth below and more particularly but not necessarily exhaustively set forth on a representative list of such officers and employees annexed and incorporated herein as Appendix "A", shall be required to sign and file an annual disclosure statement. The form annual disclosure statement is annexed hereto and incorporated herein as Appendix "B". The Board of Ethics as established under § III.054 hereof shall enforce such filing requirements. All officers and employees shall comply with N.Y. Gen. Mun. Law Article 18 and any amendments or revisions relative to the filing of financial statements.

(1) Elected officials; and

(2) The heads of any agency, department, division, council, board, commission, authority or bureau of Warren County and their deputies and other persons authorized to act on their behalf who make policy decisions; and

(3) Officers and employees who hold policymaking positions, including members of boards, commissions and public authorities of Warren County; A person shall be considered to hold a policymaking

position if he or she meets the following criteria, based either on the powers and duties of the position held by the person as set forth in the job description or any applicable law or regulation, or based on the actual duties performed by the person:

(a) He or she has been determined to be managerial pursuant to N.Y. Civ. Serv. Law § 201(7) because he or she formulates policy; or

(b) He or she is in the non-competitive class under § 2.2 of the rules and regulations of the New York State Department of Civil Service, provided that the person holds a position that is designated in any applicable rules and regulations promulgated by the county civil service commission or County Personnel Officer pursuant to N.Y. Civ. Serv. Law § 20, on the basis that the position requires the performance of functions influencing policy; or

(c) He or she exercises responsibilities of a broad scope in the formulation of plans for the implementation of goals or policy for a county agency or acts as an advisor to an individual in such a position; and

(4) Officers and employees having discretionary authority with respect to:

(a) Contracts, leases, franchises, concessions, permits, or licenses; or

(b) The purchase, sale, rental, or lease of real property, personal property, or services, or a contract therefore; or

(c) The obtaining of grants of money or loans; or

(d) Inspections; or

(e) The adoption or repeal of any rule or regulation having the force and effect of law.

(B) *Time and place for filing*. The annual disclosure statements shall be filed with the office of the County Attorney no later than March 31 of each year.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.042 RECUSAL AND ABSTENTION.

(A) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(B) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) If the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.043 PROHIBITION INAPPLICABLE; DISCLOSURE, RECUSAL AND ABSTENTION NOT REQUIRED.

(A) This code's prohibition on use of a municipal position (§ III.039), disclosure requirements

(§§ III.040 and III.041), and requirements relating to recusal and abstention (§ III.042), shall not apply with respect to the following matters:

(1) Adoption of Warren County's annual budget;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(a) All municipal officers or employees;

(b) All residents or taxpayers of the municipality or an area of the municipality; or

(c) The general public.

(3) Any matter that does not require the exercise of discretion.

(B) Recusal and abstention shall not be required with respect to any matter:

(1) Which comes before the Warren County Board of Supervisors or standing Committee or Special Committee thereof when a majority of the board's or committee's total membership would otherwise be prohibited from acting by § III.042 of this code;

(2) Which comes before a municipal officer when the officer would be prohibited from acting by § III.042 of this code and the matter cannot be lawfully delegated to another person.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.044 INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES.

(A) No Warren County officer or employee may acquire the following investments:

(1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under § III.042 of this code; or

(2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(B) This section does not prohibit a Warren County officer or employee from acquiring any other investments or the following assets:

(1) Real property located within Warren County and used as his or her personal residence;

(2) Less than 5% of the stock of a publicly traded corporation; or

(3) Bonds or notes issued by a municipality and acquired more than one year after the date on which the bonds or notes were originally issued.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.045 PRIVATE EMPLOYMENT IN CONFLICT WITH OFFICIAL DUTIES.

(A) No Warren County officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, and including serving as a Board member, consultant, contractor or passive investor of an entity that engages in any business or maintains any relationship with Warren County, provides to or oversees from the County any client referrals or competes with the County when the employment or activity:

(1) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § III.042 of this code;

(2) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(3) Violates N.Y. Gen. Mun. Law § 805-a(1)(c) or (d); or

(4) Requires representation of a person or organization other than Warren County in connection with litigation, negotiations or any other matter to which Warren County is a party.

(B) Outside interest form: If any Warren County officer or employee or immediate family member is currently or plans to be in the future an employee, Board member, consultant, owner, contractor or even a passive investor of an entity that engages in any business or maintains any relationship with Warren County; provides to or receives from Warren County any client referrals or competes with Warren County, they must fill out an Outside Interest Form in the office of the Warren County Attorney. Annexed hereto and made a part hereof as Appendix "C" is a sample copy of the Outside Interest Form.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.046 FUTURE EMPLOYMENT.

(A) No Warren County officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Warren County officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(B) No Warren County officer or employee, for the two-year period after serving as a Warren County officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Warren County office, board, department or comparable organizational unit for which he or she serves.

(C) No Warren County officer or employee, at any time after serving as a Warren County officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a Warren County officer or employee.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.047 PERSONAL REPRESENTATIONS AND CLAIMS PERMITTED.

This Code shall not be construed as prohibiting a Warren County officer or employee from:

(A) Representing himself or herself, or his or her spouse or minor children before Warren County; or

(B) Asserting a claim against Warren County on his or her own behalf, or on behalf of his or her spouse or minor children.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.048 USE OF WARREN COUNTY RESOURCES.

(A) Warren County resources shall be used for lawful Warren County purposes. Warren County resources include, but are not limited to, municipal personnel, and Warren County's money, vehicles, equipment, materials, supplies or other property.

(B) No Warren County officer or employee may use or permit the use of Warren County resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) Any use of Warren County resources authorized by law or municipal policy;

(2) The use of Warren County resources for personal or private purposes when provided to a Warren County officer or employee as part of his or her compensation; or

(3) The occasional and incidental use during the business day of Warren County telephones

and computers for necessary personal matters such as family care and changes in work schedule.

(C) No Warren County officer or employee shall cause Warren County to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.049 INTERESTS IN CONTRACTS.

(A) No Warren County officer or employee may have an interest in a contract that is prohibited by N.Y. Gen. Mun. Law § 801.

(B) Every Warren County officer and employee shall disclose interests in contracts with Warren County at the time and in the manner required by N.Y. Gen. Mun. Law § 803.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.050 NEPOTISM.

Except as otherwise required by law:

(A) No Warren County officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within Warren County or a Warren County board.

(B) No Warren County officer or employee may supervise a relative in the performance of the relative's official powers or duties.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.051 POLITICAL SOLICITATIONS.

(A) No Warren County officer or employee shall directly or indirectly compel or induce a subordinate Warren County officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(B) No Warren County officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Warren County officer or employee, or an applicant for a position as a Warren County officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.052 CONFIDENTIAL INFORMATION.

No Warren County officer or employee who requires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.053 GIFTS.

(A) No Warren County officer or employee shall solicit, accept or receive a gift in violation of N.Y. Gen. Mun. Law § 805-a(1)(a) as interpreted in this section.

(B) No Warren County officer or employee may directly or indirectly solicit any gift.

(C) No Warren County officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of $75 or more when:

(1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) The gift is intended as a reward for any official action on the part of the officer or employee.

(D) For purposes of this section, a ***GIFT*** includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed $75 must be made by adding together the value of all gifts received from the donor by an officer or employee during the 12-month period preceding the receipt of the most recent gift.

(E) (1) A gift to a Warren County officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks Warren County action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a Warren County officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained Warren County action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.

(F) This section does not prohibit any other gift, including:

(1) Gifts made to Warren County;

(2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a Warren County officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) Awards and plaques having a value of $75 or less which are publicly presented in recognition of service as a Warren County officer or employee, or other service to the community; or

(6) Meals and refreshments provided when a Warren County officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants. (Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.054 BOARD OF ETHICS.

(A) There is hereby established a board of ethics for Warren County. The board of ethics shall consist of three members, a majority of whom shall not be officers or employees of Warren County, but at least one of whom shall be an elected or appointed officer or employee of Warren County or a Municipality located within Warren County. The members of such board of ethics shall be appointed by the Board of Supervisors, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(B) A member of the board of ethics shall not be an official, officer or committee person of a political party or hold any similar office or title in a political party.

(C) The board of ethics shall render advisory opinions to the officers and employees of Warren County with respect to N.Y. Gen. Mun. Law Article 18 and this code. Such advisory opinions must be

rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments to the Code of Ethics, upon the request of the Board of Supervisors.

(D) The board of ethics may establish such rules and policies that may be necessary for the proper discharge of its duties and may utilize the services of the office of the Warren County Attorney.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.055 POSTING AND DISTRIBUTION.

(A) The Warren County Administrator or his or her designee must promptly cause a copy of this Local Law, and a copy of any amendment to this Local Law, to be posted publicly and conspicuously in each building under Warren County's control. The code must be posted within ten days following the date on which the Local Law takes effect. An amendment to the Local Law must be posted within ten days following the date on which the amendment takes effect.

(B) The Warren County Administrator or his or her designee must promptly cause a copy of this Local Law, including any amendments to the Local Law, to be distributed to every person who is or becomes an officer and employee of Warren County.

(C) Every Warren County officer or employee who receives a copy of this Local Law or an amendment to the Local Law must acknowledge such receipt in writing. Such acknowledgments must be filed with the Clerk of the Warren County Board of Supervisors who must maintain such acknowledgments as a public record.

(D) The failure to post this Local Law or an amendment to the Local Law does not affect either the applicability or enforceability of the Local Law or the amendment. The failure of a Warren County officer or employee to receive a copy of this Local Law of ethics or an amendment to the Local Law, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Local Law or amendment to the Local Law.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.056 ENFORCEMENT.

Any Warren County officer or employee who violates this Local Law may be censured, fined, suspended or removed from office or employment in the manner provided by law.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.057 SEVERABILITY.

In the event that any provision of this Local Law shall be determined by a Court of Law to be illegal and/or unenforceable, the Local Law, to the extent the Courts have determined practical shall continue in full force and effect as if the said illegal or unenforceable provision were not contained a part thereof.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.058 EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State.
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.059 APPENDIX A: FINANCIAL DISCLOSURE STATEMENT REQUIRED.

The following Warren County officers and employees shall file a financial disclosure statement as provided by the Warren County Code of Ethics:

Supervisor, Warren County Board of Supervisors
Clerk of the Warren County Board of Supervisors

Deputy Clerk of the Warren County Board of Supervisors
District Attorney
Assistant District Attorney
Administrator, Defense of Indigents
County Auditor
County Treasurer
Deputy County Treasurer
Budget Officer
Purchasing Agent
Deputy Purchasing Agent
Director of Real Property Tax Services
Deputy Director of Real Property Tax Services
County Clerk
Deputy County Clerk
County Attorney
Assistant County Attorney
Director, County Human Resources
Personnel Officer
Commissioners of Elections
Deputy Commissioners of Elections
Superintendent of Public Works
Deputy Superintendent of Public Works
Airport Manager
Director of Probation
Sheriff
Undersheriff
Lieutenant, Sheriff's Office
Director of Public Health/Patient Services, Health Services
Director, Community Mental Health Services
Assistant Director of Mental Health

Commissioner of Social Services
Social Services Attorney
Assistant Social Services Attorney
Director of Nursing
Assistant Director of Nursing
Administrator, Westmount Health Facility
Superintendent, County Public Home
Director of Employment and Training
Assistant Director of Employment and Training
Director of Tourism
Director of Weights and Measures
Director, Office for the Aging
Director, Youth Bureau
County Historian
Warren County Planner
Associate Warren County Planner
Administrator, Fire Prevention and Building Code Enforcement
Administrator, Self-Insurance
Director, Veterans' Services Agency
Director of Recycling and Waste Management

(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

[See next page.]

§ III.060 APPENDIX B: ANNUAL STATEMENT OF FINANCIAL DISCLOSURE.

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
COUNTY OF WARREN
FORM F-100
FOR 20____

1. Name and Address.

_____
Last Name Middle Initial First Name

_____
Title

_____
Department or Agency

_____
County Address

_____
County Telephone

2. Spouse and Children.

Provide the name of your spouse (if married) and the names of any dependent children:

_____ _____
Spouse Child/Age

_____ _____
Child/Age Child/Age

3. Financial Interests.

"Reporting Category" for the purpose of completing the financial disclosure reports. Do not report exact dollar amounts in the completion of the statements of financial disclosure; instead, report categories of amounts, using the following categories:

"A"	$0—$5,000
"B"	$5,001—$10,000
"C"	$10,001—$25,000
"D"	$25,001—$50,000
"E"	$50,001—$100,000
"F"	Over $100,001

a. Business Positions. List any office, trusteeship, directorship, partnership, or other position in any business, association, proprietary, or not-for-profit organization held by you, your spouse, and your

dependent children, if any. Indicate whether these businesses are involved with the County or any municipality within Warren County.

Family Member	*Position*	*Organization*	*County Department or Agency and Nature of Involvement*

b. Outside Employment. Describe any outside occupation, employment, trade, business, or profession providing more than $1,000 per year for you, your spouse, and your dependent children, if any, and indicate whether such activities are regulated by any State or local agency.

Family Member	*Position*	*Organization (Name/Address)*	*State or Local Agency and Nature of Involvement*	*Category of Amount*

c. Future Employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your County office or position.

d. Past Employment. Identify the source and nature of any income in excess of $1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay, or payments under a buy-out agreement.

Name and Address of Income Source	*Description of Income (i.e., pension, deferred, etc.)*	*Category of Amount*

e. Investments. Itemize and describe all investments in excess of $5,000 or five percent (5%) of the value in any business, corporation, partnership, or other assets, including stocks, bonds, loans, pledged collateral, and other investments, for you, your spouse, and dependent children, if any. List the location of all real estate within the County, or within five (5) miles thereof, in which you, your spouse, or dependent children, if any, have an interest, regardless of its value.

Family Member	*Name/Address of Business or Real Estate*	*Description of Investment*	*Category of Amount*

f. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of $2,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children.

Name of Family Member	*Trustee/Executor*	*Description of Trust/Estate*	*Category of Amount*

g. Other Income. Identify the source and nature of any other income in excess of $1,000/year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or other income of any nature, for you and your spouse and your dependent children, if any.

Family Member	*Name/Address of Income Source*	*Nature of Income*	*Category of Amount*

4. Interest in Contracts.

Describe any interest of you, your spouse, or your dependent children, in any contract involving the County or any municipality within Warren County.

Family Member	*Contract Description*	*Category of Amount*

5. Political Parties.

List any position you held within the last five (5) years as an officer of any political party, political committee, or political organization. The term “political organization” includes any independent body or any organization that is affiliated with or a subsidiary of a political party.

6. Debts.

Describe all debts of you, your spouse and dependent children in excess of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by or guarantees made by the reporting individual, or such individual's spouse, or by any reporting proprietorship, partnership, or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Do not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if such liability is in excess of $5,000 at the time of filing. Do not list any loan by a financial institution to finance education costs, the cost of home purchase or improvements for a primary or secondary residence or purchase of a personally owned motor vehicle, household furniture or appliances.

Name of Debtor	***Name of Creditor***	***Category of Amount***

7. Third-Party Reimbursements.

Identify and describe the source of any third-party reimbursement for travel-related expenditures in excess of $250 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the County for speaking engagements, conferences, or fact-finding events that relate to your official duties.

Source	***Description***	***Category of Amount***

8. Gifts and Honorariums.

List the source of all gifts aggregating in excess of $250 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums, and any other payments that are not reportable as income.

Name of Family Member	***Name and Address of Donor***	***Category of Amount***

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference or unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

_____

Signature of Reporting Individual Date

(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

§ III.061 APPENDIX C: OUTSIDE INTEREST FORM.

This form is to be filled out if you or any immediate family member is currently or plans to be in the future, an employee, board member, consultant, owner, contractor or even a passive investor of an entity that: (i) engages in any business or maintains any relationship with The County (The County); (ii) provides to, or receives from The County any client referrals, or (iii) competes with The County. The completed form must be submitted to the County Attorney.

Name: _____

Job Title: _____

If not an employee, describe the nature of your relationship with The County:

_____

_____

_____

Describe the nature of your outside activities in any entity that engages in any business or maintains any relationship with The County.

_____

_____

_____

Describe the nature of your outside activities in any entity that provides to, or receives from, The County any client referrals.

_____

_____

_____

Describe the nature of your outside activities in any entity that competes with The County.

_____

_____

_____

Date completed and signature

_____ _____

Signature Date

Date reviewed by Compliance Officer and signature

_____ _____
Signature Date
(Res. 550 of 2014, passed - -2014; Local Law 6 of 2014, passed 11-21-2014)

FREEDOM OF INFORMATION LAW FOIL

§ III.075 PURPOSE AND SCOPE.

The purpose of these regulations are to set forth the rules, methods and procedures governing the availability, location and nature of records (as that term is defined herein) of the County of Warren subject to the provisions of N.Y. State Pub. Off. Law Article 6, known as the Freedom of Information Law.
(Res. 77 of 1978, passed - -1978)

§ III.076 DEFINITIONS.

For the purpose of these regulations, the following terms are defined as set forth below:

FISCAL OFFICER. The Warren County Treasurer or his or her authorized representative.

PAYROLL RECORD. An itemized record setting forth the name, business address, title and salary of every officer and employee of the County of Warren or its authorized agencies.

RECORD. Any information kept, filed, held, produced, or reproduced by, with or for the County of Warren, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilm, computer tapes or discs, rules, regulations or codes.

WORKDAY. Any day except Saturday, Sunday, a public holiday or a day on which the Warren County Municipal Center is otherwise closed for general business.
(Res. 77 of 1978, passed - -1978)

§ III.077 PROCEDURE FOR OBTAINING RECORDS.

(A) Record Access Officers.

(1) The following Warren County officers or their authorized representatives are hereby designated as Records Access Officers, each for his or her respective department and shall be the custodian of such records, excepting payroll records:

(2) Each of the following are to be contacted at his or her office, having as a business address the Warren County Municipal Center, 1340 State Route 9, Lake George, New York, 12845, such other address as specifically designated herein or through the Warren County website at http://www.warrencountyny.gov/contact.php.

Office of the County Administrator	County Administrator
Assigned Counsel	Administrator
Auditor	Auditor
Board of Elections	Commissioners
Board of Supervisors	Clerk of the Board of Supervisors
Budget Officer	Budget Officer
County Attorney	County Attorney
County Clerk	County Clerk
County Treasurer	County Treasurer
District Attorney	District Attorney
Emergency Services	Director/Fire Coordinator
Employment and Training/One-Stop Career Center	Director c/o Clerk of the Board of Supervisors
Fire Prevention and Building Codes Enforcement	Administrator
Historian	Historian
Human Resources and Civil Service	Human Resources Director
Information Technology	Director
Motor Vehicles	County Clerk
Office for the Aging	Director
Planning	County Planner
Probation	Director
Purchasing	Purchasing Agent
Public Defender	Public Defender
Public Health	Director
Real Property Tax Services	Director
Self-Insurance	Administrator
Social Services	Commissioner of Social Services
Tourism	Director
Veterans Services	Director
Weights and Measures	Sealer of Weights and Measures

(3) As well as each of the following at the business address set forth opposite his or her specific job title:

Public Works (incl. Buildings and Grounds, Airport Parks, Recreation and Railroad Up Yonda Farm)	Superintendent of Public Works 4028 Main St. Warrensburg, NY 12885
Sheriff	Major 1400 State Route Nine Lake George, NY 12845
Countryside Adult Home	Director 353 Schroon River Road Warrensburg, NY 12885
Westmount Health Facility (until 5/15)	Director 42 Gurney Lane, Queensbury, NY 12804

(4) Any FOIL request directed to any department of Warren County not specifically set forth herein is to be sent to the attention of the Warren County Attorney or to the Warren County website at http://www.warrencountyny.gov/contact.php. FOIL is not generally applicable to courts within the Warren County Municipal Center, which are operated by the Office of Court Administration, an agency of New York State.

(B) (1) Any person who wishes to inspect or obtain a copy of any such record may request access to the record by making application to the Records Access Officer. Such application shall be in writing to

the address provided or through the Warren County website and shall reasonably describe the record or records sought. A person requesting records should supply information regarding dates, file designations or any other information that may help to describe the records sought. Application forms which comply with the law may be obtained from the Office of the County Attorney or are also available on the Warren County website at http://www.warrencountyny.gov/contact.php.

(2) Requests for access to records may be submitted to the appropriate Records Access Officer either personally at such office on any workday between the hours of 9:00 a.m. and 4:30 p.m., by mail, addressed to such officer or to such other officer as the Records Access Officer may specify upon contact or through the Warren County website (http://www.warrencountyny.gov/contact.php) directed to the Records Access Officer. Any request received after 4:30 p.m. is deemed to have been received on the next workday. Upon the receipt of an application in the proper form and at the appropriate time, the Records Access Officer shall cause a search to be made for the requested record. Within five business days of receipt of a FOIL request, the following actions will be taken by the Records Access Officer or his or her designee:

(a) Produce the record(s) for inspection at the Records Access Officer's office or send the requested records to the applicant (and if so requested and upon payment of the appropriate fee, make and certify a copy of the record).

(b) Deny the request as provided in § III.081 of these regulations, providing the reason for the denial and sending a copy of such denial to the County Attorney.

(c) Partially grant and partially deny the request.

(d) Advise the applicant that the record(s) are not in the custody of that specific department, but may be in the custody of another specified department or may be available on the Warren County website or other site on the internet.

(e) Certify that the records cannot be located after diligent search.

(f) Acknowledge receipt of the request, setting an approximate date for a full response and seeking clarification if the request is overly voluminous or unspecific. If circumstances prevent a response within 20 workdays, a statement specifying the reasons for the inability to do so and a date certain must be supplied. The failure to comply with this time limit constitutes a denial which may be appealed.

(3) The Records Access Officer, in his or her discretion, may waive compliance with any formality prescribed by this division (B), including the use of county application forms.

(C) Any person wishing to inspect and/or obtain a copy of a payroll record may make application to the Fiscal Officer in writing pursuant to the provisions of division (B) above of these regulations to the Fiscal Officer at the office of the Fiscal Officer at the Warren County Municipal Center, Lake George, New York. Upon receipt of such an application, the Fiscal Officer shall search for and produce for inspection the payroll record. If the applicant requests a copy of such payroll record, the Fiscal Officer shall provide him with one, upon payment of the appropriate fee.
(Res. 77 of 1978, passed - -1978)

§ III.078 SUBJECT MATTER LIST.

(A) On behalf of the County of Warren, the Records Access Officer for each department shall maintain and make available for inspection and copying at their office a current list, reasonably detailed by subject matter, of all records in the possession of the department, whether or not available under N.Y. Pub. Off. Law Article 6. Such list shall be in conformity with such regulations as may be promulgated by the Committee on Open Government. Any person desiring a copy of such list may request a copy thereof personally, by mail or through the Warren County website and he shall be supplied with one copy.

(B) Each Records Access Office shall maintain:

(1) A record setting forth the name, public office address, title and salary of every officer or employee of the department; and

(2) A reasonably detailed current list by subject matter, of all records in the possession of the department whether or not available under this article.
(Res. 77 of 1978, passed - -1978)

§ III.079 FEES.

(A) The fees for copies of records shall not exceed $0.25 per photocopy not in excess of nine inches by 14 inches, or the actual cost of reproducing any other record except when a different fee is otherwise prescribed by law or pursuant to such general rules and regulations as may be promulgated by the Committee on Open Government and any additional fees that may be applicable pursuant to N.Y. Pub. Off. Law Article 6.

(B) Additionally, a Records Access Officer has the authority to redact portions of a record pursuant to N.Y. Pub. Off. Law Article 6 and do so prior to disclosure of the record by making a photocopy from which the proper redactions are made. If redaction must be made to an electronic record, and the record must be printed and/or copied several times prior to being produced in response to the FOIL request, the standard copying fee will be charged.

(C) Further fees may be charged based on the actual cost of reproduction as set forth in N.Y. Pub. Off. Law § 87(1)(c), which may include the hourly salary of the lowest paid employee with the needed skill required to prepare a copy of the requested record in the event two or more hours are required as well as the actual cost of any storage device or media provided in response or if necessary, the actual cost of an outside professional to prepare a copy of a record.

(D) The agency shall inform the requestor of the estimated cost of copying, reproducing or preparing a copy and may require the fee to be paid prior to release of any records.
(Res. 77 of 1978, passed - -1978)

§ III.080 PREVENTION OF INVASIONS OF PRIVACY.

In accordance with the provisions of N.Y. Pub. Off. Law § 89, subd. 3 regarding the prevention of unwarranted invasion of personal privacy, the Records Access Officer may delete from any record identifying details, the disclosure of which would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. In the event that one or more deletion is made from any document, the Records Access Officer shall provide written notice of that fact to the person given access to the record.
(Res. 77 of 1978, passed - -1978)

§ III.081 DENIAL OF ACCESS TO RECORDS.

(A) In accordance with N.Y. Pub. Off. Law Article 6 as well as these regulations, each Records Access Officer shall make available for public inspection and copying a record as described herein, except that such Records Access Officer may deny access to a record or portions thereof that:

(1) Is specifically exempted from disclosure by state or federal statute;

(2) If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of N.Y. Pub. Off. Law Article 6, § 89(2);

(3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;

(4) Is a trade secret or is maintained for the regulation of commercial enterprise which if disclosed would cause substantial injury to the competitive position of the subject enterprise;

(5) Is compiled for law enforcement purposes and which, if disclosed, would:

(a) Interfere with law enforcement investigations or judicial proceedings;

(b) Deprive a person of a right to a fair trial or impartial adjudication;

(c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or

(d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures.

(6) If disclosed would endanger the life or safety of any person;

(7) Is an inter-departmental or intra-departmental material which is not:

(a) Statistical or factual tabulations or data;

(b) Instructions to staff that affect the public; or

(c) Final agency policy or determinations.

(8) Are examination questions or answers which are requested prior to the final administration of such questions.

(B) Denial of access to records shall be in writing stating the reason therefore and advising the applicant of the right to appeal as set forth below.
(Res. 77 of 1978, passed - -1978)

§ III.082 APPEALS.

Within 30 days of a denial, any person whose application to inspect and/or copy records has been denied pursuant to § III.081 of this regulation may appeal such denial to the Chairman of the Board of Supervisors at the Warren County Municipal Center, 1340 State Route 9, Lake George, New York. Such appeal shall be in writing and must set forth: the name and address of the applicant; the specific record(s) requested; the date of denial; and the reasons given for such denial. The Chairman shall, upon receipt of a written appeal, review the matter and in writing, either affirm, modify or reverse the denial. If the Chairman either affirms or modifies the denial, he shall, within ten workdays of receipt of the appeal, communicate his or her reasons for such affirmation or modification to the person making the appeal. N.Y. Pub. Off. Law Article 6 notes that in the event of a denial to access to a record, such person may appeal such determination under N.Y. Civ. Prac. L. & R. Article 78. Failure to respond to an appeal within the statutory time period shall constitute a denial of the appeal. The Committee on Open Government shall be furnished with copies of the application, and the underlying denial of the application as well as the appeal and the determination of that appeal.
(Res. 77 of 1978, passed - -1978)

§ III.083 SEVERABILITY.

If any provision(s) of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.
(Res. 77 of 1978, passed - -1978)

§ III.084 EFFECTIVE DATE.

These regulations shall take effect immediately upon adoption by the Warren County Board of Supervisors.
(Res. 77 of 1978, passed - -1978)

COUNTY SURPLUS PROPERTY

§ III.095 INITIAL COMMITTEE REVIEW.

Property together with any improvements thereon that is no longer needed for County purposes shall first be reviewed by the Committee having jurisdiction of the said real property. If more than one Committee has jurisdiction, all Committees shall review the property in question and render a determination(s) concerning whether the same is currently needed or is

expected to be needed in the future for County purposes. If it determined that the property is no longer needed for County purposes the subject property together with any Committee determination(s) shall be referred to the Finance Committee.
(Res. 308 of 1998, passed - -1998)

§ III.096 FINANCE AND PERSONNEL COMMITTEE REVIEW.

Upon receipt of a referral that certain property is no longer needed for County purposes, the Finance Committee shall:

(A) In the event this information is not yet available:

(1) Request an approximate value from the Director of the Real Property Tax Services and make a determination as to whether an appraisal should be obtained;

(2) Request the preparation of a Short or Long Environment Review Assessment Form, (depending upon the nature or characteristics of the property);

(3) Request any other Committee determinations that may be available concerning the property; and/or

(4) Request input and information from the department head, if any, under whose jurisdiction the property was last used.

(B) The Finance Committee shall determine whether the best interests of the County may be served by:

(1) Retaining the property for potential future use;

(2) Selling or leasing the property outright;

(3) Selling or leasing the property to a local development corporation to further economic development; and/or

(4) Using the property for some other lawful purpose.

(C) If the local development corporation is interested in acquiring the property, terms of the proposed sale or lease shall be drafted and reviewed with the Finance Committee. The Committee shall make a recommendation as to whether the terms of sale are in the best interest of the County and shall then refer the matter to the Warren County Board of Supervisors to consider the aforesaid terms of sale or lease and complete any additional steps that may be deemed appropriate and/or required under the New York State Environmental Quality Review Act, being N.Y. Environ. Cons. Law Article 8.
(Res. 308 of 1998, passed - -1998)

§ III.097 WARREN COUNTY BOARD ACTION.

(A) Following completion of the above, the Warren County Board of Supervisors shall, by resolution, first commence and/or complete any actions required under the New York State Environmental Quality Review Act, being N.Y. Environ. Cons. Law Article 8.

(B) (1) Following completion of the above, or if appropriate, as part of the environmental review process, the Warren County Board of Supervisors shall, by resolution, make an initial determination as to whether the subject property is not required for use by the County by two-thirds majority vote. If it is initially determined that the property is not needed, the Board shall also indicate whether it:

(a) Has sufficient information to proceed;

(b) Desires to sell or lease the property pursuant to the N.Y. Not-For-Profit Corp. Law § 1411 upon the terms proposed or some other terms; and

(c) Is in the best interests of the County.

(2) If the Board determines that the property shall be sold or leased to a local development corporation, the Board shall then schedule a public hearing to consider the proposed sale or lease. Notice of such hearing shall be published at least ten days before the date set for the hearing in such publication and in such a manner as may be designated by the Warren County Board of Supervisors.

(C) (1) Following the public hearing, the Warren County Board of Supervisors shall:

(a) Complete any final environmental quality review procedures that may be necessary; and

(b) Make a final determination as to whether the property is needed for County purposes, and whether the sale of the property should be made to the local development corporation upon the terms proposed.

(2) No sale of the property shall be considered final and the Board shall not be deemed bound until a final resolution is adopted.
(Res. 308 of 1998, passed - -1998)

§ III.098 AFTER SALE/LEASE.

If a local development corporation purchases or leases the real property from the County, the local development corporation shall not, without the written approval of the County, use such real property for any purpose except the purposes set forth in the certificate of incorporation or re-incorporation of said local development corporation.
(Res. 308 of 1998, passed - -1998)

RESTRICTION OF FIREARMS AND OTHER WEAPONS

§ III.110 POLICY STATEMENT.

No person shall possess any "deadly weapon" as defined in New York Penal Law § 10.00(12), as referred to in division (A)(1) of this policy, or any of the enumerated items described in division (B) of this policy, in any building owned, leased, or operated by the County or at a worksite of the County, or in a vehicle owned or leased by the County; provided however that the term "worksite" or "building" shall not be construed to include any parking lot or exterior building grounds of any building owned, leased, or operated by the County, provided, however, that this policy shall not be interpreted in a manner which would limit the right of a member of the public to carry or possess any lawful weapon in or upon any public highway, right-of-way, or parking lot.

(A) N.Y. Penal Law § 10.00(12) (as of April 11, 2005) defines the term "deadly weapon" as including: any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles; or

(B) In addition to the items defined in the above division (A), the following items are likewise prohibited: any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, any other dangerous deadly instrument or any weapon, whether loaded or unloaded.
(Res. 452 of 2008, passed - -2008)

§ III.111 EXCEPTIONS.

(A) This policy does not apply to the Sheriff or any deputies or to any other person or persons specifically authorized by law to possess any of the above weapons as part of his or her public job duties.

(B) This policy shall not apply to specific Airport employees authorized by the Airport Manager to use shotguns, rifles, and pyrotechnic devices (cracker shells, hand held screamer/banger devices) to engage in wildlife mitigation measures in or about the Airport premises.
(Res. 452 of 2008, passed - -2008)

§ III.112 WAIVERS.

(A) *Employees, appointees and the public*. Any employee or appointed officer of the County or a member of the general public may apply for a waiver to possess a weapon for a legitimate reason in a specified County building or worksite by applying for the same in writing to the relevant department head. The department head shall submit said request, along with their recommendation, if any, to the County Sheriff for review and recommendation. The Sheriff's determination shall be final. A copy of the Sheriff's decision shall be sent to the Clerk of the Board of Supervisors.

(B) *Elected officials*. Any elected official seeking a waiver for a legitimate purpose shall be required to make his or her request, in writing, directly to the County Sheriff for review and recommendation. The decision of the Sheriff shall be final and binding. A copy of the Sheriff's decision shall be sent to the Clerk of the Board of Supervisors.
(Res. 452 of 2008, passed - -2008)

§ III.113 VIOLATION OF POLICY.

(A) *Appointed officers and employees*. Violation of this policy by County appointed officers and employees shall subject such officer or employee to discipline up to and including immediate suspension or discharge in accordance with State Law, County, union, and Civil Service discipline and discharge procedures.

(B) *Elected officials*. Violation of this policy by elected officials shall be governed by the applicable provisions of the County Law or other laws of the State of New York which apply to the conduct of elected officials.

(C) *General public*. Members of the general public shall be denied admission to any building owned, leased, or operated by the County or at a worksite of the County, or in a vehicle owned or leased by the County.

(D) *Notice to the County Sheriff*. The Sheriff shall be notified in writing of any report of any County officer, elected official or employee or member of the general public who is in violation of this policy.
(Res. 452 of 2008, passed - -2008)

§ III.114 REVIEW.

The Warren County Safety Committee, Warren County Insurance Committee and the Warren County Board of Supervisors shall review this policy at least annually.
(Res. 452 of 2008, passed - -2008)

RULES OF THE BOARD OF SUPERVISORS

§ III.125 MEETINGS OF BOARD OF SUPERVISORS.

(A) At the Regular Meeting of the Board of Supervisors held in December of each year the Board shall by resolution fix the date for the organizational meeting of the Board for the ensuing year, which date shall not be later than the eighth day of January, and the place and hour of such organization meeting. A total of 501 weighted votes, as allocated among the elected Supervisors pursuant to Local Law No. 12 of 2011, shall constitute a quorum for the transaction of business. A quorum being present, the Clerk of the last Board shall call the meeting to order and the members present shall by roll call vote, by a majority of the total weighted voting power of the members of the Board, select one of their number Chairman, who shall preside at such meeting and at all meetings during the year. In case of the absence of the Chairman at any meeting, the Finance Chairman shall serve as Vice Chairman, as provided by Local Law No. 1 of 1968. The Chairman may call any member temporarily to the Chair. The Board may transact such other and further business as may properly come before such meeting.

(B) In addition to the foregoing, the Board at the annual organization meeting shall transact the following business: the appointment of any officers required by law or desired by the Board; adopt the Rules of Procedure for the ensuing year; and any other matter that the Chairman wishes to bring before the meeting.

(C) (1) The Board shall convene in regular meeting at 10:00 o'clock in the forenoon on the third Friday of each month for the public meeting of the Board, unless a different time shall have been determined at a previous meeting. The meetings for the year 2015 are scheduled as follows:

(a) January 16, 2015;

(b) February 20, 2015;

(c) March 20, 2015;

(d) April 17, 2015;

(e) May 15, 2015;

(f) June 19, 2015;

(g) July 17, 2015;

(h) August 21, 2015;

(i) September 18, 2015;

(j) October 16, 2015;

(k) November 20, 2015;

(l) December 15, 2015.

(2) Meetings shall be called to order as soon thereafter as a quorum is present. Any regular meeting of the Board may be adjourned by motion adopted by a majority vote of the membership present. The Board shall convene in special meeting upon call of the Chairman (or, if appropriate, the Vice Chairman) or upon written request for a special meeting signed by a majority of the total membership of the Board. At the direction of the Chairman (or Vice Chairman) or upon receiving such a written request, notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the Clerk of the Board at least 48 hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him.

(D) Business shall be transacted in the following order:

10:00a.m.	Call to Order
	Salute to Flag
	Roll Call
	Motion to approve the Minutes of previous meeting subject to correction by the Clerk
	Introduction and welcome to guests
	Report by Chairman of the Board
	Committee reports
	Report of County Administrator
	Report of County Attorney
	Call for reading of communications
	Call for reading of resolutions
	Discussion on resolutions
	Motion to vote on resolutions
	Further discussion on resolutions
	Privilege of the floor
	Announcements
	Adjournment

(E) All resolutions shall be in writing and filed with the Clerk before noon on the Tuesday preceding the regular meeting on Friday of each month and at least three days prior to any adjourned or special meeting. The Clerk shall photocopy all resolutions and mail copies thereof to each Supervisor on each Tuesday prior to a regular meeting and on the third day prior to any adjourned or special meeting. All

resolutions shall be considered by the Supervisors on each regular meeting date. No resolution shall be presented after noon on the Tuesday before the regular Friday meeting except with the approval of a majority of the total weighted voting power of the members of the Board. Any Supervisor may request a resolution to be tabled until the next meeting, either regular, special or adjourned, and, if approved by the majority of the total weighted voting power of the Board, such resolution shall not be voted upon at the meeting when presented except where a statute prescribes a date on or before which the Board of Supervisors must adopt a resolution. A majority of the total weighted voting power of the Board shall be necessary to take it off the table.
(Res. 1 of 2015, passed - -2015)

§ III.126 CONDUCT OF MEETINGS OF BOARD OF SUPERVISORS.

(A) All questions relating to the priority of business shall be decided without debate.

(B) The Chairman shall preserve order and shall decide all questions of order, subject to the appeal of the Board.

(C) The Chairman in all cases shall have the right to vote, and when his vote makes an equal division the question shall be lost.

(D) Any member desiring to speak or present any subject matter shall address the Chair and shall not further proceed until recognized by the Chair and granted the floor.

(E) No debate shall be in order until the pending question shall be stated by the Chair or read by the Clerk.

(F) No member shall speak more than once on any question until every member choosing to speak shall have spoken. If the Chairman wishes to enter into debate, he may do so only after he excuses himself from the Chair and a Temporary Chairman is appointed by the Chairman.

(G) Any member, upon being called to order, shall take his seat and remain there until the point raised is determined. If the point be sustained, he shall not further proceed, except in order, unless by permission.

(H) No business shall be transacted by the Board, as such, while a Committee or Committees are out at work, except to adjourn.

(I) All motions and resolutions shall be presented in open regular meeting. The Chair will state to what Committee the motion or resolution shall be referred unless such reference is objected to in which case the Board shall decide.

(J) All motions shall be reduced to writing, except those introduced at the Organization Meeting, if desired by the Chairman or any Supervisor, delivered to the Clerk and read before the same shall be debated. Any motion may be withdrawn at any time before amendment with the consent of the Second.

(K) While a member is speaking no member shall entertain any private discourse or pass between him or the Chair.

(L) A motion to adjourn shall always be in order, and shall be decided without debate.

(M) When a question is under debate no motion shall be entertained, unless for adjournment of the Board, for the previous question, to place on the table indefinitely; to place on the table for a certain day; to hold; to amend it. These several motions shall have precedence in the order in which they are here stated and shall not be subject to debate.

(N) The minutes of this Board shall be printed monthly and delivered by the Clerk of the Board on or before the regular meeting of the Board for the next succeeding month.
(Res. 1 of 2015, passed - -2015)

§ III.127 COMMITTEES OF THE BOARD OF SUPERVISORS.

(A) Standing Committees consisting of at least three members shall be appointed by the Chairman at the Organization Meeting or not later than the first regular meeting following the Organization Meeting, upon the following subjects, to wit:

Committee	*No. of Members*
Budget	9
Community College	5
County Clerk - Motor Vehicles (including Historian)	5
County Facilities (including Airport and Building and Grounds)	7
Criminal Justice (including Offices of Assigned Counsel, District Attorney, Probation Public Defender and Courts)	7
Economic Growth and Development (including Planning and Community Development and Economic Development)	5
Extension Services	5
Finance (including County Treasurer)	9
Health Services (including Health Services, Westmount Health Facility and Mental Health)	5
Human Services (including Employment and Training, Office for the Aging, Veterans Services)	7
Legislative and Rules	7
Occupancy Tax Coordination	7
Personnel (including Civil Service and Human Resources)	9
Public Safety (including Fire Prevention and Building Codes, Office of Emergency Services, Sheriff and Communications)	7
Public Works (including D.P.W., Parks, Recreation and Railroad, Warren County Sewer, Solid Waste and Recycling)	9
Real Property Tax Services	5
Shared Services	7
Social Services (including Countryside Adult Home, Youth Programs)	7
Support Services (including Office of County Administrator (includes Mail Room), Auditor, Board of Elections, Clerk of the Board, County Attorney, Information Technology, Self-Insurance, Purchasing, Weights & Measures)	7
Tourism	7

(B) Special Committees may be authorized at any legal meeting of the Board. They shall, unless otherwise ordered and directed by a majority of the Board, be appointed by the Chairman. The period of time that a special committee shall serve shall be designated when it is created.

(C) The first member appointed to each committee shall be and act as the Chairman of such committee. The meetings of each committee shall be held upon call by the Chairman thereof, except as hereinafter provided. The Chairman of each committee shall give or cause to be given by the Clerk of the Board of Supervisors notice in person, by telephone or by mail at least two days in advance of the day, hour and place of each meeting of the committee except that no advance or prior notice shall be required when the committee meeting is held on a day when the Board shall be in session. A meeting of any committee shall be held at any time whenever a majority of the members of a committee shall sign a written notice of such meeting, which notice shall clearly state the day, hour and place of such meeting, provided that such notice shall be served in person or mailed to the Chairman of such committee and the Chairman of the Board of Supervisors at least three days in advance of the day specified in such notice.

(D) All reports of Committee shall be in writing and shall be read on presentation upon the request of any member.

(E) Committees making reports shall return to the Clerk with such reports all papers relating thereto.

(F) (1) The Chairman of the Board of Supervisors shall be an ex-official member of a standing committee when:

(a) A quorum is not present at any regularly or specially scheduled committee meeting;

(b) If such membership will provide a quorum as herein specified; and

(c) The Chairman is available to attend.

(2) The total membership of the committee as established by Board Rules shall not change or be increased by the presence and availability of the Chairman in determining whether a majority of members are present to allow the conduct of business, rather the Chairman shall be considered an alternate or substitute for a non-present committee member. Once the Chairman becomes a member by virtue of the criteria set forth above (whether at the start of or during a meeting), the Chairman shall be a voting member and shall continue as a member of the committee until a quorum is established or reestablished by appointed Committee members at the subject meeting or subsequent meetings.

(G) When any Committee of the Board of Supervisors is acting on any matter affecting a single Municipality or is engaged in seeking or obtaining rights-of-way in a particular municipality, the Supervisor(s) of the affected municipality shall be provided with an opportunity to make a presentation or otherwise be heard by the Committee.
(Res. 1 of 2015, passed - -2015)

§ III.128 VOTING BY MEMBERS OF BOARD OF SUPERVISORS.

(A) All members present shall vote upon each question at the request of any member.

(B) Each amount or claim of any item thereof shall be voted on by items, if requested by any member.

(C) All questions shall be decided by a majority of the total weighted voting power of the Board unless otherwise required by law or as required herein. All questions shall be decided by weighted vote in accordance with the terms of Local Law No. 12 of 2011, as it may be amended from time to time. Whenever in these Rules of Order there is reference to a majority vote or a two-thirds vote of the Board, it means a majority of the voting power of the members of the Board or two-thirds of the voting power of the members of the Board as defined in Local Law No. 12 of 2011.

(D) The following resolutions shall require a roll call vote: fixing or altering salaries, or establishing salary and wage classifications; adoption of the budget; any appropriation or expenditure of public funds; transfers to and from .1 salary codes within the authorized budget and transfers between funds, including Capital and Road Fund Projects; levying of taxes; bond resolutions; any authorizations to fund or refund indebtedness; legalizing informal acts of a town meeting, village election, town or village officer; legalizing municipal obligations incurred through error or mistake wherein a two-thirds vote is required; alteration of the boundaries of a town; local laws; any sale or conveyance of county property, either real or personal.

(E) A roll call vote upon any resolution or other proceeding shall be taken upon request of any member.

(F) All resolutions adopted by the Board of Supervisors shall become effective upon their adoption

or as otherwise provided by law or as specified in the resolution.

(G) Every Resolution amending Occupancy Tax spending guidelines heretofore or hereafter adopted by resolution of the Board of Supervisors shall be effective only if adopted by at least a two-thirds vote of the voting strength of the Board of Supervisors.

(H) (1) Except for vacant positions occurring at the Westmount Health Facility, filling of existing vacant positions (not new positions, these can only be created by two-third majority vote of the Board) will only be authorized with the following approvals: County Administrator, Budget Officer and, two-third majority vote of appropriate oversight committee.

(2) In the event a Department has an urgent operational or financial related need to fill a vacant position and the oversight committee:

(a) Has not voted to deny filling the position; and

(b) Will not convene again for one week or more, the Chair of the oversight committee, in his/her sole discretion, may call a special committee meeting or approve the filling of the position and report such approval to the Committee at its next meeting.

(3) In the case where the Chair may approve the filling of the position, a two-thirds vote by the oversight committee will not be necessary. All vacant positions authorized to be filled in accordance with the procedures set forth in these rules shall be reported each month on the Personnel Committee agenda. Any level of denial except the two-third vote of the County Board of Supervisors will nullify any request.

(4) In order to fill vacant CNA, LPN, and RN positions at the Westmount Health Facility, the Administrator of the Facility must obtain the approval of the Chairman of the Health Services Committee and the County Administrator and comply with the following requirements:

(a) Provide to the Health Services Committee a monthly report listing which positions were filled and the reason the previous employee vacated the position; and

(b) The County Budget Officer, County Administrator and Administrator for Westmount Health Facility shall review and evaluate the staffing levels for the Facility on a yearly basis during the budget process.

(I) (1) The Warren County Sheriff is authorized to fill positions that become vacant in the uniform correctional staff to maintain mandated staffing levels at the Warren County Correctional Facility providing those staffing levels not exceed the following:

Correction Officers	76	Correction Sergeants	9
Correction Lieutenants	2	Correction Captain	1

(2) All notices approved shall remain in effect for six months from the date of committee approval only to allow department heads to properly evaluate probationary employees and take appropriate action when necessary.
(Res. 1 of 2015, passed - -2015)

§ III.129 GENERAL.

(A) Upon the request by any member of the Board of Supervisors, the Clerk of the Board shall draft a Proclamation of acknowledgment, congratulations, commendation or otherwise recognizing a particular person(s), achievement(s), cause(s) or event(s) on behalf of the Board and for execution by the Chairman without the need for a Board Resolution. This rule will serve as a standing authorization.

(B) No standing rule of the Board shall be rescinded, suspended or changed, or any additional rule or order added thereto, unless it be by two-thirds

consent (as two-thirds vote defined under Local Law No. 12 of 2011). In the event a rule is suspended, such suspension shall apply only to that matter which is before the Board at the time of such suspension. The rules may be amended at any time.

(C) All questions not covered in the rules shall be decided according to *Robert's Rules of Order, Revised*.

(D) The rules of the Board shall be published in the Proceedings in the year first adopted and whenever amended.

(E) The rules of the Board shall continue in full force and effect unless and until a new set of rules is adopted by the Board.
(Res. 1 of 2015, passed - -2015)

WARREN COUNTY SMOKING AND TOBACCO USE POLICY

§ III.140 PURPOSE.

(A) The purpose of this policy is to ensure compliance with federal and state law on the use of tobacco products in places of employment, including public buildings, as well as to control smoking in areas immediately surrounding the workplace.

(B) The New York State Clean Indoor Air Act ("Act"), being N.Y. Pub. Health Law Article 13-E, prohibits smoking in all places of employment, which includes all County facilities and all County vehicles. Further, Warren County prohibits smoking and tobacco use in all areas, outdoors and indoors, within the area of the Municipal Center campus situated at 1340 State Route 9, and within 50 feet of all other County buildings. For a period of one year beginning December 16, 2016, smoking will be permitted in personal vehicles which must be parked at least 50 feet from any County building and in designated areas identified by the Chairman of the Board of Supervisors, the Superintendent of the Department of Public Works and the Superintendent of Buildings. At the conclusion of the one year period, smoking will be banned on all County-owned properties. More specifically, the purpose of this policy and consistent with the Act is to protect Warren County employees and the general public visiting Warren County buildings from the dangers of secondhand smoke.
(Res. 303 of 2013, passed - -2013; Res. 302 of 2016, passed - -2016; Res. 523 of 2016, passed - -2016)

§ III.141 REGULATIONS AND PROCEDURES.

(A) (1) This policy applies to all County departments, County employees, Elected Officials and the general public.

(2) Smoking and tobacco use are prohibited in all areas, indoors and outdoors, within the area of the Municipal Center campus situated at 1340 State Route 9, and within all other County buildings, in all County vehicles, and within 50 feet of any County building not situated on the Municipal Center campus. For a period of one year beginning on December 16, 2016, smoking will be permitted in personal vehicles which must be parked at least 50 feet from any County building and in designated areas identified by the Chairman of the Board of Supervisors, the Superintendent of the Department of Public Works and the Superintendent of Buildings. At the conclusion of the one year period, smoking will be banned on all County-owned properties. A County "building" shall be defined as any building that the County owns, leases or maintains.

(3) Cigarette butts shall be properly disposed of in the areas where smoking is permitted in the containers designed for such. Under no circumstances shall cigarette butts be disposed of in the building vestibules, inside County buildings, or in trash cans. The containers shall be placed at locations determined by the Buildings and Grounds Department, but in no event less than 50 feet from any County building.

(B) The Buildings and Grounds Department will be responsible for prominently posting and properly maintaining signage describing the prohibitions set forth in this policy for County Buildings and where smoking and tobacco use is prohibited by this policy.

(C) A written or electronic copy of this policy shall be provided to all employees.

(D) Employees who smoke or use tobacco in prohibited areas are in violation of New York State Law and/or County policy and will be subject to appropriate disciplinary actions.

(E) Each department head and/or his/her designee shall be responsible for the following:

(1) Provide electronic or paper copies of this policy to all new and current employees;

(2) Take disciplinary action against employees who violate this policy;

(3) Make a good faith effort to ensure that the "general public" complies with this policy within their department's work locations.

(F) Employees who witness a violation of this policy should notify their supervisor/department head. If the violation persists, employees may contact the County Administrator directly at 761-6539.
(Res. 303 of 2013, passed - -2013; Res. 302 of 2016, passed - -2016; Res. 523 of 2016, passed - -2016)

§ III.142 EXCEPTIONS.

To the extent that any of the terms of the existing smoking and tobacco use policies in place on the effective date of this policy at the Westmount Health Facility or Countryside Adult Home conflict with any terms of this policy, the terms of the existing smoking and tobacco use policies that are in place at the Westmount Health Facility or Countryside Adult Home shall control. Otherwise, this policy shall be applicable to the Westmount Health Facility and Countryside Adult Home.
(Res. 303 of 2013, passed - -2013)

§ III.143 EFFECTIVE DATE.

This policy to be effective May 17, 2013 by Warren County Board of Supervisors. The amendments hereto made by Resolution 302 of 2016 shall take effect on August 1, 2016. The amendments hereto made by Resolution No. 523 of 2016 shall take effect on December 15, 2016.
(Res. 303 of 2013, passed - -2013; Res. 302 of 2016, passed - -2016; Res. 523 of 2016, passed - -2016)

WARREN COUNTY TRAVEL POLICY AND COUNTY VEHICLE USE REGULATIONS

§ III.155 COUNTY TRAVEL POLICY.

(A) Reference is made to the provisions of Local Law 1 of 1954, codified in the Municipal Code at Title III, § 30.21 that, pursuant to N.Y. Gen. Mun. Law § 77-b, delegates authority to the Chairman of the Board to approve attendance at conventions, conferences, meetings and educational activities. To the extent the procedures herein affect such attendance and accompanying travel, they are to be interpreted to supplement and further the goals of the enabling statute and the local law.

(B) Whenever an officer or employee travels for County business, the officer or employee shall comply with the requirements of this section.

(1) *General guidelines for the use of motor vehicles and/or mass transportation*. When at all possible, employees shall use County owned vehicles or rental vehicles available under state purchasing contract for County business purposes as opposed to personal vehicles. Whether a rental vehicle may be used in lieu of a County vehicle, shall be determined by the Fleet Manager or in said Manager's absence, the County Administrator based on the nature of the trip, length of the trip, and/or number of persons riding in the vehicle. Whenever practical, employees shall use mass transportation for County business as opposed to County vehicles, rental vehicles or personal vehicles.

(a) Use of personal vehicles should only occur when a County vehicle is not readily available in the pool of vehicles available for department use or when a rental vehicle is not authorized.

(b) Mass transportation sources should be used whenever there would be a savings in costs unless such use would be impractical given the nature of the trip. If use of Mass transportation would result in a saving of time, the value of the Officer's or Employee's time should be considered in evaluating costs.

(c) Whenever travel is for more than distances six hours away, it is expected that mass transportation will be used unless there is justification for not using the same.

(d) Whenever requesting permission of the Board of Supervisors for out-of-state travel or when requesting authorization from the Chairman of the Board to attend a meeting or convention, the employee making the request shall indicate on the authorization request form whether a County vehicle and/or mass transportation will be used and if not, the reason for such decision. The Board or Chairman may require the use of a County vehicle and/or mass transportation sources in whole or part as a condition of authorizing the trip.

(2) *Travel approval required.*

(a) Unless travel is excepted herein, or by separate Resolution by the Board, each supervisory committee shall review and approve all travel requests, both instate and out-of-state. Out-of-state travel requires approval by a board resolution, and in-state travel that necessitates overnight accommodations, require committee approval only. The number of people traveling to an event from one department shall be limited and set by the supervisory committee. Department Heads shall submit all paperwork describing travel and expenses for review by the committee. A Travel Form (Schedule "A") shall be signed by the supervisory committee chairman if travel is approved and must be attached to any Purchase Order or Voucher submitted for reimbursement.

(b) Travel by officers and employees of Warren County does not need approval by the supervisory committee or Board of Supervisors if all of the following conditions apply:

1. The travel does not require overnight accommodations;

2. There is no more than $100 in costs (to the County) per person per trip for travel and meal costs;

3. The travel is part of the normal course of business, which includes, but is not limited to, travel to perform the duties of the officer's and/or employee's position or travel is for attendance at seminars, training, and/or other classes or meetings where such is at no cost to the County or where such is mandated by state law, rule, or regulation.

(c) Travel by County Supervisors, County Administrator, Assistant County Administrator and Department Heads to attend the New York State Association of Counties' conferences held twice per year do not need approval by the supervisory committee or Board of Supervisors, provided that the Department has budget appropriations for the same and there is compliance with the GSA policy.

(d) In-state travel for attendance at conferences, seminars or training, the cost of which is included in the current County Budget, requires only approval of the applicable Department Head, the County Administrator, and the Chair of the appropriate oversight Committee. After such approvals are obtained, notification of the event, the attending employee(s) and the fact that such approvals were granted shall be noted on the agenda at the next oversight Committee meeting.

(3) *Funding for travel.* If payment of travel expenses require fund transfers, the Department Head must provide information on where the funds are coming from.

(4) *Reimbursement rate for lodging, meals, and incidental expenses*. The U.S. General Services Administration Domestic Per Diem Rates are to be used to determine the maximum reimbursement for lodging, meals and incidental expenses. A listing can be found at www.gsa.gov on the internet.

(5) *Exceptions*.

(a) The Sheriff's Office shall be excepted from the Policy and guidelines concerning mass transportation and travel approval requirements, where the travel is not related to training or conferences, and which have been approved by the Sheriff or Division Commander.

(b) The Commissioners of the Warren County Board of Elections, staff and machine custodians shall, to the extent authorized by the County Administrator, be excepted from the requirement of use of a County vehicle or a rental vehicle and may use personal vehicles with mileage reimbursement by the County in the performance of their official duties in Warren County concerning the Election Day period (that time period of a few weeks during which matters are readied and concluded for an election), classes in the various municipalities, trips to nursing homes, and voter education sessions. The Director/Fire Coordinator, Deputy Director of the Emergency Services Office, and Deputy Fire and EMS Coordinators, to the extent authorized by the County Administrator, shall be excepted from the requirement of use of a County vehicle or rental vehicle and may use personal vehicles with mileage reimbursement by the County while in the performance of their official duties, in Warren County and adjacent counties. The officers and/or employees identified in this division (E)(2) shall, however, when attending conferences or meetings outside the County or in adjacent counties, seek to use mass transit or a County vehicle, as may be applicable.

(c) The employees of the Department of Social Services shall be excepted from the requirement of use of County vehicles and/or rental vehicles and may use personal vehicles with mileage reimbursement to be paid by the County, subject to the approval of the Commissioner of Social Services while continuing to use fleet vehicles as much as possible given the operation of that particular Department.

(Res. 482 of 2013, passed - -2013; Res. 366 of 2014, passed - -2014; Res. 144 of 2016, passed - -2016; Res. 91 of 2017, passed - -2017)

§ III.156 COUNTY MOTOR VEHICLE USE RULES.

The following rules shall apply to the use of County owned, leased, or borrowed vehicles.

(A) Only authorized employees who hold a valid New York State driver's license shall drive County vehicles. Authorized employees shall be:

(1) Considered any employee who regularly or at times operates a County vehicle as part of the employee's usual and/or customary County job function; or

(2) An employee who is authorized to operate the vehicle by:

(a) The County Administrator; or

(b) The County Department Head to whom the vehicle has been assigned.

(B) Volunteers, clients, members of employees' families, etc. are not authorized to operate County owned vehicles, except volunteer County employees and unpaid interns who hold a valid New York State driver's license shall be authorized to operate County owned vehicles for:

(1) Veteran's Services for such purposes as may be authorized by N.Y. Exec. Law § 358 of Veteran's Affairs;

(2) For programs offered to Westmount Health Facility residents or persons participating in Countryside Adult Home programs whether such is directly sponsored by Westmount Health Facility or Countryside Adult Home or some other governmental or non-governmental entity; and

(3) Unpaid interns working at the Department of Social Services. Picking up hitchhikers is prohibited.

(C) (1) County vehicles shall be utilized for official purposes only. Persons on official business for the County or being transported for purposes of furthering County business, an official departmental function or a County agency sponsored or operated program may ride in County vehicles. In addition, officials or employees from governmental entities other than Warren County, such as from the federal, state or local governments (e.g.; other counties, towns, cities, villages, school districts, etc.) may ride in County vehicles when accompanying County officials to a meeting, event, destination, or similar place, and such will be considered using the vehicle for official purposes or in furtherance of County business, since it fosters communication, shared governmental services and supports intergovernmental relationships. Examples of circumstances where non-County personnel may ride in County vehicles include but are not limited to:

(a) Health Services Department Staff taking students from contracted educational settings as passengers in County vehicles for clinical experience;

(b) Veterans who ride in the Veterans' Services' van pursuant to program identified in division (B) hereof;

(c) Persons riding in Veterans' Services' vans pursuant to arrangements made with the Department of Social Services;

(d) Residents of Westmount Health Facility or Countryside Adult Home transported by County vehicle for any event or purpose whether such is directly sponsored by Westmount Health Facility or Countryside Adult Home or some other governmental or non-governmental entity for the general benefit of Westmount Health Facility residents;

(e) Office for the Aging may transport advisory council members and/or senior citizens to meetings, conferences, etc. at the discretion of the Director;

(f) District Attorney personnel transporting witnesses;

(g) Department employees who wish to carpool with other County Officials not from Warren County when the purpose is furthering County business;

(h) Youth being transported to various

programs and seminars by the Youth Bureau Director;

(i) Children being transported in County vehicles by DSS staff; and

(j) Officials or employees from governmental entities other than Warren County, such as from federal, state or local governmental entities.

(2) Unauthorized personnel may not be transported. Uses not specifically described but consistent with the intent of this policy may be allowed by the Chairman of the Board of Supervisors whose determination of whether the use is consistent and/or allowed within this policy shall be final and binding.

(D) (1) Authorization is hereby granted for the following individuals to take County vehicles home on a daily basis due to the nature of their responsibilities:

(a) Department of Public Works:

1. Highway Construction Supervisors (five);

2. Superintendent of Public Works;

3. Deputy Superintendent of Public Works; and

4. Department of Public Works General Highway Foreman.

(b) Health Services: Nurses, upon approval of the Director of Public Health/Patient Services;

(c) Sheriff's Office:

1. Sheriff;

2. Undersheriff;

3. Chief Deputy;

4. Lieutenant-Criminal Investigators;

5. Lieutenant-Law Enforcement;

6. K-9 Officer;

7. Narcotics Officers (five); and

8. Civil Officer (one).

(d) Fire Prevention and Building Code Enforcement:

1. Fire Coordinator;

2. Building Inspectors (two).

(2) Whenever authorization has been provided to take County vehicles home, Department Heads or their designees must, on a quarterly basis, file with the Warren County Treasurer a report which details use of County vehicles by name of the employee, employee number and days the vehicle was used for the quarter reported.

(E) If authorization to take a County vehicle home is not provided in this Policy, the individual seeking to take a County vehicle to private residence overnight must receive the approval of the Department Head and the County Administrator. In the event that a Department Head desires to take a County vehicle to a private residence overnight, approval must be obtained from the County Administrator. Authorization to take vehicles home overnight pursuant to this division (E) shall be subject to the following requirements:

(1) A detailed log or record shall be kept by the department setting forth the date(s) vehicles were authorized to be taken home under this division (E)(1), the name of the employee, the vehicle make or model and the reason or purpose. Such list shall also include employee's position, title and vehicle number.

(2) The log or record kept pursuant to division (E)(1) hereof shall be furnished quarterly to the County Fleet Manager commencing April 1, 2005.

(3) If authorized, County vehicles shall be driven only to and from the place of residence to the work site. No subsidiary trips (e.g. grocery store) shall be allowed.

(4) An exemption is made for the Warren County Sheriff to authorize vehicles to be taken home on an as-needed basis for training and other matters, without requiring the approval of the Administrator/ Clerk's Office.

(F) All vehicles which are not authorized to be taken home under this policy shall be housed or stored at the site where the County Department or Division with jurisdiction over the vehicle has an office where officers or employees typically report to work. For example, Department of Public Works' vehicles would be expected to be housed or stored at the Department of Public Works building in Warrensburg. Vehicles used to support Airport or Parks, Recreation and Railroad Division site personnel would be expected to be housed or stored, respectively, at the Airport or Parks, Recreation and Railroad Division site. Exceptions to the requirements of this division (F) shall be as follows:

(1) The General Highway Foreman who may be permitted to house or store his vehicle at the Town of Johnsburg Highway Garage;

(2) The District Attorney vehicle assigned to the investigators shall be housed at the Town of Chester Town Hall or Warren County Municipal Center;

(3) Sheriff's vehicles may be housed or stored at the Municipal Center or substations as designated by the Sheriff; and

(4) Five vehicles assigned to the Health Services Department for use by the nurses in northern part of the County shall be housed as follows: one in Hague, one in North Creek, and three in Chester;

(5) One vehicle assigned to the Planning and Community Development Department for use by the Construction Cost Coordinator shall be housed in the area with the largest amount of Planning Activity for use on an as-needed basis; and

(6) The Superintendent of Buildings vehicle to be housed in Warrensburg DPW shop.

(G) All County owned or leased vehicles must be properly marked with the official, non-removable, Joseph E. Warren insignia, except for those used in police work, the Social Services Department and the Health Services Department.

(H) No County vehicles shall be used for private or personal use.

(I) In addition to the log that must be kept on overnight usage (see division (E)(1)), daily logs listing destinations, mileage and times must be maintained for all County vehicles covered by this Policy except for Sheriff's Office and Health Services Department Nurse's vehicles. Department Heads shall be responsible for this item.

(J) Department Heads are hereby authorized to recommend more restrictive or detailed rules concerning the use of County vehicles assigned to their department but must appear before the Budget Committee to gain approval of the rules which change these rules/regulations. If approved, the Budget Committee may authorize immediate implementation of the requested department rule change but such shall still be then referred to the Board of Supervisors for modification of this policy. If the Board does not approve the rule change, the Budget Committee's immediate authorization of the requested department rule change shall be deemed revoked.

(K) All vehicles that are assigned to specific employees or groups of employees must be returned to the fleet for use by other County employees when an employee is on vacation or not otherwise using the same.

(L) If violations of the rules set forth above are proven, an employee's rights to operate a County owned vehicle may be revoked by the Budget Committee.

(Res. 482 of 2013, passed - -2013; Res. 366 of 2014, passed - -2014)

§ III.157 FLEET POLICY.

(A) *Exception*. This policy excludes vehicles assigned to the Department of Public Works.

(B) *Criteria for assigning cars to each department*.

(1) The current fleet is evaluated based on the age of vehicles. Any vehicle ten years or older will be replaced unless the vehicle is in good condition and has low maintenance costs or if Vehicle Reserve funds are depleted.

(2) (a) Each year an analysis will be done by the County Administrator's Office to look at departmental usage of the fleet vehicles. If the analysis shows that a department frequently borrows fleet vehicles that are not assigned to their department, we will consider adding a vehicle to that department's inventory.

(b) To determine whether to add a fleet vehicle to a department a formula (# of vehicles borrowed/number of workdays) to determine a percentage of departmental need. The number of days is calculated based on the amount of workdays in a six-month period.

(C) *Expenditure of funds for budgeted (reserve) fleet vehicles*.

(1) (a) From time to time, during any fiscal year, the County Administrator will submit a resolution request to the Finance Committee to transfer funds from the Vehicle Reserve Fund to the departmental budgets to allow the department to replace or buy a vehicle.

(b) In the instance when a department can receive reimbursement for the purchase of a vehicle, advanced funds will be allocated to the departmental budget. Once reimbursement is received, the revenue will be transferred to the vehicle reserve. The department shall send a memo to the County Treasurer to transfer the funds to the Vehicle Reserve Fund.

(2) Once the resolution is approved by the Board of Supervisors and funds are posted to the appropriate departmental budget, the department head or other designated employee can proceed to do a Purchase Order and order the vehicle.

(D) *Receipt of vehicle (exception: sheriff's vehicles)*.

(1) All vehicles will be delivered to the DPW Shop in Warrensburg where they will be inspected by the DPW Shop employees to ensure that it is the correct vehicle and there is no damage or issues with the vehicle.

(2) The DPW Shop employee will contact the Fleet Manager (Frank Morehouse) when the vehicle is ready for licensing. The Fleet Manager will process the required paperwork for licensing and insuring the vehicle.

(3) The Fleet Manager will contact the department head to arrange for delivery of the vehicle to the respective department.

(E) *Sale or surrender of vehicles*.

(1) If a vehicle is surrendered, the department shall transfer the vehicle to the County Fleet.

(2) The Fleet Manager will assess the useful life of the vehicle and will make the final determination if the vehicle has value to the County or should be sold at auction.

(3) If a vehicle is sold and belonged to a department that received reimbursements from state, federal or other agency funds, the department must follow the agency's regulations for disposing of assets.

(4) If a vehicle is sold for any other department all funds are to be deposited in the General Fund and the County Treasurer is directed to deposit these funds into the Vehicle Reserve Fund.

(F) *Insurance recoveries.*

(1) If a vehicle is in an accident and the damages are repairable, the departmental budget shall be amended by the County Treasurer to include any insurance recoveries for that vehicle.

(2) If the vehicle is totaled, the Department Head shall transfer the vehicle to the Fleet Manager and the Fleet Manager will dispose of the vehicle.

(G) *Borrowing a vehicle from the county's pool of fleet vehicles.*

(1) If authorization to travel is needed in accordance with the Warren County Travel Policy, the Department Head shall complete Schedule "A" Authorization to Attend Meeting or Convention (see § III.158). Instructions for requesting a fleet vehicle appears at the bottom of the form.

(2) If there is no authorization needed, the department head shall send the request for a vehicle by email to the Fleet Manager. The request must include dates of travel, destination, purpose and the employee(s) who will be traveling.

(3) Vehicles will be assigned on a first come, first serve basis.
(Res. 108 of 2014, passed - -2014)

§ III.158 SCHEDULE A: AUTHORIZATION TO ATTEND MEETING OR CONVENTION.

AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:
☐ In-State (needs Supervisory Committee authorization)
☐ Out-Of-State (needs Board resolution)

The (Supervisory Committee) hereby authorizes (Employee Name) to attend (Name of meeting or organization) at (Address) on (Dates). Mode of transportation to be used (County Vehicle or Mass Transportation)

If the mode of transportation is **not** a county vehicle or mass transportation, please explain:

_____

Proper documentation must be attached when submitting for approval.

(Please check documents attached)

☐ Notice of meeting or convention including cost.

For Overnight Travel

☐ Room rate $_____ GSA* Rate $_____

☐ Meal costs - GSA* per diem rate $_____

*www.gsa.gov

Date: _____ _____
_____
Department Head Signature

Date: _____ _____
_____
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

_____

Please check to request a fleet vehicle.

☐ **REQUEST FOR USE OF FLEET VEHICLE**

_____

Filing Instructions:
1. Original with voucher to Auditor.

2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, if required.
5. Copy to Commissioner of Administrative and Fiscal Services if credit card will be used.

(Res. 482 of 2013, passed - -2013; Res. 366 of 2014, passed - -2014)

CHAPTER IV: FIRE PREVENTION AND BUILDING CODE ENFORCEMENT

Section

IV.01 Exempting the county and municipalities under the jurisdiction of the Office of Fire Prevention and Building Code Enforcement from building permit fees

§ IV.01 EXEMPTING THE COUNTY AND MUNICIPALITIES UNDER THE JURISDICTION OF THE OFFICE OF FIRE PREVENTION AND BUILDING CODE ENFORCEMENT FROM BUILDING PERMIT FEES.

The Warren County Board of Supervisors hereby adopts a policy wherein the County and the Municipalities under the jurisdiction of the Office of Fire Prevention and Building Code Enforcement be exempt from the fee for building permits.
(Res. 216 of 2011, passed - -2011)

CHAPTER V: HEALTH SERVICES

Section

Corporate Compliance Policy for Warren County Health Services

V.01 Introduction
V.02 Compliance officers
V.03 Health services committee
V.04 General policy
V.05 Policy statements
V.06 Referrals
V.07 Billing and claims; cost reports
V.08 Confidentiality
V.09 Code of Conduct/Ethics
V.10 Conflicts of interest
V.11 Education and training
V.12 Reporting requirements
V.13 Disciplinary procedures
V.14 Privacy and security protections for health information for the Health Information Technology for Economic and Clinical Health Act

Warren County Public Health Emergency Preparedness and Response Plan

Editor's note:

The Emergency Preparedness and Response Plan (Res. 387 of 2014) is on file with the Office of Public Health.

CORPORATE COMPLIANCE POLICY FOR WARREN COUNTY HEALTH SERVICES

§ V.01 INTRODUCTION.

(A) Warren County Health Services (WCHS)* is devoted to meeting and maintaining the highest ethical and professional standards and to do so through compliance with all applicable laws in all actions regarding the operation of itself and all affiliates. This commitment and dedication is essential to WCHS achieving its mission and is critical because a significant portion of services are reimbursed through governmental programs which require that WCHS business be conducted with complete integrity and veracity. WCHS will adhere to our Corporate Compliance Program.

(B) To ensure that WCHS operations are being conducted in compliance with applicable laws and the highest ethical standards, WCHS has developed a Compliance Program under the direction of our Compliance Officers.

(C) * Warren County Health Services will be referred to as WCHS throughout this document. Offices are located at the Warren County Municipal Center, 1340 State RT 9, Lake George, NY 12845. (Res. 704 of 2010, passed - -2010)

§ V.02 COMPLIANCE OFFICERS.

(A) Compliance Officers in the course of exercising their duties as employees of WCHS also have a duty to develop, implement, review, maintain, promote, oversee, educate, monitor, audit, receive and give reports, investigate, and respond appropriately.

(B) Corporate Compliance Officers:

(1) Assistant Director of Public Health;

(2) Assistant Director of Patient Services. (Res. 704 of 2010, passed - -2010)

§ V.03 HEALTH SERVICES COMMITTEE.

(A) Members of the Board of Supervisors in the course of exercising their duties also have a duty to comply, promote and oversee, be educated, cooperate, and respond appropriately regarding applicable aspects of the Compliance Program.

Matthew Sokol, Chairman
Ronald Conover
Edna Frasier
Peter McDevitt
Mark Westcott

(B) Please direct any question, comments or concerns pertinent to Warren County Health Services to the Corporate Compliance Officers:

Division of Public Health	Ginelle Jones ADPH
Division of Home Care	Sharon Schaldone ADPS
Warren County Health Services 1340 State RT 9, Lake George, NY 12845 518-761-6580 Fax: 518-761-6422	

(C) Warren County Health Services functions as part of the overall Warren County Compliance Program.

County Compliance Officer	JoAnn McKinstry

(Res. 704 of 2010, passed - -2010)

§ V.04 GENERAL POLICY.

(A) The policy of WCHS is to provide services in compliance with all state and federal laws governing its operation and consistently do so with the highest standards of business and professional ethics. This policy is a sincere commitment to our clients, our staff, our community, and the governmental agencies that regulate WCHS.

(B) All WCHS employees must carry out their duties in accordance with this policy. To assist all employees with their obligation to comply, this manual includes statements of WCHS policy for a number of applicable areas. Conduct that does not comply with these policy statements is not authorized by WCHS and is outside the scope of employment at WCHS.

(C) Any violation of applicable law, policy statements contained in this manual, or deviation from appropriate ethical standards, will subject an employee to disciplinary action, which may include oral or written warning, disciplinary probation, suspension, demotion, dismissal from employment or revocation of privileges. Any supervisor who directs or approves the employee's improper actions, or is aware of those actions but does not act appropriately to correct them, or who otherwise fails to exercise appropriate supervision may also be disciplined accordingly.

(D) If at any time an employee becomes aware of any violation of WCHS policies, he or she must report it in accordance with the reporting requirements of this manual. All persons making such reports are assured that such reports will be treated as confidential to the extent permissible and that such reports will be shared only on a need to know basis. WCHS will take no adverse action against persons making such reports in good faith and without malicious intent whether or not the report ultimately proves to be well founded. If an employee does not report conduct violating WCHS policies, the employee may be subject to disciplinary action up to and including termination of employment.

(E) Laws affecting operation of WCHS activities are complex and many. This manual addresses in general terms only the more important legal and ethical principles affecting WCHS activities. Their mention in this manual is not intended to minimize the importance of other applicable laws, professional standards, or ethical principles. It is not expected that each employee will be fully versed in all laws of permissible activities involved in their work. Therefore, if an employee has a question regarding

the legality or propriety of a course of action, and this manual does not answer that question the employee should seek guidance from his or her supervisor or from the Compliance Officer before taking any action.
(Res. 704 of 2010, passed - -2010)

§ V.05 POLICY STATEMENTS.

(A) It is WCHS policy to provide high quality care and services to its clients. WCHS believes that state and federal regulations governing WCHS operation provide a baseline of care standards which WCHS strives to exceed in the provision of care and services given to our clients by supplying them and their families with professional care and services.

(B) Each client is entitled to a dignified existence, self determination and the provision of care and services in a manner and in an environment that promotes the maintenance or enhancement of a client's quality of life. It is WCHS policy to protect, promote and foster for each client his/her rights as a client of WCHS.

(C) WCHS has developed policies and procedures to ensure quality of care and the protection and promotion of a client's rights that are to be adhered to by all WCHS staff. It is not the intent of this manual to set forth all such policies and procedures as they are available for review by all staff upon request.

(D) It is the responsibility of all staff to ensure billing and payment for services reflects only those which have been approved and are provided accordingly. Signature on time sheets by clients and staff affirms the veracity of the document.

(E) WCHS policies and procedures with regard to client rights and their care are available from the Compliance Officer or the Director of Health Services.
(Res. 704 of 2010, passed - -2010)

§ V.06 REFERRALS.

(A) (1) Federal and State law prohibit WCHS and its employees from:

(a) Soliciting or accepting; or

(b) Offering or paying remuneration in exchange for referrals of patients eligible for Medicare, Medicaid or another federal health care program.

(2) Federal and State law also prohibit:

(a) The offering or payment; or

(b) The soliciting or receipt of remuneration in return for directly purchasing, leasing, ordering or recommending the purchase, lease or ordering of any goods, facilities, services or items covered under the benefits of Medicare, Medicaid or other federal health programs.

(3) The term "remuneration" broadly covers the transferring of anything of value in any form or manner whatsoever. Remuneration is not limited to bribes, kickbacks and rebates.

(B) These federal and state laws are broadly written to prohibit WCHS and its employees from knowingly and willfully offering, paying, asking or receiving any money or other benefit, directly or indirectly, overtly or covertly, in cash or in kind. These laws are violated even if only one purpose of a payment arrangement is to influence referrals or the procuring of goods or services.

(C) As a result all contracts and arrangements with actual or potential referral sources and all contracts and arrangements with vendors must comply with applicable state and federal laws and regulations. All personal service, management service and consulting service agreements must comply with applicable state and federal laws and regulations. Moreover, any other financial or other business

arrangement between WCHS and other health care professionals or providers must be structured to comply with all applicable state and federal laws and regulations.

(D) If questions arise regarding whether a proposed business arrangement, financial arrangement, or contract is in compliance with federal or state law, an employee is required to seek guidance from the Compliance Officers who in turn may seek appropriate guidance from legal counsel.
(Res. 704 of 2010, passed - -2010)

§ V.07 BILLING AND CLAIMS; COST REPORTS.

(A) WCHS has an obligation to its clients, third party payers and the state and federal government to exercise diligence, care and integrity when submitting claims for payment. The right to bill the Medicaid program carries a responsibility that may not be abused. WCHS is committed to maintaining the accuracy of every claim it processes and submits. Each of the individuals responsible for entering charges and codes is expected to monitor compliance with applicable billing rules. Any false, inaccurate, or questionable claims should be reported immediately to the employee's supervisor or the Compliance Officer.

(B) False billing is a serious offense. Medicaid rules prohibit knowingly and willfully making or causing to be made any false statement or representation of the material fact in an application for benefits or payment. It is also unlawful to conceal or fail to disclose the occurrence of an event affecting the right to payment with the intent to secure payment that is not due.

(C) (1) With respect to the submission of claims to the Medicaid program, it is WCHS policy that claims must:

(a) Be accurate and timely submitted;

(b) Be only for items or services that:

1. Are medically necessary;

2. Fall within the coverage guidelines contained in applicable laws, rules and regulations; and

3. Are documented in the clients medical record.

(2) In this regard:

(a) Prior to submitting a claim for payment, it is necessary to verify that all documentation for services reflected on the claim, such as physician orders and prior approvals, are available in a proper and timely manner.

(b) Claims may only be submitted when appropriate documentation supports the claim and only when such documentation is maintained and available for audit and review.

(c) Documentation which serves as the basis for a claim must be appropriately organized in legible form so that such documentation may be audited and reviewed.

(d) Diagnosis and procedures reported on reimbursement claims must be based on the medical record and other documentation.

(e) Documentation necessary for accurate code assignment must be made available to all employees with coding responsibility.

(f) Compensation for billing department coders and billing consultants shall not provide for any financial incentive to improperly code claims.

(D) With regard to the filing of cost reports, it is WCHS policy that all Medicaid cost reports must be prepared utilizing generally accepted accounting principles based upon documents and reports that are maintained in WCHS day to day business. Cost reports must document only those costs that WCHS employees and/or agents believe in good faith are allowable. Employees and agents must provide accurate and complete documentation and reports in connection with the preparation of cost reports.

(E) With regard to claim submissions and cost reporting, the following conduct is specifically prohibited:

(1) Claims for payment or reimbursement of any kind that are false, fraudulent, inaccurate or fictitious.

(2) Falsified medical records, time cards or other records used as the basis for submitting claims.

(3) For services that must be coded, use of a code that does not accurately describe the documented service when there is a more accurate code that could have been used. This includes post-dating orders or signatures. Late entries should include an explanation of reason for delay in entry.

(4) Bills submitted to Medicaid or applicable insurance plan for items or services which are known are not covered by Medicaid or applicable insurance plan.

(5) Filing claims for the same item or service to more than one payer source whereby VNHC will receive duplicate or double payments.

(6) Submission of claims without the availability of adequate documentation.

(7) Falsification of any report or document used to document the cost of utilization of services by payer source.

(8) Failure to report a known error or inaccuracy in any cost report or underlying document used to prepare a cost report.

(9) Recording inappropriate, inaccurate, or non-allowable costs on a cost report.

(F) Any employee who discovers an error or inaccuracy in any claim for payment for health care services or in any cost report that has been submitted or will be submitted should alert his or her supervisor, the Director or the Compliance Officer.

(G) Audit and monitoring procedures: to assist in efforts to detect and prevent fraud, waste, and abuse, WCHS conducts regular audit and monitoring procedures, both internally and externally when appropriate. Said audits will be utilized to identify compliance problems and correct those problems promptly and thoroughly, identifying potential compliance problems and instituting preventive measures, implementing procedures, policies and systems as necessary to reduce potential for recurrence.

(H) Corrective action: if billing errors or requirement violations are discovered, WCHS will take steps to prevent any further similar violations. To the extent possible, WCHS shall take necessary steps to ensure any necessary refunds of any overpayments from third party payers are promptly completed. Corrective actions may include enhancing systems, providing feedback and education and if warranted, imposing disciplinary measures.
(Res. 704 of 2010, passed - -2010)

§ V.08 CONFIDENTIALITY.

(A) All WCHS employees possess sensitive, privileged information about clients and their care. Clients properly expect that this information will be kept confidential. WCHS takes very seriously any violation of their confidentiality. Discussing any client's medical condition or providing any information about them to anyone other than WCHS personnel who need the information or other authorized persons will result in disciplinary action. Employees are not to discuss clients outside of WCHS.

(B) WCHS is required to maintain the confidentiality of each client's medical record. In this regard, medical records may not be released except with the consent of the client or in other limited circumstances as required by law. Special confidentiality requirements apply with regard to medical records relating to HIV infection and AIDS. Medical records should not be physically removed from WCHS, altered or destroyed. Employees who have access to medical records must exercise their best efforts to preserve their confidentiality and integrity and no employee is permitted access to the medical record of any client without a legitimate

reason for doing so and proper authorization. If a question arises as to the permissibility of the release of a client's medical record or any information contained therein, the employee should seek guidance from the employee's supervisor, the Director of Nursing or the Compliance Officer. WCHS employees must comply with applicable regulations set forth in the Health Insurance Portability and Accountability Act (HIPAA).

(C) Employees should respect WCHS assets as they would their own. No employee shall divulge to unauthorized persons, either during or after their employment, any information of a confidential nature connected with the business of WCHS.
(Res. 704 of 2010, passed - -2010)

§ V.09 CODE OF CONDUCT/ETHICS.

All WCHS employees shall comply with Warren County Code of Ethics and Code of Conduct in accordance with Warren County Corporate Compliance Program policies.
(Res. 704 of 2010, passed - -2010)

§ V.10 CONFLICTS OF INTEREST.

No employee should place him or herself or allow him or herself to be placed in a situation where the employee's personal interests might conflict with the interests of WCHS. WCHS recognizes and respects an individual employee's right to invest or participate in activities outside of his/her employment provided that these in no way conflict with WCHS interests or welfare and do not interfere with the employee's responsibilities to WCHS or the effectiveness of the employee's job performance.
(Res. 704 of 2010, passed - -2010)

§ V.11 EDUCATION AND TRAINING.

(A) To ensure all employees are familiar with their responsibilities under WCHS Compliance Program, WCHS has a written policy for the training of all employees, contractors or agents of the entity on the Federal False Claims Act (31 U.S.C. §§ 3729-33). All affected employees and persons associated with WCHS including governing body members will be required to participate in any initial or periodic training sessions as determined by the Compliance Officer. Additionally, any periodic training sessions will also be required as determined by the Compliance Officer, for employees of certain departments with responsibilities for billing and coding or any other responsibilities that the Compliance Officer determines appropriate for periodic training. Such training shall be made a part of the orientation for a new employee, appointee or associate, and governing body members.

(B) The Compliance Officer will distribute in writing and/or post in conspicuous places, any modifications of or amendments to the Compliance Manual. The Compliance Officer will also provide employees with written explanations of any substantial changes in the Compliance Manual or, if the Compliance Officer determines that written materials are insufficient, interim training sessions will be conducted.

(C) Employees will be provided periodic information about WCHS Compliance Program, changes in applicable laws or ethical standards that may affect an employee's responsibilities through written memoranda, periodic training sessions or other appropriate forms of communication.
(Res. 704 of 2010, passed - -2010)

§ V.12 REPORTING REQUIREMENTS.

(A) *Reporting*. It is the responsibility of every employee to report any known instances of or reasonable suspicions of any violation of applicable state or federal law, ethical standards or WCHS policies, including the policy statements contained in this manual. To report a suspected violation, an employee is required to notify, either verbally or in writing, the Compliance Officer or the employee's immediate supervisor. Any supervisory staff personnel receiving a report of a suspected violation is required to immediately notify the Compliance Officer. If the suspected violation involves the employee's immediate supervisor, the employee should make the report directly to the Compliance Officer. If the suspected violation involves the Compliance Officer, the report

should be made directly to WCHS Director. An employee may make a report of a suspected violation anonymously. Failure to report a suspected violation may result in disciplinary action.

(B) *Confidentiality*. To the extent permissible, WCHS shall treat all reports of suspected violations of Standards as confidential. However, it must be recognized that under certain circumstances the name of the individual making the report will be communicated to the Compliance Officer, if the report is made originally to the employee's supervisor, to an individual responsible for conducting an investigation of the suspected violation or to a governmental agency investigating any such suspected violation. Any such disclosure will only be made only on a need to know basis.

(C) *Investigations*. It is important to the integrity of WCHS operation that all suspected violations of Standards be thoroughly reviewed and investigated so that appropriate action can be taken as necessary. WCHS will promptly and thoroughly investigate any suspected violation and take appropriate disciplinary action if warranted. Investigations may be conducted internally by the Compliance Officer or externally by either accountants or lawyers engaged by WCHS. Employees are required to cooperate with the individual or individuals conducting an investigation of a suspected violation. Such cooperation may involve being interviewed by the individual or individuals conducting the investigation or supplying such individual or individuals with requested documentation. Failure to cooperate in an investigation of a suspected violation may result in disciplinary action being taken.

(D) *Non-retaliation*. To ensure employee cooperation, neither WCHS nor its respective employees shall take any retaliatory action or retribution against any employee who has submitted a report of a suspected violation or who has participated in an investigation of a suspected violation. Any employee who takes retaliatory action or retribution against another employee who has either reported a suspected violation or participated in an investigation of a suspected violation will be subject to disciplinary action.

(Res. 704 of 2010, passed - -2010)

§ V.13 DISCIPLINARY PROCEDURES.

(A) All employees and professional staff members are required to comply with applicable state and federal law, ethical standards and WCHS policies, including the policy statements contained in this manual (hereinafter collectively "Standards"). Any employee or professional staff member who violates any of the foregoing Standards will be subject to disciplinary action, up to and including termination of employment.

(B) Disciplinary action will be taken against an employee or professional staff member who:

(1) Authorizes or participates directly in a violation of a Standard.

(2) Deliberately fails to report a violation of a Standard.

(3) Deliberately withholds relevant and material information concerning a violation of a Standard.

(4) Deliberately fails to cooperate in an investigation of a suspected violation of a Standard.

(5) Retaliates or seeks or causes retribution against any employee or professional staff member who has either reported a suspected violation of a Standard or participated in an investigation of a suspected violation of a Standard.

(6) Fails to participate in required training programs.

(C) Disciplinary action may also be taken against any supervisory personnel who directs or approves an employee's actions which result in a violation of a Standard, is aware that an employee's actions which violate a Standard but fails to take appropriate corrective action or who otherwise fails to exercise appropriate supervision.

(D) Disciplinary action may include oral or written warning, probation, suspension, demotion, termination from employment or suspension.

(E) Disciplinary action will be taken in accordance with WCHS personnel policies and procedures, county laws, and Civil Service requirements. Disciplinary action will be taken on a fair, equitable and consistent basis. Disciplinary action will be appropriate to the level of the employee's culpable conduct, that is, the more serious the level of culpable conduct (intentional conduct or reckless non-compliance) will result in more significant disciplinary action. Notwithstanding the foregoing, this statement is not a guaranty of progressive discipline and WCHS reserves the right to terminate an employee at any time for any lawful reason.
(Res. 704 of 2010, passed - -2010)

§ V.14 PRIVACY AND SECURITY PROTECTIONS FOR HEALTH INFORMATION FOR THE HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT.

(A) The Chairman of the Board of Supervisors and/or the Director of Public Health/Patient Services be and hereby are authorized to execute any necessary annual compliance certification forms in accordance with the requirements of the New York State Office of the Medicaid Inspector General in a form approved by the County Attorney.

(B) Warren County Health Services.

Notice of Privacy Practices.
This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully. We at Warren County Health Services are committed to safeguarding the confidentiality of your protected health information. This notice describes the practices of our facilities and programs. We are required by law to maintain patient privacy. We will use and disclose your information only as described in this notice.
What Is Protected Health Information?
Protected health information is any data we create or receive that relates to your past, present or future health care or medical condition that may be used to identify you. Protected health information includes written information such as your medical chart or billing data. It also includes information that is disclosed orally.
Typical Uses and Disclosures
Typically, we will use or disclose your protected health information for the following purposes, or to the following persons:
For Treatment For example, we will allow your physician or nurse to access your medical record for the purpose of treating you. Others involved in your care, such as laboratory technicians, a consulting physician or a social worker, may also see your information.
For Payment For example, we may give your health insurer enough information about your condition and treatment to support its payment for your care.
For Health Care Operations For example, we may review your information to evaluate the performance of our staff or to confirm our compliance with federal and state laws and regulations.

To a Warren County Health Services Affiliate
We may share your protected health information among Warren County Health Services affiliates named in this notice for treatment, payment and health care operations purposes.

To a Business Associate
We may disclose information to a person or entity we contract with to perform some of our business functions - for example, a billing service or attorney.

To You
We may disclose information to you or to someone authorized to act on your behalf.

To Family and Friends Involved in Your Care
We may disclose information about you to a friend or family member who is involved in your medical care, or paying for such care. You have a right to request that your information not be shared with some or all of your family or friends.

For Treatment Reminders and Alternatives
We may contact you to remind you of appointments you've scheduled with us. We may also use or disclose your information to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you.

Less Typical Uses and Disclosures

Less typically, we may use or disclose your protected health information in special situations set forth in federal and state laws, such as the following:

Required by Law
We may use or disclose your protected health information when we are required by law to do so, such as to comply with a court order.

Public Health
For example, we may disclose such information to a public health authority that is authorized to receive such information for the purpose of controlling disease, injury or disability.

Abuse or Neglect
We may disclose your protected health information to a public health authority that is authorized by law to receive reports of child abuse, elder abuse or neglect. In addition, if we believe that you have been a victim of abuse, neglect or domestic violence, we may disclose your protected health information to the governmental entity or agency authorized to receive such information.

Health Oversight
We may disclose your information to a health agency for its oversight activities such as audits, investigations, inspections, licensure or disciplinary actions.

Legal Proceedings
We may disclose protected health information in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal or, in certain circumstances, in response to a subpoena, discovery request or other lawful process.

Law Enforcement
We may disclose protected health information for law enforcement purposes, including disclosures in response to limited information requests for identification and location purposes, disclosures pertaining to victims of a crime, and disclosures about persons who have died.

Coroners, Funeral Directors and Organ Donation
We may disclose protected health information to a coroner, medical examiner or funeral director to permit them to carry out their functions. Protected health information may be used and disclosed for organ, eye or tissue donation purposes.

Health or Safety Threat
We may disclose your protected health information if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

Specialized Governmental Functions
We may use or disclose protected health information for specialized governmental functions, such as disclosing information about a member of the armed services to the military to assure the proper execution of a military mission, or disclosing information about inmates to a correctional facility for security or other important purposes.

Workers' Compensation
Your protected health information may be disclosed to comply with workers' compensation laws and other legally-established programs.

Uses and Disclosures with Your Authorization

We can use or disclose protected health information for any other purpose, if you give us your written, signed authorization for that specific purpose. For example, you may give us an authorization to give information to a prospective employer as part of a pre-employment physical. You may revoke any authorization you previously signed.

The following uses and disclosures of protected health information, among others, will generally require your authorization:

- Uses and disclosures of psychotherapy notes
- Uses and disclosures for marketing purposes
- The sale of protected health information

Specially Protected Information

Separate federal and state laws provide special protection to the following health information:

- Drug and alcohol treatment information
- Genetic information
- HIV/AIDs information
- Mental health treatment information

We will protect such information as required by law, and we may not be able to use or disclose such information to the same extent as we can with other protected health information.

Your Rights

Under the Notice of Privacy Practices, you have the following rights.

- To obtain and inspect a copy of your protected health information that we maintain in a medical or billing record for as long as we maintain the record. However, under federal and state law, you may not inspect or copy the following records: information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and, protected health information that is subject to law that prohibits access to protected health information. In some circumstances, you may have a right to have this decision reviewed.

- To ask us not to use or disclose any part of your protected health information for the purposes of treatment, payment or health care operations. You may also request that any part of your information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply.

  We are not required to agree to a restriction that you may request. If we believe that it is in your best interest to permit use and disclosure of your protected health information, it will not be restricted. But if we do agree to the restriction, we may not use or disclose your information in violation of that restriction except for emergency treatment. With this in mind, please discuss any restriction you wish to request with your treating health care professional.

- To request a restriction on disclosure of your information to a health plan (for purposes of payment or health care operations) in cases where you paid out of pocket, in full, for the items received or services rendered.

- To request to receive confidential communications from us by alternative means or at an alternative location. We will accommodate reasonable requests, but we may ask you how payment will be handled or to give an alternate address or other method of contact. We will not request an explanation from you about your request. Please make this request in writing to the Privacy Contact Official (see list at the end of this notice).

- To request an amendment of protected health information about you in our records for as long as we maintain the record. In certain cases, we may deny your request. If we do, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement. We will provide you with a copy of any such rebuttal. Please contact our Privacy Contact Official if you have questions about amending your medical record.

- To receive an accounting of certain disclosures we have made, if any, of your protected health information. This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members or friends, or for notification purposes. You have the right to receive specific information regarding these disclosures. The right to receive this information is subject to certain exceptions, restrictions and limitations.

- To be notified of a breach of your unsecured information.

- To obtain a paper copy of this notice from us, upon request, even if you have agreed to accept this notice electronically.

- To complain to us or to the Secretary of Health and Human Services if you believe your privacy rights have been violated by us. You may file a complaint with us by notifying the Privacy Contact Official identified in this notice. We will not retaliate against you for filing a complaint.

Service Delivery Sites

This notice applies only to services delivered by or at sites operated by Warren County Health Services.

Health Information Exchange

Warren County Health Services may store your health records electronically with Health Information Exchange of New York (HIXNY). If you sign a separate written consent, or in limited emergency circumstances, other health care providers will be able to access your information from HIXNY for the purpose of treating you. HIXNY has implemented administrative, physical and technical safeguards to protect the confidentiality and integrity of your information.

Privacy Contact Officials
If you have any questions or concerns, or require assistance in exercising your privacy rights, you may contact the Privacy Contact Official for the Warren County Health Services facility at 518-761-6415 for Home Health Care related Issues or 518-761-7580 for Public Health related matters.
More About This Notice
This notice is effective September 23, 2013. We will provide you with a copy of this notice upon request. We may periodically change the terms of our notice at any time. The new notice will be effective for all protected health information that we maintain at that time.

(Res. 548 of 2013, passed - -2013)

WARREN COUNTY PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE PLAN

Editor's note:

The Emergency Preparedness and Response Plan is on file with the Office of Public Health.

CHAPTER VI: HUMAN RESOURCES/CIVIL SERVICES

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GENERAL PROVISIONS

§ VI.001 CAREER RETIREMENT PLAN UNDER N.Y. RETIRE. & SOC. SEC. LAW § 75-G.

(A) The Board of Supervisors of the County of Warren does hereby elect to provide the Career Retirement Plan of N.Y. Retire. & Soc. Sec. Law § 75-g as presently or hereafter amended for employees of participating employers.

(B) This election shall become effective with the payroll period beginning on the June 28, 1971.
(Res. 83 of 1971, passed - -1971)

§ VI.002 CONFERENCES AND MEETINGS POLICY.

The Warren County Board of Supervisors hereby establishes the policy that County Departments shall not sponsor conferences or meetings, involving meals or room expenses paid by the County, outside the Municipal Center, unless the meetings have received prior approval from their respective Committees.
(Res. 456 of 2007, passed - -2007)

§ VI.003 EMPLOYEE NOTIFICATION OF FEDERAL HATCH ACT.

Warren County hereby establishes a policy of notifying County employees of the existence of a Federal Law known as the Hatch Act with notification to occur as follows:

(A) The Chairman of the Board of Supervisors is hereby authorized and directed to immediately transmit to all County employees a notice concerning the Federal Hatch Act (hereinafter referred to as the "Notice") in the form drafted by the County Attorney and presented at the Social Services and Residential Hall Committee at the Warren County Board of

Supervisors, and to every two years thereafter, transmit a similar but more generic Notice (generally eliminating specifics as to occurrences in the past year) in a form to be drafted and approved by the County Attorney;

(B) The Department of Social Services shall include the Notice and at later times, revised Notices drafted and approved by the County Attorney in the handbook issued to all employees;

(C) The Personnel Officer is hereby authorized and directed to provide a copy of the Notice or when appropriate, revised notice to all new employees at the time of hire;

(D) Any Department heads receiving inquiries from employees as to whether political activities may be engaged in shall refer said employees to the aforesaid Notice or revised Notice;

(E) All Notices authorized and directed hereby shall be distributed with employee paychecks in the same manner as other County communications distributed with paychecks and the County Department or Departments arranging for paycheck distribution shall also distribute the Notices provided herein whenever requested by the Chairman of the Board of Supervisors.
(Res. 701 of 2002, passed - -2002)

§ VI.004 EMPLOYEE RELATIONS POLICY.

(A) The following shall be the policy established by the Board of Supervisors for the guidance of all county officers and employees and of all persons seeking to organize county officers and employees into unions or other organizations:

(1) All officers and employees shall be completely free to join any union or organization as they may choose and shall likewise be free to refuse to join any such union or organization.

(2) That no county officer or employee shall be subject to any discipline or discrimination by reason of membership in a union or other organization provided such membership shall not interfere with the performance of the duties assigned to such officer or employee.

(3) That no officer or employee shall have any benefits either in appointment, promotion, performances of duties of employment, hours, wages, salary, compensation, or working conditions by reason of membership in any union or other organization but that all such matters shall be of uniform application to all employees in a particular department and grade of employment, and that no officer or employee shall be deprived of employment or any benefits by reason of membership in any union or other organization.

(4) That no county officer shall seek to induce county officers and employees to become a member of any particular union or organization or seek to dissuade a county officer or employee from becoming a member of any union or other organization.

(5) That all county officers, the appropriate committees of the Board of Supervisors and the Board of Supervisors shall meet with the representatives of any union or other organization purporting to have in its membership county officers and employees for the purpose of discussing hours of employment, conditions or employment, compensation or matters of proper concern to such members but that such officers, committees and the Board of Supervisors shall likewise meet with individual employees or groups of non-organized employees for the purpose of discussing the same matters.

(6) That all county employees shall be required to use the grievance procedure, where applicable, provided by the Board of Supervisors.

(7) That nothing herein contained shall be deemed in any way to limit or restrict any rights assured to any county officer or employee under the N.Y. Civ. Serv. Law or other statute or under the Rules of Civil Service adopted by the Warren County Civil Service Commission.

(B) The Clerk of the Board of Supervisors be 80and hereby is directed to transmit certified copies of this resolution to all county offices and departments

and that such certified copy of this resolution shall be prominently posted on the bulletin board or other public place in each such office or department where the same may be read by employees.
(Res. 82 of 1965, passed - -1965)

§ VI.005 ESTABLISHING HEALTH INSURANCE BENEFITS FOR NEW, CURRENT AND RETIRED EMPLOYEES.

(A) Health insurance benefits for new full-time non-bargaining unit employees beginning work with Warren County on December 21, 2012 and following the adoption of this resolution shall be as follows:

(1) The County shall offer health insurance to new full-time employees commencing the first day of the month immediately following full-time employment with the County on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes 20% of the health insurance premium.

(2) All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.

(3) (a) The County will offer health insurance Medicare Advantage plans or similar plans to full-time non-bargaining unit employees who retire, provided that said employee:

1. Retires from the New York State Retirement Plan;

2. Had insurance coverage in the previous 90-day period;

3. Is 65 years of age or older;

4. Has at least 20 years total full-time county service;

5. Pays a percentage equal to that shared percentage being contributed by active full-time employees commencing work on or after December 21, 2012, as may be increased or otherwise changed from time to time.

(b) If the employee leaves County service before reaching the age of 65, the employee shall not be entitled to continue health insurance through Warren County. Once the employee who leaves the County reaches 65 years, assuming all other eligibility criteria outlined above are met, the employee may then elect to receive benefits outlined above.

(4) Two members of the same family employed by the County may only be enrolled in one health insurance plan. However, if two members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan provided that the employee contributes the required 20% and provided further that the individual plans are equal to or less than the cost of the two-person plan. If the two-person plan shall be of a less cost, the employees will be eligible only for the two-person plan.

(B) Health insurance benefits for current full-time non-bargaining unit employees who began work with Warren County prior to December 21, 2012 (a prior resolution addresses those full-time employees beginning work on or after December 21, 2012) shall be as follows:

(1) Effective April 1, 2013, the County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes 10% of the health insurance premium. Commencing December 1, 2013, the amount of the aforesaid contribution shall be increased to 11%. Commencing December 1, 2014, the amount of the aforesaid contribution shall be increased to 12%. Commencing December 1, 2015, the amount of the aforesaid contribution shall be increased to 13%.

(2) All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays and with

reimbursement of co-pays as provided by prior resolutions, which reimbursement program shall be ended as of December 31, 2013, and the prior resolutions accordingly amended and/or repealed.

(3) Two members of the same family employed by the County may only be enrolled in one health insurance plan. However, if two members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan provided that the employee contributes the required 20% and provided further that the individual plans are equal to or less than the cost of the two-person plan. If the two-person plan shall be of a less cost, the employees will be eligible only for the two-person plan.

(C) Following the adoption of this Resolution, the insurance benefits for eligible Warren County retirees from bargaining units who retired before the collective bargaining agreements last executed prior to the adoption of this resolution with the exception of the Warren County Police Benevolent Association, shall be as follows:

(1) The County shall offer health insurance in retirement to eligible bargaining unit retirees under the age of 65 who are currently retired in accordance with the eligibility requirements and availability previously established by prior Collective Bargaining Agreement and/or resolution of the Board provided that all retirees pay the equivalent of the employee share as may, from time to time, be increased or otherwise changed or amended as reflected in the respective current collective bargaining agreements now in effect or as renewed, extended and/or otherwise renegotiated in the future. Health insurance will only be available to those retirees who are eligible pursuant to the terms of the respective collective bargaining agreements.

(2) The County will continue to offer health insurance coverage through a Medicare Advantage Plan or similar plans to eligible bargaining unit retirees who are presently retired and over the age of 65 or are to become over 65 years of age in accordance with the eligibility requirements and availability previously established by prior Collective Bargaining Agreement and/or resolution of the Board and provided that the retiree pay a contribution toward the health insurance premium based on the formula in existence and being used just prior to December 21, 2012 for all county retirees.

(Res. 790 of 2012, passed - -2012; Res. 160 of 2013, passed - -2013; Res. 464 of 2013, passed - -2013; Res. 465 of 2013, passed - -2013; Res. 112 of 2014, passed - -2014)

§ VI.006 FAMILY MEDICAL LEAVE ACT POLICY.

It is the policy of Warren County to grant up to 12 weeks of family and medical leave during any rolling 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and/or up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. This policy supersedes any and all Policies or Resolutions addressing the same or similar subject matter.

(A) *Eligibility*. To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

(1) The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive, provided a break-in-service does not exceed seven years (unless the break-in-service is due to National Guard or Reserve military service obligation). For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.

(2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine

the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

(B) *Type of leave covered*. To qualify as FMLA leave under this policy, the employee must be taking leave for one of the six reasons listed below:

(1) The birth of a child and in order to care for that child;

(2) The placement of a child for adoption or foster care and to care for the newly placed child;

(3) To care for a spouse, child or parent with a serious health condition (children must be under age 18 unless incapable of self-care because of physical or mental disability);

(4) The serious health condition of the employee (described below in (C)(2));

(5) A qualifying military exigency (a covered family member's active duty or call to active duty in the National Guard or Reserves in support of a contingency operation); or

(6) To care for an injured or ill Servicemember.

(C) *Definitions and requirements*. For the purpose of this § VI.006, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

(1) ***CHILD.*** Refers to a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

(2) ***EMPLOYEE'S SERIOUS HEALTH CONDITION.***

(a) An employee may take leave because of a serious health condition that makes the employee unable to perform at least one of the essential functions of the employee's position. The county considers all responsibilities listed under "Typical Work Activities" sections of a job description as "essential" functions.

(b) A serious health condition is defined as an illness, injury, impairment or mental condition that involves:

1. Incapacity or treatment connected with in-patient care (overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity; or

2. Continuing treatment by a health care provider which includes one or more of the following:

a. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:

i. Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven days and both within 30 days of the first day of incapacity); or

ii. One treatment by a health care provider (i.e., an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or

b. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or

c. Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional

episodes of incapacity. A visit to a health care provider is not necessary for each absence; or

d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or

e. Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

(c) If an employee takes Paid Time Off (PTO) (PTO is defined at Warren County as sick, vacation, personal time or a floating holiday) for a condition that progresses into a serious health condition and the employee requests FMLA leave for the same condition as provided under this policy, the county may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

(3) ***QUALIFYING MILITARY EXIGENCY.***

(a) An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty in the National Guard or Reserves, or who is already on active duty in the National Guard or Reserves may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor. Reasons related to the call-up or service may include items such as:

1. Short-notice deployment;

2. Military events and related activities;

3. Arranging for childcare and school activities;

4. Addressing financial and legal arrangements;

5. Attending certain counseling sessions;

6. Rest and recuperation;

7. Post-deployment activities; and

8. Additional activities where the employer and employee agree to the leave.

(b) The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a rolling 12-month period.

(c) Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service in the National Guard or Reserves and other documentation as requested before leave is granted.

(d) Employees requesting leave based on a qualifying family member's short notice deployment leave (deployment with seven days or less notice) must provide proof of the qualifying family member's deployment with the National Guard or Reserves before leave is granted. Requests under this section will not require additional documentation and are not to exceed seven days.

(e) Employees requesting leave based on a qualifying family members short-term rest and recuperation ("R & R") leave from a deployment with the National Guard or Reserves must provide proof of the qualifying family member's "R & R" leave before leave is granted. Requests under this section will not require additional documentation and are not to exceed five days.

(4) ***SPOUSE*** refers to a husband or wife as defined or recognized under state law for purposes of marriage under the state where the employee resides, including same-sex marriages.

(5) ***TO CARE FOR AN INJURED OR ILL SERVICEMEMBER.***

(a) This leave may extend to up to 26 weeks in a rolling 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the Servicemember's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering Servicemember. An employee is also eligible for this type of leave when the family Servicemember is receiving medical treatment, recuperation or therapy, even if the Servicemember is on temporary disability retired list.

(b) Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave for a maximum of 26 weeks.

(D) *Calculation of employee leave years.*

(1) An eligible employee can take up to 12 weeks (26 weeks to care for an injured or ill Servicemember) under this policy during any 12-month period. The employee may take FMLA leave in consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill Servicemember) over a rolling 12-month period.

(2) The county will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the county will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 (or 26) weeks of available leave with the balance remaining being the amount the employee is entitled to take at that time.

(3) If a married couple both work for the County, if both are eligible for FMLA, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the married couple may only take a combined total of 12 weeks of leave (or combined 26 weeks of leave to care for an injured or ill Servicemember).

(E) *Requesting a FMLA leave of absence - process and requirements.*

(1) To request a FMLA leave of absence contact your Supervisor, Department Head and/or Human Resources who will provide you with applicable forms and information about your rights and responsibilities under FMLA. You must give notice of the need for a FMLA leave of absence at least 30 days before any foreseeable leave. If 30 days' notice is not practical because of an emergency or other circumstance, the leave should be requested as soon as possible (within two business days of learning of the need for leave).

(2) In all cases, employees will be required to complete an appropriate Certification form, which will be provided by Human Resources. The employee must respond to this request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of the leave request. If the certification is deficient or incomplete, the employee will be given seven days to cure the deficiencies and return the form to Human Resources. The leave request may be denied if the employee either fails to return the form

by the seventh day, or returns the form without adequate corrections or clarifications.

(3) To request a leave for a serious health condition on a continuous or intermittent basis, you will be required to submit information from an appropriate health care provider confirming the existence of the serious health condition and other relevant information. Human Resources will provide you with a medical Certification of Health Care Provider for Serious Health Condition form for this certification.

(4) Periodic reports and additional physician certifications may also be required during leave. The County may, at its own expense, require a second (or third) opinion regarding a medical certification. If you fail to provide timely certifications, your leave request may be delayed or denied.

(5) For a serious health condition of your family member, a medical certification about the needed care for the family member, information about the care of the family member, and an estimate of the time needed must be provided from the eligible family member's physician. Human Resources will provide you with a medical Certification of Healthcare Provider for Family Member's Serious Health Condition form for this certification.

(6) For care of an injured Servicemember, a medical certification about the needed care for the Servicemember, information about the care for the Servicemember, relationship to the Servicemember, and an estimate of time needed must be provided from the Servicemember's physician. Human Resources will provide you with a medical Certification for Serious Injury or Illness of a Current Servicemember form for this certification.

(7) For a qualifying exigency, a copy of the Servicemember's orders will be necessary to prove the active duty status or impending call to active duty status in support of a contingency operation. In addition, an estimate of time needed must be provided by the employee. Human Resources will provide you with a Certification for Qualifying Exigency form for this certification.

(8) Human Resources will provide you with a notification within five days of receiving your complete certification. The notification will specify whether your leave request was approved, or reason for denial, as applicable.

(9) Any misrepresentation in FMLA certifications and/or re-certifications presented to the county may result in disciplinary action up to and including termination of employment.

(F) *Taking time off under an approved FMLA leave of absence - process and requirements.*

(1) Employees are required to report all absences under approved FMLA both to their supervisor and department head. The department fiscal manager may be substituted for the department head at the discretion of the department head. If none are available notify the Department of Human Resources.

(a) *Continuous leave.* Employees taking continuous leave may report the entire absence at once. Employees taking continuous leave, that are approved to return to work prior to the original leave end date, must notify their Supervisor and Department Head so that their hours may be accurately adjusted. A medical doctor's release to return to work will be required for those who are on leave for their own serious medical condition.

(b) *Intermittent leave.* Employees taking intermittent leave must report each absence to the Supervisor and Department Head. Failure to report your absences to both parties may result in disciplinary action.

(2) When FMLA leave is requested due to the employee's own serious health condition, the employee must use any accrued sick leave prior to approval for non-paid leave.

(3) When FMLA leave is requested due to any of the remaining five types (see division (B) Type of Leave Covered, of this section) of leave, the employee must comply with the Sick Leave and/or Medical Leave provisions of their Collective Bargaining Agreement.

(4) *Intermittent leave.*

(a) Intermittent or a reduced schedule leave must be scheduled so as not to unduly disrupt the County or Department operations whenever possible. The employee must reach agreement with the Supervisor, Department Head and Human Resources before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. If the employee has an approved or pending intermittent leave, and have a planned absence, the employee will be required to report that absence to the appropriate management representative (Supervisor and Department Head) 30 days prior to the absence, if possible. If 30 days' notice is not possible, the employee must report the absence in a timely manner to their Supervisor and Department Head.

(b) The minimum permissible increment of FMLA time off is one hour. Employees may not take FMLA leave time in less than one hour increments. During those one-hour increments of FMLA time, employees will not be permitted to work even if they only needed 15 minutes of time off (such as late arrivals, for example).

(c) Employees taking intermittent FMLA leave are required to follow the county's established attendance and call-off procedures unless it is not reasonably possible. If it is not reasonably possible, then employees taking intermittent FMLA leave will be required to notify their supervisor or if not available the department head of the special circumstances under which they could not comply as soon as reasonably possible. Failure to report absences with the required attendance/tardiness reporting guidelines without sufficient showing of special circumstances may result in disciplinary action.

(d) If an employee would otherwise be required to work overtime (such as mandatory overtime), but cannot do so because of FMLA leave, the overtime hours the employee would have worked also count as FMLA leave. If overtime is voluntary, the overtime an employee is not able to work because of FMLA leave does not count as FMLA leave.

(e) Holidays are counted as FMLA leave if the employee is on FMLA leave the entire week in which a holiday falls. If the employee takes FMLA leave for less than a full workweek in which a holiday falls, the holiday does not count as FMLA leave.

(f) The county may temporarily reassign an employee on an intermittent or reduced schedule basis to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care, if in the county's judgment, better accommodates the leave.

(g) For the birth, adoption or foster care of a child, the county and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

(h) The County will request re-certification of qualifying FMLA reasons as often as permitted by law. Failure to produce such recertification may result in denial of the leave request. As permitted by law, the county may contact the employee's health care provider to authenticate or clarify FMLA certifications and /or re-certifications.

(G) *Employee status and benefits during leave.*

(1) While an employee is on leave, the county will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work, provided the employee continues to pay his or her portion of the health care premiums.

(2) Under current policy, the employee pays a portion of the health care premium. While on paid leave (i.e. using sick time in conjunction with FMLA), the county will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make these payments, to the Warren County Treasurer. The payments must be received by the 15th day of each month. If payment is not received by the 30th of each month, it will result in termination of coverage. The County's Benefit Broker will provide 15 days' notification prior to the employee's loss of coverage.

(3) If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the county will require the employee to reimburse the county the amount it paid for the employee's health insurance premium during the leave period.

(H) *Procedure for returning to work following leave for serious health condition for the employee.*

(1) Employees returning to work following leave for their own serious health conditions are required to provide a complete and sufficient Return-to-Work and Fitness for Duty certification, which must be completed by the health care provider in conjunction with review of the employee's job description and physical demands. The physician must indicate the employee is able to resume the major and essential functions of the job. The County considers all responsibilities listed under "Typical Work Activities" sections of a job description as "essential" functions.

(2) The Return-to-Work and Fitness for Duty Certification form and job description may be obtained from your Supervisor, Department Head or Human Resources. This Return-to-Work and Fitness for Duty Certification must be submitted within 15 days of, and no later than two days prior to the anticipated return to work date.

(3) If the Return-to-Work and Fitness for Duty Certification is incomplete or insufficient, the employee will be given seven calendar days to cure the deficiencies. Failure to provide Return-to-Work and Fitness for Duty Certification in the 15-day time period or to cure deficiencies within the seven-calendar day period without reasonable explanation will result in the employee not permitted to return to work.

(4) Employees who have a disability under the ADA may be provided reasonable accommodations or extensions of leave and should refer to the Warren County Americans with Disabilities Act (ADA) Policy. A copy of which is available on our website; see Resolution 356 of 2013, or contact the Self-Insurance Department.

(I) *Employee status after leave.*

(1) An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same in terms of pay, benefits and working conditions.

(2) The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position. Key employees are defined as Management, Non-Bargaining Unit, salaried employees who are among the highest paid 10% of all employees.

(J) *Maximum leave of absence and termination of employment.* If you fail to return to work on the first day after your FMLA leave expires, N.Y. Civ. Serv. Law §§ 71 or 73 may be initiated. Job restoration is guaranteed for up to 12 weeks of FMLA leave, except under circumstances provided by law.

The County's PTO allocations for Vacation, Personal Leave and Floating Holidays may be used at the conclusion of FMLA with prior approval of the Supervisor and Department Head.

(K) *Employment while out on leave*.

(1) An employee's inability to perform job duties while out on FMLA or any other authorized leave of absence for the County, is assumed to extend to any other job duties the employee may have outside of the County employment as indicated in the employee's medical certification.

(2) If you are not on an approved FMLA Leave or you give a false or non-validated reason for a leave of absence, termination of employment will be pursued through N.Y. Civ. Serv. Law § 75.

(L) *FMLA policy questions*. Call or stop by the Department of Human Resources if you have questions regarding this policy.
(Res. 217 of 2015, passed - -2015)

§ VI.007 FLEX TIME FOR HOURS WORKED IN EXCESS OF EIGHT PER DAY THROUGH 12-31-2016.

(A) The collective bargaining agreement between Warren County and CSEA ("CBA") provides for voluntary flex time pursuant to agreement by the Department Head and employee as more specifically stated in Article VI, § 1(b)(2).

(B) The CBA provides that the voluntary flex time shall end on December 31, 2013 unless extended by separate written agreement by CSEA and the Warren County Board of Supervisors.

(C) The County Administrator has recommended extending the same to the Personnel Committee and the Committee has likewise recommended extending the clause.

(D) The Warren County Board of Supervisors hereby agrees to extend the voluntary flex time clause of the CBA through the termination date of the agreement, December 31, 2016, and the Chairman of the Board be, and hereby is, authorized to execute an agreement with CSEA accordingly providing for the extension thereof, in a form approved by the County Attorney.
(Res. 688 of 2013, passed - -2013)

§ VI.008 NEW YORK STATE DEFERRED COMPENSATION PLAN.

(A) The County of Warren wishes to adopt the Deferred Compensation Plan for Employees of the New York State and Other Participating Public Jurisdictions (the "Plan") for the voluntary participation of all eligible employees.

(B) The County of Warren is a local public employer eligible to adopt the Plan pursuant to N.Y. Finance Law § 5.

(C) The County of Warren has reviewed the Plan established in accordance with § 457 of the Internal Revenue Code and N.Y. Finance Law § 5.

(D) The purpose of the Plan is to encourage employees to make and continue careers with the County of Warren by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement.

(E) The County of Warren hereby adopts the Plan for the voluntary participation of all eligible employees, and be it further the appropriate officials of the County of Warren are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan, and the Administrative Services Agency for the New York State Deferred Compensation Plan is hereby authorized to file copies of this resolution and other required documents with the President of the State of New York Civil Service Commission.
(Res. 228 of 1985, passed - -1985)

§ VI.009 POLICY CONCERNING DEPARTMENT HEAD VACATION BENEFIT.

(A) The County Administrator has recommended a change in policy to allow new hires for Department Head positions to begin employment with 15 days vacation per year, thereafter earning one additional day per year of service until reaching the maximum of 20 vacation days per year, as well as to immediately provide all existing Department Heads who are not receiving 15 days to have their total vacation allowances for the year immediately increased to that amount and to provide that said existing department heads will earn one additional day per year of service thereafter until reaching a maximum of 20 vacation days per year.

(B) The County Administrator noted that when negotiating to hire experienced personnel for

managerial level positions, the County has started agreeing to allow higher starting vacation balances to fill positions with well experienced individuals, and that, equitably, the County should offer the same benefit to existing Department Heads and also noted that these department heads do not receive over-time pay.

(C) The Warren County Board of Supervisors hereby authorizes and immediately adopts the policy to provide that new hires for Department Head positions shall begin employment with 15 days vacation per year, thereafter earning one additional day per year of service until reaching the maximum of 20 vacation days, as well as to immediately provide 15 days total vacation allocation for 2013 to all existing Department Heads who are not receiving at least 15 days vacation for this year with vacation accruals for these existing department heads in future years to start at 15 days and be increased by one day for each year of service thereafter until reaching the maximum of 20 days.
(Res. 355 of 2013, passed - -2013)

§ VI.010 POLICY FOR COUNTY EMPLOYEES WHO MAY BE CALLED TO DUTY WITH RESPECT TO ANY FUTURE LOCAL, NATIONAL OR GLOBAL CRISIS.

(A) Res. 636 of 2001 was enacted to establish a policy to protect Warren County employees from loss of benefits while serving as members of an Armed Forces Reserves or National Guard, as a result of the September 11, 2001 attacks.

(B) The Warren County Personnel Officer has recommended, and the Finance Committee approved, the updating of the policy established by Res. 636 of 2001 to cover any future local, national or global crisis that may arise, in order to protect County employees from the loss of benefits while serving as members of an Armed Forces Reserves or National Guard.

(C) The policy for County employees who may be called to duty and serve as members of an Armed Forces Reserves or National Guard, be and hereby is, updated to include any local, national or global crises.
(Res. 121 of 2005, passed - -2005)

§ VI.011 TIME CLOCK POLICY AND TIME AND ATTENDANCE SYSTEM PROCEDURE.

(A) *Policy*.

(1) It is the policy of Warren County that each employee will be at his or her work station and ready to commence the day's duties at the employee's starting time. The following procedure will govern the usage of time management tracking in order to provide a uniform procedure for timekeeping. These procedures must be followed consistently to ensure conformance to federal and state wage and hour laws and to ensure that employees are paid correctly.

(2) Employees are separated into two separate categories as follows:

(a) 1. Hourly employees, also called non-exempt employees, must record their actual time worked for payroll and benefit purposes. Non-exempt employees are those covered by collective bargaining agreements as well as non-unit employees not considered exempt. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work related reason.

2. Non-exempt employees may not start work until their scheduled starting time. Non-exempt employees will not be allowed to clock in more than six minutes before their shift starts and may not clock out more than six minutes after their shift ends unless overtime is approved.

3. Break rules are set by the department and the applicable collective bargaining agreement. Employees are not required to record break times.

4. Non-exempt employees who work in the field or are out of the office on work

related activities will not be required to clock in and out for lunch.

(b) 1. Exempt employees are classified in positions as administrative, executive, or professional in nature. Exempt employees include but are not limited to department heads, deputy department heads, attorneys, accountants and other high level employees whose work involves professional services at the County. Exempt employees are not entitled to overtime. For a list of exempt titles see division (B) below.

2. Exempt employees are required to clock in when arriving at their office. This one time entry indicates the employee will be working that day. If exempt employees will be working out of the office for any period of time they must contact the department payroll clerk to record the appropriate entry signifying a day's work. These employees are required to log any hours when they are not working with applicable leave credits as prescribed by management. Exempt employees must certify hours weekly indicating they have met the standard applicable hours.

3. Employees are responsible for their time reporting. Any errors in your time record should be reported immediately to your supervisor, who will attempt to correct legitimate errors.

4. All employees are expected to report to work on time, as scheduled, with no grace periods allowed. This includes arrival at work and returns from lunch and break periods. Exceptions must be approved by the appropriate department head.

5. Altering, falsifying or tampering with time records is prohibited and subjects the employee to possible discipline, up to and including discharge. This includes clocking in or out for a co-worker regardless of the time management system in use.

6. Elected officials are not required to utilize the county's time management system.

(B) *Exempt job titles.*

Administrative Fiscal Services
County Administrator
Assist to County Administrator
Board of Elections
Commissioner Elections #2
Deputy Commissioner Elections #2
Commissioner Elections #1
Deputy Commissioner Elections #1
Building and Fire Code
Administrator Fire and Bldg Code
Civil Service
Personnel Officer
Clerk of the Legislative Board
2nd Deputy Clerk of the Board
Deputy Clerk of the Board
Clerk of the Board
County Attorney
1st Assistant County Attorney
County Attorney
Assistant County Attorney
County Auditor
County Auditor
County Clerk
1st Deputy County Clerk
Countryside Adult Home
Director Countryside Adult Home
District Attorney/District Attorney
3rd Assistant DA
1st Assistant DA

4th Assistant DA
2nd Assistant DA
6th Assistant DA
5th Assistant DA
DPW
Airport Manager
Superintendent Bldgs and Grounds
Superintendent of Public Works
Fiscal Manager
Deputy Supt/Admin DPW
Dept Superintendent/Operations
Assistant Engineer #2
Junior Transportation Analyst
Engineer #1
Assistant Engineer #4
Dpty Superintendent Public Works
Recreation Facilities Manager
Director of Parks and Rec/Up Yonda
Fish Management Specialist
Environmental Education Admin
Naturalist
Assistant Engineer #1
Senior Civil Engineer
Employment and Training/WIA-Admin (Staff)
E and T Director II
Historian
County Historian
Human Resources
Human Resources Director
Information Technology
Director Information Technology

Web/Intranet Developer
Analyst/Programmer #1
Analyst/Programmer #2
Legal Defense - Indigents
Assigned Counsel Administrator
Mental Health
Mental Health Program Analyst
Deputy Director Mental Health/Fiscal
Deputy Director Clinical
Director Mental Health
Office for the Aging
Fiscal Manager
Nutrition Coordinator
Director Aging
Office of Emergency Services
Director/Fire Coordinator
Emergency Services Coordinator
4th Deputy Fire Coordinator
Planning/Planning
Construction Cost Coordinator
SBS and Fiscal Account Specialist
County Planner
Probation/Probation
Probation Supervisor #2
Director of Probation
Probation Supervisor #1
Public Defender
1st Assistant Public Defender
3rd Assistant Public Defender
5th Assistant Public Defender
4th Assistant Public Defender

2nd Assistant Public Defender
Public Defender
Public Health
Director Pub Health/Patient Svc
Assistant Director Public Health
Supervising PHN #3
Public Health Fiscal Manager
Supervising PHN #6
Assistant Director Patient Serv
Supervising PHN #4
Long Term Coordinator
Clinical and Fiscal Info Coordinator
WIC Coordinator
Purchasing
Purchasing Agent
Deputy Purchasing Agent
Real Property Tax
Director Real Property
Deputy Director Real Property
Self Insurance
Insurance Administrator
Deputy Self Insurance Administrator
Sheriff/Jail
Corrections Captain
Corrections Lieutenant #2
Corrections Lieutenant #1
Corrections Inspector
Sheriff/Sheriff Law Enforcement
Investigative Lieutenant
Systems Maintenance Coordinator

Patrol Lieutenant #1
Major
Patrol Lieutenant #2
Undersheriff
Social Services/Social Services Admin
DSS Fiscal Manager
Social Services Attorney
Commissioner Social Services
Deputy Commissioner Soc Services
Assistant Soc Services Attorney
Tourism
Assistant Tourism Coordinator
Creative Director
Director of Tourism
Treasurer
Accountant
Junior Accountant
Deputy Treasurer
Veterans Service
Director Veterans
Weights and Measures
Director Weights and Measures
Westmount/Administration
Nursing Home Administrator
Director of Nursing
Dietary Supervisor
Comptroller
MDS Coordinator
Staffing/In-Service Coordinator

(Res. 96 of 2013, passed - -2013)

§ VI.012 NON-BARGAINING UNIT EMPLOYEE HOLIDAYS.

When a non-bargaining unit, Fair Labor Standards Act exempt employee is required, as part of the customary work schedule, to work on one of the officially-designated county holidays, or if such an employee is called to work on such a holiday, the employee shall be compensated at such employee's regular salary rate for the payroll period and receive leave credit for a full work day to be used within six months of the date of such accrual with the department head's prior approval (which approval shall not be unreasonably withheld). If such employee's normally scheduled day off falls on the official holiday, the employee shall likewise accrue one full work days' leave to be used within six months upon prior approval of the department head (which such approval shall not be unreasonably withheld).
(Res. 143 of 2016, passed - - 2016)

AFFIRMATIVE ACTION PROGRAM

§ VI.025 INTRODUCTION.

(A) An affirmative action plan covering municipal employees has been developed by the County of Warren.

(B) The first phase of this plan was submitted December 29, 1972. Phase II was submitted June 24, 1974. During the past several years the Warren County Department of Personnel and Civil Service has adopted practices and procedures geared towards establishing an upward mobility program as an integral part of the affirmative Action effort.

(C) It is the policy of the County of Warren to afford equal opportunity for employment to all individuals regardless of race, color, creed, religion, ancestry, national origin, sex, marital status or physical or mental handicap. Therefore, the County has taken affirmative action to:

(1) Recruit, hire and promote all job classifications without regard to race, color, creed, religion, ancestry, national origin, sex, marital status or physical or mental handicap except where sex is a bona fide occupational qualification.

(2) Base decisions on employment so as to further the principle of equal employment opportunity. Ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(3) Ensure that all personnel actions such as classification, compensation, benefits, transfers, layoffs, return from layoff, training and education through tuition reimbursement will be administered without regard to race, color, creed, religion, ancestry, national origin, sex, marital status or physical or mental handicap, except where sex is a bona fide occupational qualification.

(4) Ensure that all facilities of the County of Warren are available to employees on a non-discriminatory basis and that all social and recreation programs sponsored for employees be open to participation without regard to race, color, creed, religion, ancestry, national origin, sex, marital status or physical or mental handicap.

(D) The successful achievement of a non-discriminatory employment program requires maximum cooperation among employees. In fulfilling its part in this cooperative effort, the Administration is obliged to lead the way by establishing and implementing affirmative procedures and practices which will achieve the objective of equal opportunity for all.
(Res. 209 of 1972, passed - -1972)

§ VI.026 POLICY STATEMENT.

(A) A formal resolution was adopted by the Warren County Board of Supervisors on December 15, 1972 giving management support to the objectives

and goals of the Warren County Affirmative Action Plan. Implementation of program policies, under the merit system, has been successful due to this commitment.

(B) It is a fundamental policy of Warren County to provide equal opportunity to all its employees and applicants for employment, and to assure that there shall be absolutely no discrimination against any persons on grounds of race, color, religion, national origin, or sex except when sex is a bona fide occupational qualification. This obligation extends to all areas of employment including, but not necessarily limited to, the following:

(1) Recruitment;

(2) Selection and placement;

(3) Rate of pay;

(4) Promotion and transfer;

(5) Disciplinary measures;

(6) Demotions, layoffs and terminations;

(7) Daily working conditions;

(8) Testing and training (where applicable);

(9) Compensations and benefits.

(C) (1) The importance of fulfilling this policy is given top priority consideration in the day to day operations of Warren County.

(2) This policy is consistent with the provisions and objectives of the Civil Rights Act of 1964, being 42 U.S.C. §§ 2000e et seq., with implementation accomplished in accordance with specifics defined in the Warren County Affirmative Action Program.

(3) Responsibility for the development, implementation and maintenance of procedures in accordance with the equal employment opportunity policy is assigned to the Warren County Personnel Officer. The Personnel Officer will conduct periodic reviews of Warren County personnel actions to ensure that the Warren County Policy on Equal Opportunity is being adhered to.
(Res. 209 of 1972, passed - -1972)

§ VI.027 COMMUNICATION OF POLICY.

(A) Warren County's Equal Opportunity Policy Statement continues to be posted in conspicuous places; all bulletin boards, public buildings, the Personnel Office (Civil Service).

(B) Announcements for all Civil Service examinations clearly state policy.

(C) The substance of this policy will continue to be communicated through written notice to all employees, agencies, and other interested persons.

(D) In utilizing the various media to announce job openings and Civil Service examinations, Warren County will continue to include the clause, "We are an Equal Opportunity Employer".
(Res. 209 of 1972, passed - -1972)

§ VI.028 ADMINISTRATION OF POLICY.

(A) As coordinator of the program, the Personnel Officer of Warren County has strengthened lines of communication between supervisors and employees, and has achieved compliance, generally, with policy laws and regulations.

(B) These responsibilities include, but are not limited to the following:

(1) Encouragement and assistance to minority group persons in meeting the training and educational qualifications for job vacancies.

(2) Assistance to management and supervisory personnel in arriving at solutions to problems encountered in executing the Affirmative Action Program.

(3) Development of policy with respect to Equal Employment Opportunity.

(4) Serve as liaison between Warren County and compliance agencies, minority organizations, and community action groups.

(5) Keep County Legislative officials informed of current developments in the equal opportunity area.
(Res. 209 of 1972, passed - -1972)

§ VI.029 RECRUITMENT.

(A) Warren County will continue to identify itself as an Equal Opportunity Employer to all recruitment sources and stress that our interest in this area be passed on to each applicant by these sources.

(B) We will continue to maintain contact with minority group leaders in the community including heads of appropriate minority group organizations. They will be advised of Warren County's Affirmative Action Program.

(C) Clearly written job descriptions with qualifications will be provided to recruitment sources.

(D) All employees of Warren County working in the office area have been instructed in the non-discrimination policy of the County. New office workers will be advised of the County Equal Opportunity policy regarding interviewing or conversation with applicants.
(Res. 209 of 1972, passed - -1972)

§ VI.030 SELECTION (COUNSELING AND TESTING).

(A) Warren County will continue to provide assistance to job applicants in scanning list of job opportunities and in completing forms and procedures properly.

(B) We will continue to provide opportunity for re-testing within the acceptable time period.

(C) Warren County will continue to review its selection process to assure that minority group applicants are not discriminated against.

(D) Appointments to positions not in the exempt service will be made on the basis of merit by selection from among the highest available eligibles on appropriate lists. Permanent appointment will be based upon satisfactory performance during a fixed probationary period.

(E) In the absence of an appropriate Eligible List, individuals appointed to temporary or other non-status positions or given provisional appointments to permanent positions pending establishment or an Eligible List will be certified by the merit system executive as meeting at least the minimum qualifications established for the class or position. Such appointments will be time-limited. Provisional appointments will not be continued beyond the established time limit unless compelling extenuating circumstances exists and are a matter of record. Provisional appointments will be terminated within a specified reasonable period of time following establishment of an appropriate Eligible List.
(Res. 209 of 1972, passed - -1972)

§ VI.031 TRAINING.

(A) On-the-Job.

(1) Check with all employees during the probation period to ensure that they are properly placed and trained.

(2) Assign responsibility of orientation and on-the-job training of all new employees to their immediate supervisors.

(B) Formal.

(1) Send all supervisors information on courses on equal employment opportunity.

(2) Require all agencies to certify that selection for training is made on a non-discriminatory basis.

(C) In May, 1973, the Chairman of the Warren County Board of Supervisors, appointed the Personnel Officer to serve as training representative and to act in a liaison capacity with the New York State Office of Local Government on training activities.

(D) Training courses continue to be scheduled in the Spring and Fall at Adirondack Community College whereby employees are given the opportunity to enhance their skills. Educational programs have also been arranged for supervisory personnel.
(Res. 209 of 1972, passed - -1972)

§ VI.032 CLASSIFICATION AND COMPENSATION.

(A) All positions shall be reviewed for possible restructuring; there will be no pay differential between minority and non-minority employees performing essentially the same task.

(B) Warren County will make available any compensation and other benefits to all its employees on a non-discriminatory basis.
(Res. 209 of 1972, passed - -1972)

§ VI.033 DISCIPLINARY MEASURES AND TERMINATIONS.

Warren County commits itself to the policy that under no circumstances will an employee's race, color, or national origin, cause or influence his being reprimanded, discipline or removed from office.
(Res. 209 of 1972, passed - -1972)

AFFIRMING, RESTATING AND AMENDING PERSONNEL POLICIES FOR COUNTY EMPLOYEES OUTSIDE THE BARGAINING UNITS

§ VI.045 SALARY AND COMPENSATION PLAN.

(A) All employees outside the bargaining units shall be compensated according to the Warren County Salary and Compensation Plan adopted by the Board of Supervisors and according to such further Resolutions as may be adopted by the Board from time to time. For the purposes of computing salaries and where applicable, overtime and other benefits, the annual salary of all employees outside the bargaining units (with the exception of the appointed and executive employees) shall be divided by 2,080 hours. The salaries of all appointed and executive employees outside the bargaining units shall be divided by 1,820 hours as set forth in Res. 439 of 2010.

(B) (1) There shall be an increment payment of $350 added to the base salary of an employee outside the bargaining units who has completed one year of service from the date of appointment to the non-bargaining unit position; a further increment payment of $350 shall be added to an employee's salary for each additional year of employment in the non-bargaining unit position up to and including completion of the employee's eighth year of non-bargaining unit position of employment.

(2) Increment payments shall be computed as of January 1 of each year of the employee's employment in Warren County service and added to the employee's salary on the first payroll date of the anniversary year of employment.

(C) (1) For a further incentive, for longevity of service, there shall be an additional longevity payment of $400 added to the salary of an employee who shall have completed ten years of continuous employment; a further longevity payment of $500 added to the salary of an employee who shall have completed 15 years of continuous employment; a further longevity payment of $500 added to the salary of an employee who shall have completed 20 years of continuous employment; a further longevity payment of $500 added to the salary of an employee who shall have completed 25 years of continuous employment; a further longevity payment of $500 added to the salary of an employee who shall have completed 30 years of continuous employment.

(2) For the purpose of computing additional longevity payments due after ten years of continuous employment, the period of service shall be computed based on the year the employee was first appointed. Such additional longevity payment shall be added to the employee's salary on the first payroll date of the anniversary year of employment.

(3) Longevity pay shall not be offered and/or provided to new employees in the non-bargaining unit with hire dates on or after the date of passage of Res. 756 of 2009.
(Res. 308 of 1996, passed - -1996; Res. 500 of 1999, passed - -1999; Res. 194 of 2004, passed - -2004; Res. 820 of 2004, passed - -2004; Res. 756 of 2009, passed - -2009; Res. 495 of 2010, passed - -2010)

§ VI.046 WORKDAY, WORKWEEK, OVERTIME.

(A) *Workweek, workday*. The regular hours of work in each day shall not exceed eight hours, except that the hours worked when attending an authorized out-of-town conference, training class, seminar or similar educational class may be more than eight hours but not more than 11 hours when the Department Head (or designee) and the employee agree that the time worked over eight hours (not more than 11), will

be taken as authorized time off later in the same workweek. Agreement by the Department Head and employee must be in writing using a form provided by the County Attorney. If an agreement is not reached it is understood that the Department will either pay overtime or not authorize/require the employee to attend the conference, training class, seminar or similar education class for more than eight hours. This provision "the exception" concerning hours worked when attending an authorized out-of-town conference, training class, seminar or similar education class shall terminate and no longer be part of this resolution one year after the date of execution of the collective bargaining agreement effective January 1, 2008 unless this provision is extended in said collective bargaining agreement.

(B) *Overtime*. Overtime must first be authorized by the Department Head. When an employee who is required under law to receive overtime pay is authorized or required by the Department Head to work in excess of 40 hours per week, or more than eight hours in one day, he/she shall be entitled to receive compensation at the rate of time and one-half of his hourly rate of pay, except no overtime compensation shall be required under circumstances where an agreement is reached pursuant to division (A) above.

(C) *Compensatory time*. Compensatory time shall not be permitted. All time worked for employees not considered executive, administrative, or professional, in excess of the regular eight-hour day or 40-hour week will be considered as overtime and payment for such overtime will be made at the next regularly scheduled payroll period, except no overtime compensation shall be required under circumstances where an agreement is reached, pursuant to division (A) above.

(D) *Miscellaneous compensation*. The County will reimburse an employee required by the County to use his/her private automobile for County business at the rate allowable by Internal Revenue Service rules as amended from time to time.

(E) *Definition of employees*. The following definitions shall apply:

ADMINISTRATIVE EMPLOYEE. Employees responsible for department activities in the absence of the Department Head or Deputy Department Head and who assist in the enforcement of departmental policies and regularly exercise discretion and independent judgement with authority to make important agency decisions. NOTE: Administrative positions are NOT subject to agency fee provisions.

EXECUTIVE EMPLOYEE. A Department Head or Deputy Department Head. NOTE: Executive positions are NOT subject to agency fee provisions.

FULL-TIME EMPLOYEE. A person who is employed by the County for a 12-month period of time and who works 35 hours per week or more.

LESS THAN HALF-TIME EMPLOYEE. A person who is employed by the County for a 12-month period and works less than 20 hours per week.

PART-TIME EMPLOYEE. A person who is employed by the County for a 12-month period and who works less than 35 hours per week but more than 20 hours per week.

PROFESSIONAL EMPLOYEE. Employees performing work which requires knowledge of an advanced type in a position where the employees invention, imagination, and talent in a specialized field is required for project completion. Employees perform work which is unique to a career field (i.e., Law, Medicine, Planning), as distinguished from clerical, manual, mechanical or physical duties. NOTE: Professional positions are NOT subject to agency fee provisions.

TEMPORARY EMPLOYEE AND SEASONAL EMPLOYEE. A person who is employed for a particular program or project for a period not exceeding six months.

(F) *Fringe benefits*. Part-time employees as herein defined shall receive fringe benefits in the same

proportion as the ratio of the number of hours the employee works to the number of hours in the regular workweek. Less than part-time employees including less than half-time and temporary or seasonal employees shall receive no fringe benefits.
(Res. 308 of 1996, passed - -1996; Res. 151 of 2008, passed - -2008)

§ VI.047 HOLIDAYS.

(A) All employees in County service shall be entitled to the following paid holidays:

(1) New Year's Day;

(2) Martin Luther King's Birthday;

(3) President's Day;

(4) Memorial Day;

(5) Independence Day;

(6) Labor Day;

(7) Columbus Day;

(8) Veteran's Day;

(9) Thanksgiving Day;

(10) Christmas Day.

(B) Subject to the provisions herein, full-time employees shall be entitled to two additional days of with pay at their usual daily rate. These days shall be known or referred to as "floating holidays" and shall be used within restricted periods of time. One floating holiday shall be taken between January 1st and June 30th of each year. The other shall be taken between July 1 and December 31 of each year. The days may be used in conjunction with vacation or personal days. Rules concerning scheduling and/or use shall be the same as those applicable to vacation days. The days must be taken. Days earned and not taken through no fault of the employee shall be treated in the same manner as vacation days not taken under the same circumstances. Part-time employees shall receive the benefit of the floating holidays in the same proportion as the ratio of the number of hours the employees work to the number of hours in the regular work week. In their first year, a new employee shall be entitled to the floating holidays provided that the new employee was on the payroll at the time of the actual Lincoln's Birthday holiday or Election day.

(C) In order to be paid for a holiday, the employee must work the employee's last scheduled workday before and after the holiday, except with the employee's supervisor's approval. In the event an employee at a County facility operating seven days a week shall be denied holiday pay by reason of this provision, the employee shall have the right, within the same payroll period of the holiday or the payroll period immediately following said payroll period, to appeal the denial to the Human Resources Director who shall determine whether the employee shall be paid for the holiday. In making a decision, the Human Resources Director shall allow the employee, the employees's immediate supervisor or other designated representative and Administrator to be heard. The Human Resources Director shall render the decision in writing and shall include the basis or rationale for the decision. The decision shall be delivered to the employee, the employee's supervisor or designee and the Administrator.
(Res. 308 of 1996, passed - -1996; Res. 151 of 2008, passed - -2008)

§ VI.048 VACATION, SICK LEAVE, PERSONAL LEAVE, BEREAVEMENT LEAVE.

(A) *Vacation leave.*

(1) (a) All full-time County employees shall be entitled to a vacation with pay after completing one years of total continuous service as follows:

1 year of service	10 working days
3 years of service	11 working days
4 years of service	12 working days
5 years of service	13 working days

6 years of service	14 working days
7 years of service	15 working days

(b) An additional day of vacation shall be added each year until a maximum of 20 working days are attained.

(c) During the first year of employment, an employee shall be entitled to the following vacation days after 30 days of continuous employment:

Month of Employment	*Vacation Days*
January, February, March	5 days
April, May, June	4 days
July, August, September	3 days
October, November, December	2 days

(2) Vacation leave may be taken in multiples of not less than one-half day. A vacation day taken the day before or day after a holiday must be approved in advance by the Department Head.

(3) The period of employment referred to above shall be for a period of total service in Warren County employment. Vacation credits shall be computed from the day of entry into County service.

(4) A day of vacation shall be a working day.

(5) Vacation credits shall be computed from the day of entry into County service and computed on January 1 of each year. For the purpose of determining the effective date of earned vacation the period of service shall be computed from the first day of January in the year the employee was first appointed.

(6) Vacations shall be scheduled with the approval of the employee' s Department Head, which approval shall not be unreasonably withheld. All vacations shall be taken in the calendar year during which the employee becomes entitled thereto. Vacation credits shall not be carried over from one calendar year to another or used in whole or in part any year except the year in which it is due; provided, however, that the County will allow an employee:

(a) To carry part of the vacation time earned in one calendar year over into the succeeding calendar year upon advance notice to the Department Head, and solely as a continuation of a planned trip commenced in the twelfth month of the calendar year; or

(b) To carry over up to five vacation days, not taken by the employee, into the succeeding calendar year, upon notice to the Department Head by December 1 of the current calendar year, to be taken no later than June 1 of the succeeding calendar year.

(7) (a) All vacation time must be taken with the time frames provided and any time not so taken shall be forfeited or lost and no compensation shall be made to any employee, except that vacation time earned and not taken shall be paid to the employee upon application to the Warren County Board of Supervisors and a finding by such Board that:

1. In the case of an employee who is not a Department Head that the employee was requested to not take vacation time or was affirmatively denied the opportunity to take vacation time at any time during the time frames herein provided by the Department Head;

2. In the case of a Department Head, the Department Head was requested by the Board of Supervisors to not take vacation or affirmatively denied the right to take vacation; or

3. With regard to any employee injury or disability prevented the use of vacation time.

(b) The application provided for herein must be made within six months of the end of the year in which use of vacation time was earned and payment, if awarded, will be at the rate earned. Failure to make such an application shall constitute a forfeiture and/or waiver of right to be compensated for qualifying unused vacation time and the County shall have no continuing liability therefore.

(8) Part-time employees and full-time employees who work less than 40 hours per week will be entitled to vacation credits based on their regular workday and regular workweek.

(9) In order to be paid for a vacation day, the employee must work the employee's last scheduled work day before and after the vacation day, except with the employee's supervisor's approval.

(B) *Sick leave.*

(1) Absence from duty by an employee by reason of sickness or disability of an immediate member of employee's family shall also be considered "sick leave", provided, however:

(a) The sickness or disability of the immediate family member must require the physical presence and actual assistance of the employee;

(b) A full-time employee may use no more than five or the maximum number of the sick leave days the employee has available for use, whichever is less, in any calendar year for immediate family member sickness or disability and the number of days available for use by the part-time employee shall be that portion of five days which is in the same proportion to the number of hours worked when compared to full-time employees and in no event shall exceed that the employee has accrued;

(c) The use of sick leave for immediate family sickness or disability shall be subject to the same rules of use as are applicable to the employee's use of sick leave for employee's own sickness or disability including disciplinary action should the sick leave not be used in accordance with the rules specified herein;

(d) The use of sick leave for immediate family sickness or disability shall be subtracted from or charged to the employee's accumulated sick leave balance in the same manner as if used for the employees own sickness or disability;

(e) Immediate family member shall mean mother, father, husband, wife, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, and any relative or person residing in the immediate household of the employee; and

(f) This benefit or privilege of using sick leave for immediate family member sickness or disability shall end December 31, 2009, unless extended by separate Resolution of the County Board of Supervisors.

(2) The 12 working days per year allowed to an employee for sick leave may be accumulated to a maximum of 165 days, and may be kept to his or her credit for future sick leave with pay.

(3) A full-time employee who is paid on an annual basis shall be entitled to sick leave with pay on the basis of one working day per month and no more than 12 working days in each year. Such sick leave with pay shall be granted to the employee by the Department Head. The Department Head may require a physician's statement for any absence of more than three consecutive days.

(4) The 12 working days per year allowed to an employee for such leave with pay may be accumulated to a maximum of 140 days, and may be kept to his or her credit for future sick leave with pay.

(5) In the event that any employee utilizes the sick leave benefits provided by this Section while not actually sick, such employee will be subject to disciplinary proceedings.

(6) In the event an employee has not used all of his/her accumulated sick leave at the time of his/her retirement, he/she shall be paid in cash at the hourly rate then in effect, for one-half of the accumulated sick leave to his/her credit, with a maximum of 70 days to be paid in cash.

(7) Part-time employees will earn sick leave credits based on their workday and workweek.

(8) Less than half-time, temporary and seasonal employees shall not be entitled to receive sick leave credits.

(9) The 12 working days per year allowed to an employee for sick leave will be earned at the rate of one day for each calendar month of employment in County service.

(10) Employees shall be allowed to take sick leave in no less than one hour intervals.

(11) Commencing in 1997, a sick leave incentive of $400 shall be paid by the last pay period before December 25 of each year to any employee who has not taken sick leave from December 1 to the following November 30. In 1996, only, a sick leave incentive of $200 shall be paid by the last payroll period before December 25, 1996 to any employee who has not taken sick leave between June 1, 1996 and November 30, 1996.

(12) (a) A new full-time employee who is paid on an annual basis shall be entitled to sick leave with pay on the basis of ten working days in each year. Such sick leave with pay shall be granted to the employee by the Department Head. The Department Head may require a physician's statement for any absence of more than three consecutive days. The ten working days per year allowed to a new employee for such leave with pay may be accumulated to a maximum of 165 days, and may be kept to his or her credit for future sick leave with pay;

(b) For all new non-union employees hired after the date of the adoption of this Res. 54 of 2013, there will be no sick leave payout;

(c) All new full-time and part-time employees commencing work for the County on or after the adoption of this resolution shall accrue leave from the date of hire at the rate of three hours per payroll period plus one additional hour upon completion of six months employment. Any leave time accrued shall not be considered earned until the newly hired employees have completed six months of continuous service. Once six months continuous service has been completed, the employee may use any of the accrued time or continue to save the time for future use in accordance with other applicable provisions of this agreement. If a new employee shall not complete six months continuous service, the accrued time shall not be considered earned and shall not be payable to the employee upon termination or otherwise leaving the County. Effective as of the date of execution of this agreement, any employee beginning work with Warren County after that date, shall always accrue all vacation time provided for herein on a pro-rata bi-weekly basis and such vacation time must be used not later than 18 months from the time earned or the vacation time shall be forfeited or lost and no compensation shall be made to the employee; and

(d) Sick leave incentive shall be deleted in its entirety for all employees.

(13) Accumulated sick leave benefits.

(a) Any employee who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, who has not used all of his/her accumulated sick leave at the time of his/her retirement, shall be paid in cash at the hourly rate then in effect for one-half of the accumulated sick leave to his/her credit, with a maximum of 70 days to be paid in cash.

(b) Any non-bargaining unit employee of the Sheriff's Office who has not used all of his/her accumulated sick leave at the time of his/her retirement shall be paid in cash at the hourly rate then in effect, for one-half of the accumulated sick leave to his/her credit, with a maximum of 90 days to be paid in cash.

(C) *Personal leave.*

(1) Personal leave is leave with pay for personal business, including religious observance, without charge against accumulated vacation credits.

(2) Full-time employees in County service shall be entitled to personal leave not exceeding a total of three days in each year.

(3) Part-time employees will earn personal leave credits based on their workday and workweek.

(4) Less than half-time, temporary and seasonal employees shall not be entitled to personal leave credits.

(5) Personal leave shall not be cumulative and no part thereof shall be carried over from one calendar year to another. Unused personal leave shall not be liquidated in cash at the time of separation, retirement or death.

(6) Personal leave shall be granted only by prior approval of the Department Head and only at a time convenient to the Department, and may be taken in multiples of not less than one hour.

(7) (a) An employee shall not be entitled to personal leave time until after four months of continuous employment.

(b) Each new full-time permanent employee shall be credited with one day of personal leave after four months of continuous employment and one additional day of personal leave after eight months of continuous employment and by an additional day of personal leave at the end of the tenth month of employment, except all new employees shall have three personal leave days credited as of January 1, whether they have completed ten months of service or not.

(D) *Leave of absence.*

(1) *Military leave.* County employees who are members of military reserve units and are required to go on active duty for training purposes shall be entitled to leave without loss of pay for such time as is necessary to fulfill such military training obligation, but not exceeding 30 workdays per calendar year. Payment shall not be made to such employee unless a copy of the military orders is submitted to the Department Head.

(2) *Medical leave, education leave and family leave.*

(a) An unpaid medical leave may be requested for a period not to exceed 90 days at a time. Extensions of such authorized medical leave will be granted after an approval by the Department Head and the Personnel Officer of Warren County.

(b) Unpaid educational leave may be requested up to a period not to exceed ten months.

(c) 1. Unpaid family and medical leave may be requested up to a period not to exceed 12 weeks in a 12-month period of time and under the following conditions:

a. To care for the employee's child after birth, or placement for adoption or foster care;

b. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition as defined in the Federal Regulations implementing the Family and Medical Leave Act; or

c. For a serious health condition as defined in the Federal Regulations, that makes the employee unable to perform the employee's job.

2. The Federal Regulations implementing the Family and Medical Leave Act of 1993, effective February 6, 1994, shall govern and define the terms and conditions of Family and Medical Leave.

(d) All requests for leave shall be approved by the Department Head and the Warren County Personnel Officer prior to the granting of leave. An employee shall receive a reason in writing for any denial of a request for leave.

(e) Upon termination of an authorized leave of absence, the employee will be reinstated without interruption of service, rights and benefits.

(f) In the event an employee is reinstated in his/her old position within two months from the date he/she has resigned or for any reason has left his/her position, he/she will be reinstated with all his/her accumulative rights and benefits as if no interruption in service has occurred.

(g) In the event an employee reenters County service after having terminated his/her service for any reason whatsoever and is not reinstated within two months from the date his/her service has terminated, such employee shall not be entitled to vacation credits based on total service until he/she has completed two years of continuous service from the date of reentering County service.

(E) *Bereavement leave and funeral leave*.

(1) Employees may be absent from work without loss of pay by reason of death in the immediate family up to a maximum period of three working days, commencing from the date of death of the family member or day before the funeral. Immediate family includes only mother, father, husband, wife, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law and any relative or person residing in the immediate household of the employee.

(2) Employees may be absent from work without loss of pay for one day to attend the funeral of the employee's brother-in-law, sister-in-law, or grandparent-in-law.

(3) When extreme weather conditions will not allow for a burial until spring, an employee may reserved and schedule a day of the bereavement leave discussed above for such reason.

(F) *Employee approval*. The employer shall not have the right to charge any employee's leave credits without that employee's approval.

(G) *No discrimination*. The County shall administer the policies set forth in this Resolution in a manner which will be fair and impartial to all employees and there shall be no discrimination against any employee because of age, race, creed, color sexual orientation, national origin military status, sex, disability, predisposing genetic characteristics, or marital status.

(Res. 308 of 1996, passed - -1996; Res. 820 of 2004, passed - -2004; Local Law 4 of 2008, passed 3-21-2008; Res. 151 of 2008, passed - -2008; Res. 336 of 2010, passed - -2010; Res. 54 of 2013, passed - -2013)

§ VI.049 HEALTH INSURANCE AND DENTAL INSURANCE PLANS.

(A) All permanent full-time employees of the County of Warren shall be eligible for membership in non-duplicative coverage under such Medical and Dental Coverage Plans approved by the Board of Supervisors.

(B) All retired employees of the County of Warren shall be eligible for continued coverage under the Warren County Health Insurance Plan as set forth in Resolution 507 of 1994, adopted by the Warren County Board of Supervisors on November 21, 1994 or as shall be determined by future Resolutions of the Warren County Board of Supervisors.

(C) Employees who are eligible for health insurance coverage as defined above and who do not take health insurance will receive $50 per month if the employee is eligible for individual coverage, or $100 per month if the employee is eligible for dependent coverage. Such payments will be made prior to December 31 each year. In order to obtain the health insurance incentive, the employee must document to the County that other health insurance is available and the employee must sign a release to the County waiving any rights to health insurance coverage and releasing the County from any other health related liability. If an employee who has elected this option loses his/her other health insurance coverage, he/she must immediately notify the Personnel Office and his/her coverage will be reinstated upon the employee making the appropriate payment of the premium, if such premium is due, and otherwise satisfying the eligibility requirements. However, in order for the health insurance incentive referred to in this Section to become effective for non-bargaining unit members, there must be at least 35 existing bargaining unit members of the Warren County General Unit of

Warren County Local 857 of the Civil Service Employees Association, Inc. who cancel their existing health insurance coverage with the County.
(Res. 308 of 1996, passed - -1996)

§ VI.050 RETIREMENT PLANS AND DEATH BENEFITS.

(A) *Retirement - generally*. Retirement benefits and death benefits, to the extent available, are provided through the New York State and Local Employees' Retirement System. Information concerning the nature and extent of the retirement benefits may be obtained through the Personnel Department and/or from the New York State and Local Employees' Retirement System.

(B) *Career retirement plan*. The County has adopted a Resolution providing for a Career Retirement Plan for County-employees pursuant to N.Y. Retire. & Soc. Sec. Law § 75-i. The foregoing shall be amended to the extent necessary to reflect changes in the N.Y. Retire. & Soc. Sec. Law as it applies to so-called "Tier Three" category employees. Such plan shall become effective upon compliance with applicable New York State laws and implementation by the New York State Retirement and Social Security System.

(C) *Guaranteed ordinary death benefit*. The County has adopted a Resolution providing for a guaranteed ordinary death benefit under N.Y. Retire. & Soc. Sec. Law § 60-b as amended by the Laws of 1970 which provides, for County employees who qualify, a guaranteed minimum death benefit of three times the annual rate of pay but limited to $20,000.
(Res. 308 of 1996, passed - -1996)

§ VI.051 MISCELLANEOUS PROVISIONS.

(A) *Coffee breaks*. All employees shall be allowed one coffee break during each four hours of his/her regular day and each Department Head shall establish such rules and regulations as may be necessary to implement these employee rest periods.

(B) *Annual statement of accrued time*. During the month of February in each year or as soon thereafter as may be practicable, the County shall prepare and distribute to each employee in County service a statement of his/her accrued credits for vacation and sick leave as of the end of the prior calendar year and a statement of any such other credits or leave time the employee shall be entitled to during the ensuing year which are not accumulative.

(C) *Submission of time cards*. For the purpose of maintaining leave balances, all employees are to submit weekly time cards. Overtime payment for those employees not deemed executive, administrative or professional shall be listed on weekly time cards. Hours reported in excess of 40 hours weekly for those employees designated executive, administrative or professional are NOT eligible for overtime compensation.

(D) *Review of time cards*. Every employee in County service shall have the right to review or question his/her time card and may from time to time inquire through the Personnel Office as to his/her accrued leave time credits.

(E) *Medicare premiums*. Upon the exclusion from the coverage of the County's health insurance plan of the supplemental medical insurance benefits under Medicare, the amount of such Medicare premium will be deducted from contributions payable by the employee and the employer contributions to the Health Insurance Fund shall be adjusted as necessary to provide such payments.

(F) *Workers' compensation and disability insurance*. Warren County Workers' Compensation and Disability Insurance is through self insurance and benefits and use or credit of sick leave will be in accordance with the rules established thereunder.

(G) *Jury duty compensation*. The County will pay an employee who serves on jury duty their regular 40 hours pay at straight time for each day served on jury duty. Upon discharge from jury duty, prior to the end of the workday, the employee shall return to his/her County job. The County will require

verification of jury service and time discharged by the Commissioner of Jurors. Immediately upon being discharged from jury duty the employee shall obtain a verification and time discharged form from the Personnel Department or the Commissioner of Jurors and request that the Commissioner of Jurors or designee sign the same. The employee shall be required to give a copy of the verification form to the Department Head prior to returning to work.

(H) *Training programs*. County employees shall be allowed to take job related courses with the prior approval of the County Board of Supervisors. Upon satisfactory completion of the course with a "C" grade or better, the County shall reimburse the employee for 50% of the cost for tuition and fees incidental to taking the course.

(I) *Job-related course benefit*. County employees who are not represented by a union or collective bargaining agreement, with the exception of elected officials, shall be allowed to take job related courses with the prior approval of the County Board of Supervisors. Upon satisfactory completion of the course with a "C" grade or better, the County shall reimburse the employee for 50% of the cost for tuition and fees incidental to taking the course. If the employee does not work for at least 18 consecutive months after completing a course for which the County has reimbursed the employee for 50% of the cost of tuition and fees, the employee will refund the County the total amount paid by the County to the employee.

(J) *Employee indemnification*. The indemnification benefits of N.Y. Pub. Off. Law § 18 has been conferred upon all County employees, provided such employee complies with all of the requirements of N.Y. Pub. Off. Law § 18.

(K) *Americans with Disabilities Act*. The County shall comply with the applicable provisions of the Americans with Disabilities Act. See §§ VI.065 through VI.071.

(Res. 308 of 1996, passed - -1996; Local Law 4 of 2008, passed 3-21-2008; Res. 145 of 2016, passed - -2016)

AMERICANS WITH DISABILITIES ACT

§ VI.065 POLICY STATEMENT.

As provided by § 504 of the Rehabilitation Act of 1973, being 29 U.S.C. § 794, the Americans with Disabilities Act of 1990 (ADA), being 42 U.S.C. §§ 12101 et seq. and ADA Title II Regulations, being 28 C.F.R. Part 35:

(A) *Warren County programs, services and activities*.

(1) Warren County, New York ("Warren County") will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services or activities. Warren County further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

(2) Warren County shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

(3) Warren County shall generally permit the use of a service animal (including miniature horses, to the extent any particular facility can

accommodate these animals) by an individual with a disability, except that:

(a) Warren County may ask an individual with a disability to remove a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it or the animal is not housebroken. If Warren County properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

(b) Warren County shall not be responsible for the care or supervision of a service animal.

(c) Warren County shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Warren County may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Warren County shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, Warren County will not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(d) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

(e) Warren County shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If Warren County normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

(4) (a) Warren County shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(b) Warren County shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless Warren County can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements adopted by resolution of the Warren County Board of Supervisors.

(c) Warren County shall not ask an individual using a wheelchair or other manually powered mobility device questions about the nature and extent of the individual's disability.

(d) Warren County may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability.

(e) If Warren County permits the use of another power-driven mobility device by an individual with a mobility disability, it shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, Warren County shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or car is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.

(5) (a) Warren County shall ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating:

1. During the same hours;

2. During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;

3. Through the same methods of distribution;

4. In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and

5. Under the same terms and conditions as other tickets sold for the same event or series of events.

(b) Warren County shall, upon inquiry:

1. Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility;

2. Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and

3. Provide materials, such as seating maps, plans, brochures, pricing charts or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

(c) Purchasing of multiple tickets, holding and releasing of tickets, transfer and secondary market of tickets shall be governed by ADA Title II Regulations.

(6) All Warren County offices and programs shall be accessible to users of TTYs (Teletypewriter) either by having a TTY to provide direct TTY access or by way of the NY Relay Service.

(7) Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

(8) Warren County shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities and facilities. Warren County shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

(9) (a) Warren County is not required to permit an individual to participate in or benefit from services, programs or activities of that public entity when that individual poses a direct threat to the health or safety of others. In determining whether an individual poses a direct threat to the health or safety of others, Warren County will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

(b) Warren County is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service program,

or activity or would result in undue financial and administrative burdens, Warren County has the burden of proving that compliance with this division would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Warren County Administrator or his or her designee after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required that would result in such an alteration or such burdens, Warren County shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by Warren County.

(10) (a) Warren County shall not discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the Act or regulations adopted in furtherance thereof.

(b) Warren County shall not coerce, intimidate, threaten or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or regulations adopted in furtherance thereof.

(B) *Warren County employment*. Warren County will ensure that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(C) *Warren County administration of 504 contracts*. All Warren County departments administering § 504 contracts whereupon the contractor, other than another government entity, provides programs, services or activities to the public, shall require the contractor to comply with the § 504/ADA requirements applicable to governments. The contracting county department shall monitor respective contracts for compliance with § 504/ADA.

(D) *Word/phrase meaning*. For our purposes, a ***DISABLED PERSON*** is defined as any person who:

(1) Has a physical or mental impairment that substantially limits one or more major life activity;

(2) Has a record of such an impairment; or

(3) Is regarded as having such impairment.
(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.066 ORGANIZATION AND § 504/ADA COORDINATORS RESPONSIBILITIES.

Administration of the County's 504/ADA responsibilities shall be as follows:

(A) The Self Insurance Administrator for Warren County, 1340 State Route 9, Lake George, New York 12845, acts as the Warren County ADA Coordinator and coordinates ADA compliance activities, inquiries, accommodation requests, and complaints.

(B) The Department Head of each department involved with federally funded programs, services and activities, acts as the § 504 Coordinator for that department and coordinates § 504 compliance activities, inquiries, accommodation requests, and complaints.

(C) The County Human Resources Director for Warren County, Department of Human Resources and Civil Service Administration, 1340 State Route 9, Lake George, New York 12845, shall handle all employment related activities, inquiries, accommodation requests and complaints.
(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.067 SECTION 504/ADA NOTICE TO THE PUBLIC.

Notice required by 504/ADA shall read as follows:

In accordance with the requirements of Title II of the ADA and § 504 of the Rehabilitation Act of 1973, Warren County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. Warren County does not discriminate on the basis of disability in its hiring or employment practices. Warren County departments administering § 504 contracts shall require the contractors to comply with § 504/ADA regulations applicable to governments. Warren County has adopted a policy that sets forth in more detail how it complies with said laws and regulations adopted pursuant thereto. A copy of that policy is accessible through the County's website or upon request to the ADA Coordinator.

This notice is provided as required by Title II of the ADA and § 504 of the Rehabilitation Act of 1973. Questions, complaints or requests for additional information or accommodation regarding the ADA may be forwarded to the designated ADA Coordinator:

Self Insurance Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6529
Office Hours: Monday—Friday, 7:00 a.m. to 5:00 p.m.

Questions, complaints or requests for additional information or accommodation regarding the ADA and employment matters may be forwarded to the County Human Resources Director for Warren County:

County Human Resources Director
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6440
Office Hours: Monday—Friday, 8:00 a.m. to 5:00 p.m.

Questions, complaints or requests for additional information or accommodation regarding § 504 contract matters may be forwarded to the Department Head of the department administering the federally funded program by filing the complaint with the Warren County Administrator:

Warren County Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6539
Office Hours: Monday—Friday, 8:00 a.m. to 5:00 p.m.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Warren County should contact the ADA/§ 504 Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require Warren County to take any action that would fundamentally alter the nature of its programs or services, or impose on it an undue financial or administrative burden.

Complaints that a program, service or activity of Warren County is not accessible to persons with disabilities should be directed to the ADA Coordinator.

Warren County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.068 SECTION 504/ADA SELF-EVALUATION.

Warren County will complete the self-evaluation required by 504/ADA as follows:

(A) Warren County shall evaluate its current services, policies and practices, and the effects thereof, that do not or may not meet the requirements of § 504 of the Rehabilitation Act of 1973, the ADA and the rules and regulations promulgated thereunder and, to the extent modification of any such services, policies and practices is required, Warren County shall proceed to make the necessary modifications.

(B) Warren County shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by advertising in the official newspaper, posting the same on the website and surveying employees with the request to submit comments.

(C) Warren County shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.069 GRIEVANCE PROCEDURES.

(A) This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, employment and/or § 504 contracts.

(B) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available for persons with disabilities upon request.

(C) The complaint should be submitted by the grievant and/or his/her designee as soon as possible but not later than 60 calendar days after the alleged violations to:

(1) In the case of complaints involving services activities or programs, the designated ADA Coordinator:

Self Insurance Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6529
Office Hours: Monday—Friday, 7:00 a.m. to 5:00 p.m.

(2) In the case of complaints relating to Federal or State funding requiring § 504 compliance, to the § 504 Coordinator for that department by filing the complaint with the Warren County Administrator:

Warren County Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6539
Office Hours: Monday—Friday, 8:00 a.m. to 5:00 p.m.

(3) In the case of employment complaints, to the County Human Resources Director:

County Human Resources Director
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6440
Office Hours: Monday—Friday, 8:00 a.m. to 5:00 p.m.

(D) For all complaints, within 15 calendar days

after receipt of the complaint, the ADA/§ 504 Coordinator/County Human Resources Director or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA/§ 504 Coordinator/County Human Resources Director or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audiotape. The response will explain the position of Warren County and, if appropriate, offer options for substantive resolution of the complaint.

(E) If the response by the ADA/§ 504 Coordinator or the County Human Resources Director or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the County Administrator of Warren County or his/her designee. Within 15 calendar days after receipt of the appeal, the County Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Warren County Administrator or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

(F) All written complaints received by the ADA/§ 504 Coordinator or his/her designee, appeals to the Warren County Administrator or his/her designee, and responses from these two offices will be retained by Warren County for at least three years.
(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.070 REASONABLE ACCOMMODATION PROCEDURES.

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by Warren County should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Self Insurance Administrator
County of Warren, New York
1340 State Route 9
Lake George, New York 12845
(518) 761-6529
Office Hours: Monday—Friday, 7:00 a.m. to 5:00 p.m.

(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

§ VI.071 ASSURANCES.

(A) Pursuant to the requirements of § 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Warren County desiring to avail itself of federal financial assistance from the United States Department of Transportation, hereby gives assurance that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any services, program or activity that receives or benefits from this federal financial assistance.

(B) Warren County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 C.F.R. Part 27, 28 C.F.R. Part 35, and 42 U.S.C. §§ 12101 through 12213.
(Res. 356 of 2013, passed - -2013; Res. 365 of 2014, passed - -2014)

CIVIL SERVICE RULES

Editor's note:
Civil Service Rules are available in the Human Resources/Personnel Office.

PROCEDURES WITH REGARD TO THE ESTABLISHMENT, FILLING AND INCREASING OR DECREASING OF SALARIES FOR POSITIONS

§ VI.085 NEW POSITIONS AND RECLASSIFICATION OF EXISTING POSITIONS.

(A) In order to establish a new position or reclassify an existing position not previously authorized or provided for under the approved budget in effect in any given year and not previously approved by the Personnel Officer, the Department Head shall perform the following steps in the order set forth:

(1) Complete a New Position Duties Statement and forward to the Personnel Officer, who will determine an appropriate title and description and respond in writing; to reclassify an existing position, complete a Job Classification Questionnaire and forward to the Personnel Officer, who will determine if a reclassification is warranted; if so, the Personnel Officer will respond in writing with the appropriate job title and description;

(2) Contact the County Administrator for purposes of discussing the proposed position and salary;

(3) Review the request with the Human Resources Director to verify that the information on the request is accurate;

(4) Obtain approval of the Department's Supervisory Committee;

(5) Obtain approval of the Personnel/Human Resources Committee;

(6) Obtain approval of the Finance Committee, which shall not only consider approval of the position, but also the proper budgetary amendment or other action; and

(7) Obtain approval of the full Board of Supervisors;

(8) Upon completion of divisions (A)(1) through (A)(7) above, the Department Head may fill the position by completing Form 426, attaching the resolution approving same and submitting to the Human Resources Director.

(B) New positions created during the annual budget process and subsequently filled during the first six months of the year will not require additional approvals other than division (A)(1) above.
(Res. 374 of 2011, passed - -2011; Res. 259 of 2014, passed - -2014)

§ VI.086 FILLING OF VACANT POSITIONS.

Unless an emergency exists as herein defined, a vacant position of employment which occurs by reason of retirement, termination, or resignation shall not be filled until the Department Head performs the following steps in the order set forth:

(A) Contact and review the request with the County Administrator;

(B) Review the request with the Human Resources Director to verify that the information is accurate;

(C) The County Administrator shall provide formal notice of the vacancy to the Budget Officer when the Department Head files the Notice of Intent to Fill Vacant Position;

(D) Provide notice of such vacancy to the Department's Supervisory Committee by:

(1) Completing the form entitled, Notice of Intent to Fill Vacant Position, annexed to this Resolution as Schedule "A" and codified in § VI.088;

(2) Presenting the form to the Supervisory Committee for consideration of the following options;

(E) If the County Administrator, Budget Officer and Chair of the Committee with oversight of the affected department (with or without committee approval as provided in the Board Rules) each approve the filling of the vacancy, they shall execute

the form attached as Schedule "A" (codified in § VI.088). If the County Administrator, Budget Officer and/or the Supervisory Committee determine that the position should not be filled, the Department Head will no longer have authority to fill the position unless the Board of Supervisors shall otherwise determine;

(F) If the required approvals are received, when the position is filled, the Department Head shall file the following documents with the Human Resources Office:

(1) Form 426 with any required documentation;

(2) Schedule "A", Notice of Intent to Fill Vacant Position (codified in § VI.088), executed by all parties.

(G) In the event of an emergency requiring the appointment of personnel to fill a vacancy, the Department Head will contact the County Administrator who shall in turn contact the Chairman of the Supervisory Committee to discuss the same. Following the discussion, if the Chairman approves the appointment, it will then be forwarded to the Clerk of the Board of Supervisors, who will alert the oversight Committee. For purposes hereof, an emergency is considered existing when a Department has an urgent operational or financial related need as determined by the Chair of the oversight committee in accordance with the Rules of the Board of Supervisors.
(Res. 374 of 2011, passed - -2011; Res. 259 of 2014, passed - -2014)

§ VI.087 INCREASING OR DECREASING SALARIES.

(A) When a Department Head desires to increase or decrease a salary or hourly wage for a position of employment, the Department Head shall perform the following steps in the order set forth:

(1) Contact and review the request with the County Administrator;

(2) Review the request with the Human Resources Director to verify that the information is accurate;

(3) Present the request to the Supervisory Committee;

(4) If approved by the Supervisory Committee, the request will be referred to the Personnel/Human Resources Committee for their consideration;

(5) Obtain approval of the Finance Committee, which shall not only consider approval of the position, but also the proper budgetary amendment or other action; and

(6) Obtain approval of the full Board of Supervisors;

(7) Upon completion of divisions (A)(1) through (A)(6) above, the Department Head will submit Form 426 indicating the salary increase or decrease, along with the resolution approving same to the Human Resources Director.

(B) The filling of vacancies for positions at the Westmount Health Facility of CNA, LPN, RN and all other positions requiring a license to practice nursing, are hereby excepted from the requirements of this resolution to the extent that the Administrator of the facility is filling positions that have been budgeted, and be it further:

(C) If any position is vacated during the probationary period of the employee, the Department Head does not have to repeat the process as set forth in said Resolution.
(Res. 374 of 2011, passed - -2011; Res. 259 of 2014, passed - -2014)

[See next page.]

§ VI.088 SCHEDULE A - NOTICE OF INTENT TO FILL VACANT POSITION.

RESOLUTION REQUEST FORM NO. 12

Schedule "A"

NOTICE OF INTENT TO FILL VACANT POSITION

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. *For complete instructions on the procedure to be followed, see the reverse of this form*.

DEPARTMENT HEAD COMPLETES THIS SECTION

Department _____ Payroll Dept. No. _____

Title of Position _____ Base Salary of Position _____ Grade _____

Filling at Step # (If Known) _____ Request to Backfill Sue to Promotion: ☐ Yes ☐ No

Budget code and title _____Union ☐ Non-Union ☐

This position is vacated due to: ☐ Retirement ☐ Resignation ☐ Termination ☐ Promotion ☐ Other

Employee No. _____ Is this position mandated? ☐ Yes ☐ No Is the position reimbursable? ☐ Yes ☐ No

Source of reimbursement: ☐ Federal _____% ☐ State _____% ☐ Other _____% _____

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

☐ Competitive-active eligible list ☐ Competitive-no list *(hiring would be provisional)* ☐ Non-competitive ☐ Other ____

Actual Impact to Budget Report will be provided monthly by Human Resources Director.

Candidate's qualifications must be approved by Personnel Officer prior to hiring.

Human Resources Director has approved this form when initialed. _____

COUNTY ADMINISTRATOR COMPLETES THIS SECTION

☐ The Administrator has no objection to the filling of the vacancy.

☐ The Administrator objects to the filling of the vacancy.

Administrator Signature _____ Date _____

BUDGET OFFICER COMPLETES THIS SECTION

☐ The Budget Officer has no objection to the filling of the vacancy.

☐ The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature _____ Date _____

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee _____

☐ The committee has no objection to the filling of the vacancy.

☐ The committee objects to the filling of the vacancy.

☐ In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.

☐ In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature _____ Date _____

AUTHORITY FOR POLICY AND PROCEDURE

Resolution 155 of 2003, amended by Resolution Nos. 497 of 2006, 719 of 2006, 318 of 2007, 374 of 2011and 259 of 2014 provides the policy and procedure for the establishment, filling and increasing or decreasing of salaries for positions within Warren County. Copies of the resolutions are available from the Clerk of the Board.

WHAT FORM TO USE

- For giving notice of intent to fill an existing vacant position, use this form.
- For creating a new position, complete Resolution Request Form No. 11.
- For increasing or decreasing salary of non-union position, complete Resolution Request Form No. 13.
- For reclassification of position, complete Resolution Request Form No. 14.

These forms are available from the Clerk of the Board.

HOW TO USE THIS FORM

Department heads must first file this notice of intent with the County Administrator. The County Administrator shall furnish a copy of the notice to the Budget Officer. Once both the County Administrator and the Budget Officer have executed the form, a copy must be submitted by the Department Head to the Supervisory Committee with their regular agenda. Once signed by the Chair of the Supervisory Committee, the Notice of Intent shall be submitted to the Clerk of the Board, who shall report the action on the Personnel Committee agenda and forward the fully executed form to the Department Head.

OBJECTIONS

If either the County Administrator, Budget Officer or Supervisory Committee objects to the position being filled, each should affix their signature to this form indicating they have an objection. In this case, the department head is advised that the position may not be filled unless otherwise determined by the Board of Supervisors. All requests to fill vacant positions must be approved by the County Administrator, Budget Officer and a 2/3 majority vote of the Supervisory Committee or oversight committee Chair approval as provided in the Rules of the Board.

NO OBJECTIONS

If the County Administrator, Budget Officer and Supervisory Committee have no objection to the position being filled, each should affix their signatures to this form indicating they have no objection.

PAPERWORK

To fill the position, complete the 426 Report of Personnel Change, attach the original of this form to the back of the 426, along with the Resolution approving same and submit to the Human Resources and Civil Service Department. Be certain to make a copy of both the 426 and this form for retention in your department files.

Department Heads are reminded that an oath of office must be filed in the Office of the County Clerk. Oath of Office forms are available from the County Clerk.

(Res. 374 of 2011, passed - -2011; Res. 259 of 2014, passed - -2014)

WARREN COUNTY ALCOHOL AND DRUG TESTING POLICY (COMMERCIAL DRIVER LICENSE)

§ VI.100 INTRODUCTION.

(A) On February 15, 1994 the United States Department of Transportation (DOT) published the final rules for drug and alcohol testing of Commercial Driver License (CDL) holders. The final rules must be implemented by all employers of CDL holders by January 1, 1996.

(B) These rules prohibit CDL holders from engaging in certain drug and alcohol related conduct and require employers to test employees to ensure compliance with the drug and alcohol rules.

(C) This handbook has been developed as a means to ensure that all Warren County employees who hold a CDL are informed of the Federal rules for drug and alcohol testing and the consequences of any violation.

(D) If you possess a CDL and drive, inspect, repair, load or unload a commercial vehicle on county business, the following rules apply to you.

(E) If you are a CDL holder and currently occupy a department of personnel administration designated safety-sensitive classification, you are subject to substance testing under both state and federal authorities.
(Res. 570 of 1995, passed - -1995)

§ VI.101 EMPLOYEES WHO HOLD A CDL.

To all Warren County employees who hold a class A or class B commercial driver license (CDL):

(A) Federal Highway Administration (FHWA) regulations require annual random, unannounced alcohol and controlled substance (drug) testing of all CDL holders. The penalties for violation of the new FHWA alcohol misuse and controlled substances use regulations are considerable. If a CDL holder tests positive for drug use or the misuse of alcohol, the CDL holder will be prohibited from performing safety-sensitive functions associated with the operation of a commercial vehicle and the CDL holder may be subject to a $10,000 fine under 49 U.S.C. § 521(b). Additionally, Warren County will take corrective disciplinary action up to and including termination for any employee found in violation of the FHWA regulations.

(B) If you are experiencing difficulty with the use of alcohol or drugs, you are strongly encouraged to notify your supervisor, or Department Head. Warren County will assist you as much as is operationally practicable in helping you to overcome problems associated with substance abuse and protect your employment status. Please see the section entitled "Where to Get Help".
(Res. 570 of 1995, passed - -1995)

§ VI.102 DEFINITIONS.

For the purpose of this policy, the following definitions apply:

ACCIDENT.

(1) An occurrence involving a Commercial Motor Vehicle operating on a public road which results in:

(a) A fatality;

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(c) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

(2) If an Employee is ticketed for a moving traffic violation as a result of an accident while driving a Commercial Motor Vehicle, the employee is subject to a Drug and Alcohol test under the Policy.

ALCOHOL. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

ALCOHOL CONCENTRATION (OR CONTENT). The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

ALCOHOL USE. The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

BREATH ALCOHOL TECHNICIAN (BAT). An individual who instructs and assists individuals in the Alcohol testing process and operates an Evidentiary Breath Testing Device (EBT).

COLLECTION SITE. A designated clinic/facility where applicants or employees may present themselves for the purposes of providing a specimen of their urine to be analyzed for the presence of Drugs or providing a sample of their breath to be analyzed for the presence of Alcohol.

COMMERCIAL MOTOR VEHICLE. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or

(2) Has a gross vehicle weight rating of 26,001 or more pounds; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act which require the motor vehicle to be placards under the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

CONFIRMATION TEST. For alcohol testing, means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances, testing means a second analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy (Gas chromatography/mass spectrophotometry (GC/MS) is the only authorized and confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine).

CUT-OFF LEVELS. The minimum value established for designating a test result as positive.

DRIVER. Any person who operates a commercial motor vehicle. This includes, but is not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of any employer. For the purposes of a pre-employment or pre-duty testing only, the ***DRIVER*** included a person applying to drive a commercial motor vehicle.

DRUGS (PROHIBITED). All controlled substance including, but not limited to marijuana, cocaine, amphetamines, phencyclidine and/or opiates.

FAIL A DRUG TEST or ***TEST POSITIVE.*** The confirmation test result shows positive evidences of the presence under DOT procedures of a prohibited Drug in the Employee's or applicant's system.

MEDICAL REVIEW OFFICER (MRO). A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with that individuals' medical history and any other biomedical information.

PASS A DRUG TEST or ***TEST NEGATIVE.*** That initial testing or confirmation testing under DOT procedures does not show evidence of the presence of prohibited Drug in the Employee's or applicants system.

REFUSE TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST. That an Employee either:

(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement for breath testing in accordance with the provisions of this part;

(2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing in accordance with the provisions of this part; or

(3) Engages in conduct that clearly obstructs the testing process.

SCREENING TEST (ALSO KNOWN AS INITIAL TEST). In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSION (SAP). A licensed physician (Medical Doctor or doctor of Osteopathy), or a licensed or certifies psychologist, social worker, employee assistance professional, or addiction counselor, (certified by the National Association of Alcoholism and Drug Abuse counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
(Res. 570 of 1995, passed - -1995)

§ VI.103 WHO IS AFFECTED BY THE NEW RULES.

(A) All CDL holders who perform safety-sensitive functions associated with the operation of a commercial vehicle, including those employed by governmental agencies such as Warren County.

(B) Except for:

(1) Drivers exempted by their issuing state (in this case, New York) from CDL requirements.

(2) Drivers of vehicles less than 26,001 pounds gross vehicle weight, required by their state to possess a CDL except that vehicles designed to transport 16 or more passengers and vehicles used to transport hazardous waste, are included regardless of size.

(C) A CDL is required to operate a commercial vehicle. A commercial vehicle is a vehicle which:

(1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or

(2) Has a gross weight rating of 26,001 or more pounds; or

(3) Is designed to carry 16 or more passengers including the driver; or

(4) Is of any size and is used to transport hazardous waste.
(Res. 570 of 1995, passed - -1995)

§ VI.104 SAFETY-SENSITIVE FUNCTIONS.

Any CDL holder who performs any of the following activities associated with a commercial vehicle is considered to perform or to be performing a safety-sensitive function:

(A) Inspect, service or condition any commercial vehicle.

(B) Drive a commercial vehicle.

(C) Load, unload, supervise or assist in the loading or unloading of a commercial vehicle, attend a commercial vehicle being loaded or unloaded, or give or receive for shipments loaded or unloaded.

(D) Perform the driver requirements relating to an accident of a commercial vehicle.

(E) Spend time in or on a commercial vehicle (except time spent in a sleeper berth).

(F) Inspect equipment as required by the Federal Motor Carrier Safety Regulations.

(G) Repair, obtain assistance, or remain in attendance upon a disabled commercial vehicle.
(Res. 570 of 1995, passed - -1995)

§ VI.105 PROHIBITED CONDUCT.

(A) *Alcohol**.

(1) No CDL holder may:

(a) Perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

(b) Operate a commercial vehicle while possessing alcohol unless it is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

(c) Use alcohol while performing safety-sensitive functions.

(d) Perform safety-sensitive functions within four hours after using alcohol.

(e) Use alcohol for eight hours after an accident requiring a post-accident alcohol test or until a post-accident alcohol test is administered, whichever comes first.

(f) Refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test.

(2) *Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not.

(B) *Drugs***.

(1) No CDL holder may:

(a) Perform a safety-sensitive function when the driver uses any controlled substance, except when the use is under the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle.

(b) Refuse to submit to a post-accident, random, reasonable suspicion, or follow-up test.

(2) **Drugs or controlled substances includes marijuana, cocaine, amphetamines, opiates and phencyclidines.
(Res. 570 of 1995, passed - -1995)

§ VI.106 CONSEQUENCES OF ENGAGING PROHIBITED CONDUCT.

(A) Any CDL holder who has engaged in prohibited conduct shall be immediately removed from the performance of any safety-sensitive function related to a commercial vehicle, including driving, and may not perform any safety-sensitive functions until:

(1) He/she has been evaluated by a Substance Abuse Professional (SAP)* who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

(2) If the employee has been identified by a SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the CDL holder has complied with any rehabilitation program prescribed by the original evaluating SAP.

(3) He/she has undergone a return-to-duty alcohol test with a result indication a breath alcohol, or a controlled substance test with a verified negative result if the conduct involved use of controlled substances.

(B) If the employee has been identified by a SAP as needing assistance in resolving problems associated

with alcohol or controlled substances, the CDL holder shall be subject to follow-up testing after returning to duty for a minimum of six tests in the first 12 months. If any employee has a positive alcohol or drug test, the driver must be removed from safety-sensitive duty, pursuant to Omnibus Transportation Employee Testing Act of 1991 (OTETA) . Once this occurs, the employee no longer can be paid as a driver. If a position is available, based on the recommendation of the appointing authority, this employee may be temporarily reclassified to a non-safety sensitive duty title and paid accordingly.

(C) As a result of a positive test, the cost of any return-to-duty and follow-up testing shall be the responsibility of the employee. An employee cannot be returned to safety-sensitive driving duties until they have fulfilled all requirements as set forth in OTETA. An employee may be allowed up to 12 months being temporarily reclassified or on an unpaid leave of absence to get back their license to operate a commercial motor vehicle. Failure to re-establish full driving privileges may result in disciplinary action up to and including termination of employment.

(D) In addition to the above, Warren County may take procedural steps which may lead to dismissal for any CDL holder who engages in conduct prohibited by the Federal Highway Administration's Controlled Substances and Alcohol Use and Testing Rules (49 C.F.R. Part 382 et al.).

(E) *Federal regulations require that the SAP must be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission–NAADAC).
(Res. 570 of 1995, passed - -1995)

§ VI.107 CONSEQUENCES OF ALCOHOL CONCENTRATION OF 0.02 TO 0.04.

No CDL holder who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall perform or continue to perform safety-sensitive functions, including driving until the driver's next regularly scheduled duty period, but not before 24 hours have passed since the alcohol test.
(Res. 570 of 1995, passed - -1995)

§ VI.108 REFUSAL TO SUBMIT TO ALCOHOL OR CONTROLLED SUBSTANCE TEST.

A CDL holder is considered to have refused to submit to testing when he/she:

(A) Fails to provide adequate breath for alcohol testing without a valid medical explanation after having received notice of the requirement for breath testing.

(B) Fails to provide adequate urine for controlled substance testing without a valid medical explanation after having received notice of the requirement for urine testing.

(C) Engages in conduct that clearly obstructs the testing process.
(Res. 570 of 1995, passed - -1995)

§ VI.109 PRE-EMPLOYMENT INFORMATION REQUIREMENTS.

(A) FHWA regulations require that all prospective employers obtain information from prior employers in the preceding two years regarding a potential employee's prior alcohol test with a result of 0.04 or above, positive controlled substance test, or refusal to test. The new employer must obtain this information within the first 14 days of the employee first performing safety-sensitive functions. If such information cannot be obtained, the employee may not continue to perform such functions.

(B) If the employee has engaged in prohibited conduct while in the employ of a previous employer, the employee may not perform safety-sensitive functions for the new employer until such time as the employee has complied with all applicable requirements for evaluation and return-to-duty testing.
(Res. 570 of 1995, passed - -1995)

§ VI.110 TYPES OF DRUG AND ALCOHOL TESTS.

Briefly, FHWA drug and alcohol testing rules require the following types of drug and alcohol tests:

(A) *Reasonable suspicion*. When an employee exhibits the appearance or behavior characteristic of being under the influence of drugs/alcohol.

(B) *Return-to-duty*. After an employee has completed a rehabilitation program, but before the employee resumes performing safety-sensitive functions.

(C) *Follow-up*. For a period of time, as recommended by a substance abuse counselor, after an employee returns to work after completing a rehabilitation program for drug or alcohol abuse.

(D) *Random*. Upon random selection. Random testing is conducted at 50% of the employee population for drugs and 25% for alcohol annually, spread out evenly over a 12-month period.

(E) *Post-accident*. A CDL holder is subject to post-accident testing following an accident where there was a fatality, a vehicle required towing, or someone required medical treatment and in the case of a fatality, the CDL holder was performing safety-sensitive functions, or the CDL holder was otherwise cited for a moving violation.
(Res. 570 of 1995, passed - -1995)

§ VI.111 WHEN A CDL HOLDER IS SUBJECT TO TESTING.

A CDL holder is subject to testing for:

(A) Controlled substances (drugs) anytime the CDL holder is on duty.

(B) Alcohol, anytime the CDL holder is ready to perform or immediately available to perform a safety-sensitive function, is actually performing, or has just performed a safety-sensitive function.
(Res. 570 of 1995, passed - -1995)

§ VI.112 TESTING.

(A) *Return-to-duty*.

(1) A CDL holder is subject to return-to-duty testing after having been found in violation of the FHWA drug and alcohol misuse rules. The employee may not perform safety-sensitive functions if:

(a) The result of the breath alcohol test indicates a breath alcohol level of 0.02 or greater; or

(b) The result of the controlled substance test is positive.

(2) In addition to passing a return-to-duty drug or alcohol test, the CDL holder cannot be returned to performing safety-sensitive functions until he/she has been evaluated by a SAP to determine the employee's compliance with any recommended rehabilitation program.

(B) *Follow-up*.

(1) A CDL holder is subject to follow-up testing after returning to performing safety-sensitive functions for a minimum of 12 months.

(2) The frequency of follow-up testing is based on the recommendations of a SAP. Follow-up testing may occur, but may not be less than six follow-up tests in the first 12 months after having returned-to-duty. Follow-up testing is unannounced.

(3) The CDL holder must cease to perform safety-sensitive functions if the result of any follow-up:

(a) Breath alcohol test indicates a breath alcohol level of 0.02 or greater; or

(b) Controlled substance test is positive.

(C) *Required training*. All persons in a supervisory position involving work performance of CDLs or those employed in a safety sensitive position

shall complete required training as prescribed by FHWA.

(D) *Reasonable suspicion.*

(1) A CDL holder is subject to reasonable suspicion testing for alcohol anytime preceding, during or after the CDL holder has performed a safety-sensitive function. Reasonable suspicion testing is based on the employer's suspicion that the CDL holder has violated the alcohol misuse rules based on observations of the appearance, behavior, speech or body odors of the CDL holder.

(2) A CDL holder is subject to reasonable suspicion testing for controlled substances anytime the CDL holder is on duty. It is based on the employer's suspicion that the CDL holder has violated the controlled substance rules based on observation of the appearance, behavior, speech or body odors of the CDL holder or indications of the chronic or withdrawal effects of controlled substances.

(3) When a reasonable suspicion test is ordered, a CDL holder must report for testing immediately, but no later than two hours from the time such is ordered.

(4) A CDL holder cannot continue to perform safety-sensitive functions if the results of a reasonable suspicion:

(a) Breath alcohol test indicates a breath alcohol level of 0.02 or greater; or

(b) Controlled substance test is positive.

(5) The CDL holder may not return to performing safety-sensitive functions unless the CDL holder has:

(a) Undergone an evaluation by a SAP for determination of any needed assistance in overcoming problems with alcohol misuse or use of controlled substances;

(b) Has passed a return-to-duty test; and

(c) Has been re-evaluated by a SAP to determine compliance with any recommended rehabilitation program.

(E) *Random.*

(1) FHWA regulations require employers to conduct random tests of 25% of their CDL holders for misuse of alcohol annually and 50% of their CDL holders for controlled substances. Random testing is unannounced and spread evenly over 12 months.

(2) A CDL holder cannot continue to perform safety-sensitive functions if the results of the:

(a) Breath alcohol test indicates a breath alcohol level of 0.02 or greater; or

(b) Controlled substance test is positive.

(3) The CDL holder may not return to performing safety-sensitive functions unless the CDL holder has:

(a) Undergone an evaluation by a SAP for determination of any needed assistance in overcoming problems with alcohol misuse or use of controlled substances;

(b) Has passed a return-to-duty test; and

(c) Has been revaluated by a SAP to determine compliance with any recommended rehabilitation program.

(F) *Post-accident.*

(1) A CDL holder must be tested for alcohol misuse and misuse of controlled substances if an accident resulted in a:

(a) Fatality;

(b) A vehicle required towing; or

(c) Someone required medical treatment and in the case of a fatality, the CDL holder

was performing safety-sensitive functions or if the CDL holder was cited for a moving violation.

(2) If a post-accident test is required, the CDL holder must be tested for alcohol within two hours of the accident and within 32 hours for drugs. A CDL holder may not consume alcohol for eight hours after an accident requiring post-accident testing or until such time as a test for alcohol has been administered, whichever occurs first.

(3) The CDL holder cannot continue to perform safety-sensitive functions if the results of the:

(a) Breath alcohol test indicates a breath alcohol level of 0.02 or greater; or

(b) Controlled substance test is positive.

(4) A CDL holder may not return to performing safety-sensitive functions unless the CDL holder has:

(a) Undergone an evaluation by a SAP for determination of any needed assistance in overcoming problems with alcohol misuse or use of controlled substances;

(b) Has passed a return-to-duty test; and

(c) Has been reevaluated by a SAP to determine compliance with any recommended rehabilitation program.
(Res. 570 of 1995, passed - -1995)

§ VI.113 THE TESTING PROCESS.

(A) A CDL holder who has been ordered for testing must report to the collection site immediately upon being informed that a substance test is being ordered. Warren County maintains collection sites under contract. Drug testing will be conducted by urine sample.

(B) Alcohol testing will be by breath analysis by a trained Breath Alcohol Technician.

(C) Collection procedures, specimen testing, and reporting of test results will follow FHWA requirements contained in 49 C.F.R. Part 40.

(D) To ensure that the tested specimen is actually that of the donor:

(1) Collection site staff will require positive identification of the CDL holder to be tested.

(2) The donor will be required to initial the specimen label and sign the Custody and Control Form which initiates the testing process and assigns a specimen identification number for testing.

(3) The donor must be present and witness the completion of the Custody and Control Form by collection site staff.

(E) A specimen identification number will be assigned to all urine samples and will be used to track drug tests through the process.

(F) The CDL holder will be given an opportunity to provide confidential information to the Medical Review Officer (MRO) regarding use of controlled substances that the CDL holder may have taken under medical prescription or otherwise. The sealed envelope will be forwarded to the MRO and will only be opened if the results of the drug test are positive.

(G) Only Substance Abuse and Mental Health Services Administration certified labs will be used for testing. The lab will follow the requirements of 49 C.F.R. Part 40 in testing and reporting all results. Urine samples will initially be screened for the presence of controlled substances. All urine samples which initially screen positive will be confirmed by a second method of testing.

(H) A CDL holder who tests positive for controlled substances will be contacted by a MRO to provide an opportunity for the CDL holder to provide additional information or dispute test results. Should the CDL holder be unavailable, after a reasonable attempt is made by the MRO to contact, a positive test result will be reported.

(I) A CDL holder whose urine sample has tested positive for a controlled substance has the option (within 72 hours of being notified by the MRO) of having the other portion of the split sample tested at another laboratory.

(J) If the second portion of the sample also tests positive, then the CDL holder is subject to the sanctions contained in the regulations. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions are imposed.

(K) Warren County will refer any current CDL holder who has engaged in prohibited conduct to a SAP for evaluation and assistance in locating a rehabilitation program, if a rehabilitation program is recommended.

(L) Employees must, as a condition of employment, report any conviction under a criminal drug statute for violations occurring on or off premises while conducting County business. A report of a conviction must be made within five days after the conviction (this requirement is mandated by the Drug-Free Workplace Act of 1988, being 41 U.S.C. § 81). Employees must also, as a condition of employment, report any alcohol related convictions occurring on or off County premises while conducting County business. Should an employee be convicted of a criminal drug or alcohol related offense, the County may impose disciplinary action, up to and including termination, within 30 days of learning of such a conviction.
(Res. 570 of 1995, passed - -1995)

§ VI.114 WARREN COUNTY POLICY ON MISUSE OF ALCOHOL AND DRUGS.

(A) *Warren County policy* Warren County employees shall report to and remain at work free from impairment caused by the use of illegal drugs or alcohol. The use of illegal drugs or alcohol while on duty is a violation of the Federal Drug-free Workplace Act. Warren County will assist employees who have a drug or alcohol dependency problem to recover from their addiction provided the employees seek and/or accept assistance. Warren County may take appropriate procedural steps which may lead to separation from employment to resolve drug or alcohol-related job performance problems. A copy of Warren County Drug-Free workplace policy is available from your supervisor.

(B) *Alcohol test results of 0.02 or greater, but less than 0.04.* Warren County will issue a Letter of Warning to any tested employee who tests positive for alcohol at a concentration of 0.02 or greater but less than 0.04 for the first offense only. A second offense will result in disciplinary action which may include dismissal.

(C) *Off duty alcohol use and call back.* A CDL holder who is contacted to work to perform safety-sensitive functions after having been relieved of duty must report to supervisor any off duty use of alcohol in the prior four hours.

(D) *Failure to remain available for post-accident testing.* Warren County will consider any CDL holder who fails to remain available for post-accident testing, when it is required, to have refused testing. If a CDL holder fails to follow Warren County special instructions for post-accident testing, he/she will be considered to have refused testing.

(E) *Reasonable suspicion.* Warren County employees who are ordered to submit to reasonable suspicion testing will be accompanied to the collection site. If a drug test is being conducted, the employee will be escorted home after the test. The employee may not return to work until the results to the test are know and only then if the result is negative.

(F) *FHWA regulations.* CDL holders who occupy a Warren County Civil Service designated safety-sensitive classification are subject to drug and alcohol testing under FHWA regulations. A CDL holder will be advised at the time of testing if a test is being ordered under FHWA regulations.
(Res. 570 of 1995, passed - -1995)

§ VI.115 RIGHTS OF CDL HOLDERS.

(A) *Right to records.* Upon written request, a CDL holder has the right to obtain copies of any

records regarding the CDL holder's use of alcohol or controlled substances, including any records of test results.

(B) *Right to know basis for test.* A CDL holder has the right to know the reason a drug or alcohol test is being ordered and under what authority such test is being ordered. Additionally, a CDL holder has the right to know the results of any drug or alcohol test.

(C) *Right to representation.*

(1) Employees who have union representation have a right to representation by a union representative or attorney, whenever the employee is being interviewed by the employer regarding drug test results that may result in adverse action. This interview is not mandatory, but if held, may occur before or after the drug test. Also, employees have the right for a representative to be present when the tested employee is discussing a potential positive test result with the MRO. (Conversations with the MRO will almost always be by telephone.) Those employees not represented by a collective bargaining agreement may also have a representative of his/her own choosing present.

(2) An employee does not have the right to delay a drug or alcohol test awaiting availability of representation.

(D) *Right to appeal.* Employees who are subject to disciplinary action based on a positive test for a controlled substance or alcohol are entitled to rights as outlined by applicable statutes.
(Res. 570 of 1995, passed - -1995)

§ VI.116 RECORDS RETENTION, RELEASE AND CONFIDENTIALITY.

(A) All employee records regarding drug or alcohol testing are considered confidential and may not be released except upon written request or release by the CDL holder, except:

(1) In the event of a lawsuit.

(2) In the event of a grievance or other proceeding initiated by or on behalf of the employee arising from the results of an alcohol or controlled substance test.

(3) In a proceeding relating to a benefit sought by the CDL holder, such as worker's compensation or unemployment insurance.

(B) Records and documents of all alcohol test results greater than 0.02, positive test results, refusal to test, and records relating to evaluation and referrals will be maintained as prescribed by statute.

(C) Documents and records relating to the basis for reasonable suspicion and post-accident testing and/or the inability of the CDL holder to provide adequate breath sample or a urine specimen, will be maintained for a minimum of two years.
(Res. 570 of 1995, passed - -1995)

§ VI.117 WHERE TO GET HELP.

(A) If you have any questions regarding the FHWA regulations, please contact your supervisor or Department Head.

(B) Assistance in helping employees overcome problems associated with substance abuse is available from:

Warren/Washington Counties on Alcoholism 53 3/4 Main Street Hudson Falls, NY 12839 (518)747-2191

(Res. 570 of 1995, passed - -1995)

WORKPLACE HARASSMENT PLAN AND PROGRAM

§ VI.130 PROGRAM STATEMENT.

Warren County reaffirms its policy to provide equal opportunity in employment and a safe work

environment through its commitment to ensure an environment for all employees which is fair, humane and respectful. In furtherance of this policy, Warren County hereby states that workplace harassment is unacceptable and adopts this Workplace Harassment Policy with which all County officers, employees and volunteers must comply.
(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

§ VI.131 DEFINITIONS.

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCRIMINATION. Any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identify and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic.

HARASSMENT. Includes, but not limited to:

(1) Slurs, inappropriate jokes, derogatory remarks, or any physical aggression related to another person's race, age, disability, religion, national origin, gender, or sexual preferences;

(2) Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees; or

(3) Any other conduct which creates a hostile or offensive work environment.

INTIMIDATION or ***BULLYING.*** Repeated, health-harming mistreatment of one or more persons by one or more perpetrators that takes one or more of the following forms:

(1) Exploitation of a known psychological or physical vulnerability.

(2) Direct or indirect verbal comments, actions, behaviors or tactics such as verbal abuse or psychological manipulations that are used to harm an individual or to attempt to harm an individual including but not limited to, attempts to destroy or harm a person's self-esteem or confidence; constant and repeated negative remarks, criticism or sarcasm; isolating or systematically isolating the individual; spreading false information or rumors; tasks that are ambiguous, contradictory or that are deprived of purpose; false insinuations, attacks to the individual's dignity, integrity or self-image; attempts to humiliate or public humiliation.

SEXUAL HARASSMENT.

(1) Specifically defined as unwelcome verbal or physical sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in which:

(a) Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment;

(b) Submission to or rejection of such conduct by and individual is used as the basis for employment or promotion; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's work or creating an intimidating, hostile or offensive working environment.

(2) As an unsolicited, offensive behavior that inappropriately asserts sexuality over status as an employee, sexual harassment often engenders a feeling of powerlessness and can threaten a person's economic livelihood.

(3) Examples of sexual harassment include:

(a) Verbal:

1. Sexual innuendos and comments or remarks about clothing, body or sexual activities;

2. Suggestive or insulting sounds;

3. Sexual propositions, invitations, or other pressure for sex;

4. Implied or overt threats.

(b) Physical:

1. Unnecessary touching;

2. Brushing the body;

3. Coerced sexual relations;

4. Assault.

(c) Non-Verbal:

1. Leering/prolonged staring;

2. Obscene gestures.

WORKPLACE HARASSMENT. Includes harassment, sexual harassment, discrimination, intimidation and bullying, whether verbal or physical, occurring on County property or occurring during the performance of County duties or operations.
(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

§ VI.132 WORKPLACE HARASSMENT PROHIBITED.

(A) Workplace Harassment as defined above and occurring on County property, or occurring during the performance of County duties or operations, that substantially disrupt or interfere with the orderly operation of the County or the rights of other employees, visitors, volunteers, clients, or community members, and that all department heads and department supervisors are expected to adhere to this policy and enforce any prohibitions against unlawful workplace harassment. Any department head or department supervisor who becomes aware of a violation of this policy is required to investigate the complaint as provided for in § VI.134 herein.

(B) Department heads will provide all employees within their department with a copy of this policy. Employees are required to attend and participate in any training provided by the County. Employees are responsible for reporting any violations of the policy to their department supervisor, department head, or to the Warren County Human Resources Director.
(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

§ VI.133 PROCESS FOR REPORTING HARASSMENT COMPLAINTS.

Employees that believe that they have been subjected to workplace harassment should report it to their immediate supervisor. If the employee's immediate supervisor is the person who is the cause of the complaint, the employee should speak to their department head or to the Warren County Human Resources Director. Complaints may be made verbally, however it is recommended that the employee submit a statement in writing.
(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

§ VI.134 INVESTIGATION OF COMPLAINTS.

(A) Allegations of workplace harassment are treated seriously by the County and will be promptly investigated. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

(B) Department supervisors, department heads or the Warren County Human Resources Director will be responsible for initiating an investigation as soon as possible from receipt of the complaint but not longer than five business days after receipt. Whenever possible, investigation and an attempt to resolve the problem area will begin as soon as possible.

(C) In the event that they are asked, employees and management are expected to cooperate fully with any ongoing investigation. Where possible, investigations will be conducted by the department head. The Warren County Human Resources Director may also be involved in the investigation to provide assistance and support.

(D) If the complaint is not resolved, or an employee wishes to appeal a decision made by the department supervisor, department head or Warren County Human Resources Director the complaint will be referred to the Warren County Administrator's Office. The Warren County Administrator's Office reserves the right to refer the complaint to the Personnel Committee of the Warren County Board of Supervisors at their next regularly scheduled meeting for discussion or resolution.

(E) In the event that a complaint is referred to the Personnel Committee of the Warren County Board of Supervisors, employees will be notified within seven days of the final decision and if the employee is still dissatisfied, the complaint will be presented to a mutually agreed upon representative, who will review the employees concerns and respond within 30 days.

(F) All questions regarding this policy should be directed to the Human Resources Director at the Warren County Department of Human Resources and Civil Service Administration.
(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

APPENDIX A: CHARGE OF WORKPLACE HARASSMENT.

CHARGE OF WORKPLACE HARASSMENT

This form is to be used to file a charge of inappropriate conduct based on workplace harassment.

Please print or type:

Your name: _____ Phone: _____

Current position and department: _____

Home address: _____

City: _____ State: _____ Zip: _____

---

a. Have you filed this charge with a federal or state government agency? _____ Yes _____ No

If yes, when: _____

Month Day Year

b. Have you instituted a suit or court action on this charge? _____ Yes _____ No

If yes, when: _____

Month Day Year

Harassment took place on or about: _____

Month Day Year

Check here if workplace harassment is continuing: _____
Describe briefly the act which occurred and your reason for concluding that it was workplace harassment (use extra sheets if necessary): _____ _____ _____ I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. _____ Signature Date

(Res. 304 of 2013, passed - -2013; Res. 484 of 2014, passed 10-17-2014)

CHAPTER VII: INFORMATION TECHNOLOGY

Section

Computer Usage-Internet-Password Policy

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Warren County Voice Messaging Policy

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COMPUTER USAGE-INTERNET-PASSWORD POLICY

§ VII.01 INTRODUCTION.

Username: last name first initial
Password: pass (To change password hit Ctrl + alt + delete)
E-mail address: last name first initial@warrencountyny.gov

(A) The computer, software, Internet connection 127 and e-mail system supplied by Warren County for use by Warren County officials and/or employees is owned and/or licensed for use by Warren County.

(B) While our direct connection to the internet offers a cornucopia of potential benefits, it can also open the door to some significant risks to our data and systems if we do not follow appropriate security discipline. As presented in greater detail, that may mean preventing machines with sensitive data or applications from connecting to the internet entirely, or it may mean that certain users must be prevented from using certain Internet features like file transfers. The overriding principle is that security is to be everyone's first concern. An Internet user can be held accountable for any breaches of security or confidentiality.

(C) Certain terms in this policy should be understood expansively to include related concepts. ***DOCUMENT*** covers just about any kind of file that can be read on a computer screen as if it were a printed page, including HTML files read on an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools. ***GRAPHICS*** includes photographs, pictures, animations, movies, or drawings. ***DISPLAY*** includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

(D) All employees granted Internet access with County facilities will be provided with a copy of this

policy. All internet users must sign the statement at the end of this policy.
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.02 MANAGEMENT AND ADMINISTRATION.

(A) The County has software and systems in place that can monitor and record all Internet usage. We want you to be aware that our security systems have the potential to record (for each and every user) each World Wide Web site visit, each chat, newsgroup or email message, and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. Periodic review of Internet activity will analyze usage patterns to assure that County Internet resources are devoted to maintaining the highest levels of productivity.

(B) We reserve the right to inspect any and all files downloaded from the Internet and stored in private areas of our network in order to assure compliance with policy.

(C) The display of any kind of sexually explicit image or document on any County system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.

(D) The County has available independently supplied software to identify inappropriate or sexually explicit Internet sites. We may block access from within our networks to all such sites. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

(E) This County's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way. Use of any County resources for illegal activity is grounds for disciplinary action, and we will cooperate with any legitimate law enforcement activity.

(F) Any software or files downloaded via the Internet into the County network become the property of the County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

(G) No employee may use County facilities knowingly to download or distribute pirated software or data.

(H) No employee may use the County's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.

(I) No employee may use the County's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

(J) Each employee using the Internet facilities of the County shall identify himself or herself honestly, accurately and completely (including one's County affiliation and function where requested) when participating in chats or newsgroups, or when setting up accounts on outside computer systems.

(K) The County retains the copyright to any material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his or her duties.

(L) Employees are reminded that chats and newsgroups are public forums where it is inappropriate to reveal confidential County information. Employees releasing protected information via a newsgroup or chat - whether or not the release was inadvertent - will be subject to disciplinary action as outlined in existing policies and procedures.

(M) Use of County Internet access facilities to commit infractions such as misuse of County

resources, sexual harassment and misappropriation or theft of related properties are also prohibited by general County policy.

(N) E-mail is a strategic business tool to facilitate communication between employees and other business organizations. Warren County's e-mail systems are County owned or licensed property and are intended to be used for official County business. All messages sent or received via e-mail are County property. It is against County policy to use e-mail for any unlawful endeavor.
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.03 ADDITIONAL PROVISIONS.

(A) The County will provide Internet access to those employees who demonstrate a legitimate business need.

(B) Since a wide variety of materials may be deemed offensive by colleagues, suppliers or the general public, it is a violation of County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the County's business activities.

(C) The County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individuals' Internet activities.

(D) Employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws of all agencies in which this County maintains a business presence, so that our use of the Internet does not inadvertently violate any laws which might be enforceable against us.

(E) Employees with Internet access may download software with direct business use, after Department Head approval and review by the Director of Information Technology, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

(F) Employees with Internet access may not use County Internet facilities to download entertainment software or games.

(G) Employees with Internet access may not use County Internet facilities to download images or videos unless there is an explicit business related use for the material.

(H) Employees with Internet access may not upload any software licensed to the County or data owned or licensed by the County without explicit authorization from the Department Head responsible for the software or data.

(I) Any form of computerized gambling is prohibited.

(J) Employees requiring access to otherwise prohibited websites may gain access after Department Head approval and review by the Director of Information Technology.

(K) Any on-line presence and its content must first be approved by the Department Head, Director of Information Technology, County Administrator and Committee with oversight of the Department. Subsequent changes/updates to content will require the same approval.
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.04 TECHNICAL.

(A) User IDs and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. County policy prohibits the sharing of user IDs or passwords obtained for access to Internet sites.

(B) Employees should schedule communications-intensive operations such as large file transfers, video

downloads, mass e-mailings and the like for off-peak times and only after approval from Director of Information Technology.
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.05 SECURITY.

(A) The County has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the County's networks. Any employee who attempts to disable, defeat or circumvent any County security facility will be subject to immediate disciplinary action.

(B) Files containing sensitive County data cannot be transferred without Department Head approval and, if approved, information must be encrypted prior to distribution via the Internet.

(C) Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise any County network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the County's internal networks. (Major on-line services such as CompuServe and America Online, and content providers such as Lexis-Nexis, can be accessed via firewall-protected Internet connections, making insecure direct dial-up connections generally unnecessary.)

(D) Only those Internet services and functions with documented business purposes for this County will be enabled at the Internet firewall.
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.06 PASSWORD POLICY.

(A) All passwords used by employees to accessing County network, data or information systems must meet or exceed the standards defined by the NYS Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) in the publication PO3-002 V2.1 Information Security Policy.

(B) As such the following specific criteria must be met:

(1) Passwords are not to be written down or stored in an unencrypted form;

(2) Temporary passwords must be changed upon first use;

(3) Passwords must be a minimum of eight characters in length;

(4) Passwords must be changed at least every 90 days;

(5) A password cannot be reused for a minimum of one year;

(6) Passwords must also meet the following requirements:

(a) They do not contain all or part of the user's account name or common word;

(b) Passwords must contain characters from each of the following three categories:

1. English uppercase characters (A through Z);

2. English lowercase characters (a through z);

3. Base ten digits (0 through 9).
(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.07 FORM.

Please read and sign the following statement

"I have received a written copy of Warren County's Computer Usage Policy. I fully

understand the terms of this policy and agree to abide by them. I realize that the County's security software may record for management use the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive has the potential to be recorded and stored in an archive file for management use. I know that any violation of this policy could lead to disciplinary action or even criminal prosecution. I understand that any use of County owned, leased or licensed computer equipment and/or software for Internet access constitutes consent to monitoring, recording and inspection of downloaded files and e-mail, as set forth in this policy."

Signed: _____

Date: _____

_____

Print Name Department

(Res. 699 of 2006, passed - -2006; Res. 410 of 2014, passed - -2014)

§ VII.08 LOGON MESSAGE.

The Warren County Information Technology Department has added a logon message to all County Computers advising of its proper usage and privacy expectations to include the following:

WARNING! The County's network system and voice mail systems are intended for the business use of Warren County personnel and agents. Any use of this computer or these systems by any other persons, unless specifically and expressly permitted by Warren County is unauthorized. All records (including email and voice mail and other messages) generated or stored on these computers or systems are considered County records. Accordingly, the County reserves the right to access and disclose, at any time and for any purpose, all records sent over or stored in its computers and/or systems. Your use of the County's computer and/or systems constitutes your consent to this access and disclosure. By clicking OK you are agreeing to the above statement.

(Res. 409 of 2014, passed - -2014)

IMPLEMENTING N.Y. STATE TECH. LAW § 208 REGARDING PRIVATE INFORMATION

§ VII.20 PURPOSE.

The purpose of this Resolution is to adopt, in compliance with N.Y. State Tech. Law § 208, the Warren County Policy Implementing Requirements For Notification When A Person Without Valid Authorization Has Acquired Private Information. Any particulars not determined in this policy shall be construed within the provisions of the N.Y. State Tech. Law § 208.

(Res. 232 of 2006, passed - -2006)

§ VII.21 TERMS AND MEANINGS.

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

BREACH OF THE SECURITY OF THE SYSTEM.

(1) Unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information used or owned by the County. Good faith acquisition of personal information by an employee or agent of the County for the purposes of the County is not a ***BREACH OF THE SECURITY OF THE SYSTEM***, provided that the private information is not used or subject to unauthorized disclosure.

(2) In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, a Department Head may consider the following factors, among others:

(a) Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or

(b) Indications that the information has been downloaded or copied; or

(c) Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

CONSUMER REPORTING AGENCY. Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of ***CONSUMER REPORTING AGENCIES*** shall be obtained from the state attorney general.

DEPARTMENT HEAD. A Warren County Department Head.

PRIVATE INFORMATION.

(1) Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

(a) Social security number;

(b) Driver's license number or non-driver identification card number; or

(c) Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

(2) ***PRIVATE INFORMATION*** does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.
(Res. 232 of 2006, passed - -2006)

§ VII.22 NOTIFICATION.

(A) Any Department Head whose department owns and/or controls computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of New York State whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in division (C) of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Department Head shall consult with the technical support personnel/vendor to determine the scope of breach and restoration measures.

(B) Any Department Head whose department operates computerized data that includes private information which such department does not own and/or control, shall notify the owner or licensee of the information of any breach of the security system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

(C) The notification required by this policy may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this policy shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

(D) The notice required by this policy shall be directly provided to the affected persons by one of the following methods:

(1) Written notice;

(2) Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the County who notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

(3) Telephone notification provided that a log of each such notification is kept by the County who notifies affected persons; or

(4) Substitute notice, if a department head demonstrates to the state attorney general that the cost of providing notice would exceed $250,000, or that the affected class of subject persons to be notified exceeds 500,000, or such Department Head does not have sufficient contact information. Substitute notice shall consist of all of the following:

(a) E-mail notice when such department head has an e-mail address for the subject persons;

(b) Conspicuous posting of the notice on the County's web site page;

(c) Notification to major statewide media.

(E) Regardless of the method by which notice is provided, such notice shall include contact information for the County department making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

(F) In the event that any New York residents are to be notified, the Department Head shall notify the Warren County Attorney, the Consumer Protection Board, and the Warren County Information Technology Department as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

(G) In the event that more than 5,000 New York residents are to be notified at one time, the Department Head shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.
(Res. 232 of 2006, passed - -2006)

WARREN COUNTY VOICE MESSAGING POLICY

§ VII.35 PURPOSE.

Telephone communication is an essential part of the day-to-day operations of Warren County. Telephone and voice messaging services are provided to employees of Warren County in order to facilitate performance of Warren County's work. The intent of this policy is to establish standards for the distribution and utilization of voice messaging products. This will ensure that the system is perceived as a communications productivity enhancement by both callers and users.
(Res. 662 of 2004, passed - -2004)

§ VII.36 GENERAL.

The voice messaging system is an integral component of office automation technology and at Warren County it should be used to perform quality service. Each subscriber has a responsibility to check messages and respond to all voice mail messages.
(Res. 662 of 2004, passed - -2004)

§ VII.37 VOICE MESSAGING GUIDELINES AND PROCEDURES.

(A) Voice mail is to be used as a backup in the event you are not available to answer a call, and should not be used to "screen" calls. Each user is expected to respond to voice mail messages in a timely manner.

(B) All greetings should be short and simple. This is especially important if a caller routes through more than one message before reaching the intended party.

(C) Check for messages regularly.
(Res. 662 of 2004, passed - -2004)

§ VII.38 MANAGEMENT ADMINISTRATION.

(A) Voice messaging contents are the property of Warren County.

(B) Management with oversight responsibilities shall have the rights to retrieve the contents of voice mail when necessary for administration purposes.

(C) Department supervisors are responsible for overseeing telephone and voice messaging use.
(Res. 662 of 2004, passed - -2004)

CHAPTER VIII: OFFICE OF EMERGENCY SERVICES

Section

Warren County Comprehensive Emergency Management Plan CEMP 2017

Part 1: General Provisions

VIII.001 Contact list
VIII.002 Executive summary

Part 2: General Consideration and Planning Guidelines

VIII.015 Policy regarding comprehensive emergency management
VIII.016 Purpose and objectives of plan
VIII.017 Legal authority
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VIII.019 Plan maintenance and updating

Part 3: Mitigation

VIII.030 Designation of County Hazard Mitigation Coordinator
VIII.031 Identification and analysis of potential hazards
VIII.032 Risk reduction policies, programs and reports
VIII.033 Emergency response capability assessment
VIII.034 Training of emergency personnel
VIII.035 Education and public awareness
VIII.036 Monitoring of identified hazard areas
Attachment 1: Vulnerability assessment/hazard analysis update
Attachment 2: Warren County drill and exercise schedule

Part 4: Response

VIII.050 Response organization and assignment of responsibilities
VIII.051 Managing emergency response
VIII.052 Warren County incident command system organizational chart

Part 5: Recovery

VIII.065 Damage assessment
VIII.066 Planning for recovery
VIII.067 Reconstruction
VIII.068 Public information on recovery assistance
Appendix A: National Incident Management System (NIMS) incident command system position description
Appendix B: Standard operating guide for Warren County Emergency Operations Center (EOC)
Appendix C: Disaster declaration kit (N.Y. State Exec. Law Article 2-B) declaring a local state of emergency
Appendix D: Warren County facts
Appendix E: Acronym list

Warren County Office of Emergency Services Public Access Defibrillation Program

VIII.080 Introduction
VIII.081 Training
VIII.082 Location of AED's
VIII.083 Maintenance and inspection of AED units
VIII.084 In the event of emergency
VIII.085 After arrival/departure of medical assistance
VIII.086 Documentation requirements
VIII.087 Emergency healthcare provider
VIII.088 Quality improvement program

Appendix A: Cover letter to REMSCO
Appendix B: Collaborative agreement with Medical Director
Appendix C: QI report
Appendix D: Monthly inspection report form
Appendix E: Bi-annual inspection report form
Appendix F: Copy of Board resolution to accept plan
Appendix G: Notice of intent to provide public access defibrillation

Editor's note:

The following Annexes are not included in this binder, but are located at the OES:

Dam Safety Annex ESF#3.1
Debris Removal Annex ESF #3.2 (still under construction)
Mass Care Annex ESF#6
Logistics Annex ESF #7
Public Health Emergency Response and Preparedness Plan ESF #8.1
Strategic National Stockpile Annex ESF #8.2
Attachment 1 - CHEMPACK Annex ESF #8.2.1
Pandemic Flu Annex ESF #8.3
Quarantine and Isolation Annex ESF #8.4
Mass Fatality Annex ESF# 8.5
Bioterrorism Annex ESF# 8.6
Mental Health Disaster Response Plan ESF# 8.7
Hazardous Materials Response Annex ESF #10
Tri-County Animal Response Team (CART) Annex ESF# 11
Terrorism Annex ESF #13 (under revision)
Hazardous Weather Annex
Warren County Municipal Center and Human Services Building EAPs
Resource List
Warren County Continuity of Operations Plan (COOP)

WARREN COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN CEMP 2016

PART 1: GENERAL PROVISIONS

§ VIII.001 CONTACT LIST.

Key Players in the Development and Implementation of the CEMP		
Agency	***Title***	***Telephone***
Office Emergency Services		(518)761-6240
	Director/Fire Coordinator	(518)761-6537
	Dep. Director/Em. Ser. Cord	(518)761-6490

Key Players in the Development and Implementation of the CEMP		
Agency	***Title***	***Telephone***
	EMS Coordinator	(518)761-7682
	HAZMAT Coordinator	(518)761-6497
Warren County Sheriff		(518)743-2500
	Sheriff	(518)743-2518
	Undersheriff	(518)743-2515
Warren County Board of Supervisors	Chairman of the Board	(518)761-6535
	County Administrator	(518)761-6539
	Clerk of the Board	(518)761-6535
	Dep. Commissioner of Admin	(518)761-7655
Warren County Health Services		(518)761-6580
	Director	(518)761-6571
	Asst. Director	(518)761-6583
	Emergency Preparedness Coord	(518)761-6584
Warren County Dept. of Public Works		(518)623-4141
	Superintendent	(518)824-8842
	Deputy Superintendent	(518)824-8834
Office of the Aging	Director	(518)824-8820
NYS Office of Emergency Management		(518)292-2200
	Region III Capital District Director	(518)926-1000
Glens Falls Hospital	Director of Emergency Prep.	(518)926-3122
American Red Cross	Disaster Program Manager	(518)792-6545
Warren/Washington County Community Services	Director	(518)792-7143
Warren County SPCA	President/Chief	(518)793-4048

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.002 EXECUTIVE SUMMARY.

(A) *Introduction.*

(1) This plan results from the recognition on the part of local government and state officials that a comprehensive plan is needed to enhance the County's ability to manage emergency/disaster situations. It was prepared by County officials working as a team in a planning process recommended by the New York State Office of Emergency Management. This plan constitutes an integral part of a statewide emergency management program and contributes to its effectiveness. Authority to undertake this effort is provided by both Article 2-B of State Executive Law and the New York State Defense Emergency Act.

(2) The development of this plan included an analysis of potential hazards that could affect the county and an assessment of the capabilities existing in the county to deal with potential hazards.

(B) *Comprehensive approach.*

(1) Dealing with disasters is an ongoing and complex undertaking. Through implementation of Risk Reduction measures before a disaster or emergency occurs, timely and effective Response during an actual occurrence, and provision of both short and long term Recovery assistance after the occurrence of a disaster, lives can be saved and property damage minimized.

(2) This process is called Comprehensive Emergency Management to emphasize the interrelationship of activities, functions, and expertise necessary to deal with emergencies. The plan contains sections (within this document) to deal separately with each part of this ongoing process.

(C) *Management responsibilities.*

(1) County departments' and agencies' emergency management responsibilities are outlined in this plan. Assignments are made within the framework of the present County capability and existing organizational responsibilities. The Warren County Office of Emergency Services is designated to coordinate all emergency management activities of the County.

(2) Warren County supports the use of the Incident Command System (ICS) to respond to emergencies. ICS is a management tool for the command, control, and coordination of resources and personnel in an emergency. County responsibilities are closely related to the responsibility of the local levels of government within the County (city, towns and village) to manage all phases of an emergency. The County has the responsibility to assist the local governments in the event that they have fully committed their resources and are still unable to cope with any disaster. Similarly, New York State is obligated to provide assistance to the County after resources have been fully committed and the County is unable to cope with the disaster.

(3) The plan describes in detail the centralized direction of requests for assistance and the understanding that the governmental jurisdiction most affected by an emergency is required to fully involve itself in the emergency prior to requesting assistance.

(4) Specific emergency management guidance for situations requiring special knowledge, technical expertise, and resources are addressed in separate annexes. Examples of this type of situation are emergencies resulting from hazardous chemical releases, dam failures, or power outages.

(D) *Conclusion.* The plan provides general all-hazards management guidance, using existing organizations, to allow the County to meet its responsibilities before, during and after an emergency. (Res. 129 of 2014, passed - -2014 ; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

PART 2: GENERAL CONSIDERATION AND PLANNING GUIDELINES

§ VIII.015 POLICY REGARDING COMPREHENSIVE EMERGENCY MANAGEMENT.

(A) A wide variety of emergencies, caused by nature or technology, result in loss of life, property and income, disrupt the normal functions of government, communities and families, and cause human suffering.

(B) County government must provide leadership and direction to prevent, mitigate, respond to, and recover from dangers and problems arising from emergencies in Warren County.

(C) Under authority of N.Y. Exec. Law Article 2-B, § 23, a county is authorized to develop a Comprehensive Emergency Management Plan to prevent, mitigate, respond to and recover from emergencies and disasters. To meet this responsibility, Warren County has developed this Comprehensive Emergency Management Plan.

(D) This concept of Comprehensive Emergency Management includes four phases:

(1) Mitigation;

(2) Prevention;

(3) Response;

(4) Recovery.

(E) *Mitigation*. Mitigation refers to all activities which reduce the effects of disasters when they do occur. Section II of this Plan, describes activities to prevent or minimize the impact of hazards in Warren County. Warren County has developed a FEMA-Approved Mitigation Plan, which is updated every five years.

(F) *Prevention*. Prevention refers to those short or long term activities which eliminate or reduce the number of occurrences of disasters.

(G) *Response*.

(1) Response operations may start before the emergency materializes, for example, on receipt of advisories that a flood, blizzard, or ice storm is approaching. This increased readiness response phase may include such pre-impact operations as:

(a) Detecting, monitoring, and assessment of the hazard;

(b) Alerting and warning of endangered populations;

(c) Protective actions for the public;

(d) Allocating/distributing of equipment/resources.

(2) Most response activities follow the immediate impact of an emergency. Generally, they are designed to minimize casualties and protect property to the extent possible through emergency assistance. They seek to reduce the probability of secondary damage and speed recovery operations.

(3) Response operations in the affected area are the responsibility of and controlled by the local municipalities, supported by the county emergency operations as appropriate.

(4) If a municipality is unable to adequately respond, County response operations may be asked to assume a leadership role.

(H) *Recovery*. Recovery activities are those following a disaster to restore the community to its pre-emergency state, to correct adverse conditions that may have led to the damage, and to protect and improve the quality of life in the community. It

includes mitigation actions to prevent or lessen a recurrence of the emergency.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.016 PURPOSE AND OBJECTIVES OF PLAN.

(A) This Plan sets forth the basic requirements for managing emergencies in Warren County:

(B) The objectives of the Plan are:

(1) To identify, assess and prioritize local and regional vulnerabilities to emergencies or disasters and the resources available to prevent or mitigate, respond to, and recover from them.

(2) To outline short, medium and long range measures to improve the County's capability to manage hazards.

(3) To show that County and local governments will take appropriate actions to prevent or mitigate effects of hazards and be prepared to respond to and recover from them when an emergency or disaster occurs.

(4) To provide for the efficient utilization of all available resources during an emergency.

(5) To provide for the utilization and coordination of local government, state and federal programs to assist disaster victims, and to prioritize the response to the needs of the elderly, disabled, low income, and other groups which may be inordinately affected.

(6) Provide for the utilization and coordination of state and federal programs for recovery from a disaster with attention to the development of mitigative programs.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.017 LEGAL AUTHORITY.

This Plan, in whole or in part, may rely upon the following laws for the authority necessary for its development and implementation.

(A) N.Y. State Exec. Law, Article 2-B;

(B) New York State Defense Emergency Act, as amended;

(C) Warren County Local Law No. 1 of 1962;

(D) Federal Robert T. Stafford Disaster Relief and Emergency Assistance Act.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.018 CONCEPT OF OPERATIONS.

(A) The primary responsibility for responding to emergencies rests with the local governments of towns, villages and cities, and with their Chief Executive.

(B) Local governments and the emergency response organizations play an essential role as the first line of defense.

(C) Responding to a disaster, local jurisdictions are required to utilize their own facilities, equipment, supplies, personnel and resources first.

(D) The local Chief Executive has the authority to direct and coordinate disaster operations and may delegate this authority to a local coordinator.

(E) When local resources are inadequate, the Chief Executive of a town, village or city may obtain assistance from other political subdivisions and the County government.

(F) The Chairman of the Warren County Board of Supervisors may coordinate responses for requests for assistance for the local governments.

(G) The Chairman of the Warren County Board of Supervisors has the authority to direct and coordinate County disaster operations.

(H) The Chairman of the Warren County Board of Supervisors may obtain assistance from other counties or the State when the emergency disaster is beyond the resources of Warren County.

(I) The Chairman of the Warren County Board of Supervisors has assigned to the Office of Emergency Services the responsibility to coordinate county emergency management activities.

(J) Warren County will utilize the National Incident Management System (NIMS) and Incident Command System (ICS) to manage all emergencies requiring multi-agency response. Warren County recommends and encourages all local governments in Warren County to utilize ICS.

(K) A request for assistance to the State will be submitted through the Region III Capital District New York State Office of Emergency Management located in Albany, New York, and presupposes the utilization and expenditure of personnel and resources at the local level.

(L) State assistance is supplemental to local emergency efforts.

(M) A State-level, multi-agency response may include risk reduction, response and recovery activities coordinated by NYSOEM, which serves as the administrative agency of the New York State Disaster Preparedness Commission (DPC).

(N) Upon the occurrence of an emergency or disaster clearly beyond the management capability and emergency resources of State and local governments, the Governor may find that federal assistance is required and may request assistance from the President by requesting a declaration of a major disaster or emergency.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.019 PLAN MAINTENANCE AND UPDATING.

(A) The Warren County Office of Emergency Services is responsible for maintaining and updating this Plan.

(B) All County departments and agencies are responsible for annual review of their emergency response role and procedures, and should provide any changes to the Emergency Manager by February 1 of each year.

(C) The Plan should be reviewed and updated annually with revised pages distributed by May 1 of each year.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

PART 3: MITIGATION

§ VIII.030 DESIGNATION OF COUNTY HAZARD MITIGATION COORDINATOR.

(A) The District Manager of the Warren County Soil Water Conservation District has been designated by the Chairman of the Warren County Board of Supervisors, as the County Hazard Mitigation Coordinator.

(B) The County Hazard Mitigation Coordinator is responsible for coordinating County efforts in reducing the effects of hazards in Warren County.

(C) All County agencies will participate in risk reduction activities with the County Hazard Mitigation Coordinator.

(D) The Hazard Mitigation Coordinator will be the lead member of the Warren County Hazard Mitigation Planning Team.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.031 IDENTIFICATION AND ANALYSIS OF POTENTIAL HAZARDS.

(A) The Warren County Office of Emergency Services will gather a team together to:

(1) Identify potential hazards in the County;

(2) Determine the probable impact each of those hazards could have on people and property;

(3) Delineate the geographic areas affected by potential hazards, plot them on maps, and designate them as hazard areas.

(B) Significant potential hazards to be identified and analyzed include natural, technological, and human-caused hazards.

(C) To comply with the items above, hazards that pose a potential threat have been identified and analyzed using the program HAZNY, provided by the State Office of Emergency Management. This assessment was completed by involving representatives from County Departments, State departments, and representatives from various private businesses and non-profit organizations.

(D) This hazard analysis:

(1) Provides a basic method for analyzing and ranking the identified hazards, including identification of geographic areas and populations at risk to specific hazards;

(2) Establishes priorities for planning for those hazards receiving a high ranking of significance;

(3) Was conducted in accordance with guidance from the New York State Office of Emergency Management;

(4) After completion in March 2015 was submitted to the Region III Office of Emergency Management. On March 17, 2014 Warren County had a County Emergency Preparedness Assessment (CEPA) review. This assessment covers the hazard analysis and capabilities;

(5) Is to be reviewed and updated regularly to capture changes in infrastructure, population change, new capabilities or new hazards or risks that have come to light.

(E) The rating and ranking results of the hazard analysis are found in Attachment 1.

(F) The complete Hazard Analysis results identifying the location of hazard areas are located in the Warren County Office of Emergency Services and published on the OES website.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.032 RISK REDUCTION POLICIES, PROGRAMS AND REPORTS.

(A) County agencies are authorized to promote policies, programs and activities to reduce hazard risks in their area of responsibility. Examples of the above are:

(1) Encourage municipalities to adopt comprehensive community development plans, zoning ordinances, subdivision regulations, and building codes that are cognizant of and take into account significant hazards in the county.

(2) Promote compliance with and enforcement of existing laws, regulations, and codes that are related to hazard risks, e.g., building and fire codes, flood plain regulations.

(3) Encourage and assist water and wastewater treatment plants to replace chlorine use with a safer disinfectant.

(4) Encourage and participate in municipal stream channel maintenance programs.

(5) Encourage state DOT and local highway departments to address dangerous conditions on roads used by hazardous materials carriers.

(B) The Warren County Planning Department is an appointed Agency established by the Board of Supervisors that is responsible for the review of certain classes of local land use and zoning actions as defined by N.Y. Gen. Mun. Law Article 12-B, §§ 239(L) and 239(M). The following plans and zoning actions are referred to the County Planning Department by local municipalities for review and recommendation, where required.

(1) Adoption or amendment of a comprehensive plan pursuant to N.Y. Town Law § 272-a, N.Y. Village Law § 7-722 or N.Y. Gen. City Law § 28-a.

(2) Adoption or amendment of a zoning ordinance or local law.

(3) Issuance of special use permits.

(4) Approval of site plans.

(5) Granting of use or area variances.

(6) Other authorization, which a referring body may issue under the provisions of any zoning ordinance or local law.

(C) The review of projects referred to the Warren County Planning Department, with assistance provided by the staff planners from the Warren County Department of Planning and Community Development, takes into account the potential impact from significant hazards in Warren County communities.

(D) It is the intention of Hazard Mitigation Planning Committee representatives to incorporate mitigation planning as an integral component of daily government operations. Planning Committee representatives will work with local government officials to integrate the newly adopted hazard mitigation goals and actions into the general operations of government and partner organizations. A sample adoption resolution includes a resolution item stating the intent of the local governing body to incorporate mitigation planning as an integral component of government and partner operations. By doing so, the HM Planning Committee anticipates that:

(1) Hazard mitigation planning will be formally recognized as an integral part of overall emergency management efforts;

(2) The Hazard Mitigation Plan, Comprehensive Plans, Emergency Management Plans and other relevant planning mechanisms will become mutually supportive documents that work in concert to meet the goals and needs of County residents.

(E) During the annual plan evaluation process, the Planning Committee representatives will identify additional policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions, and include these findings and recommendations in the Annual Hazard Mitigation Plan (HMP) Progress Report.

(F) The Planning Committee shall be responsible for monitoring progress on, and evaluating the effectiveness of, the plan, and documenting annual progress. Each year, beginning one year after plan development, County and local Planning Committee representatives will collect and process information from the departments, agencies and organizations involved in implementing mitigation projects or activities identified in their jurisdictional annexes of the Hazard Mitigation plan, by contacting persons responsible for initiating and/or overseeing the mitigation projects.

(G) To standardize and facilitate collection of progress data and information on specific mitigation actions, Warren County Soil and Water Conservation District (WC SWCD) shall develop a progress matrix that will continue to be updated and distributed to the HM Planning Committee members prior to the scheduled annual Planning Committee meeting. This information shall be provided to the planning area HMP Coordinator prior to the annual Planning Committee meeting to be held approximately one year from the date of local adoption of this update, and successively thereafter. At least two weeks before the annual plan review meeting, the Warren County HMP Coordinator will advise HM Planning Committee members of the meeting date, agenda and expectations of the members.

(H) The information that Planning Committee representatives shall be expected to document, as needed and appropriate include:

(1) Any grant applications filed on behalf of any of the participating jurisdictions;

(2) Hazard events and losses occurring in their jurisdiction;

(3) Progress on the implementation of mitigation actions, including efforts to obtain outside funding;

(4) Obstacles or impediments to implementation of actions;

(5) Additional mitigation actions believed to be appropriate and feasible; and

(6) Public and stakeholder input.

(I) The evaluation of the mitigation plan is an assessment of whether the planning process and actions have been effective, if the Plan goals are being reached, and whether changes are needed. The Plan will be evaluated on an annual basis to determine the effectiveness of the programs, and to reflect changes that may affect mitigation priorities or available funding. The status of the HMP will be discussed and documented at an annual plan review meeting of the Hazard Mitigation Planning Committee.

(J) The Warren County HMP Coordinator will be responsible for calling and coordinating the annual plan review meeting, and assessing progress toward meeting plan goals and objectives. These evaluations will assess whether:

(1) Goals and objectives address current and expected conditions;

(2) The nature or magnitude of the risks has changed;

(3) Current resources are appropriate for implementing the HMP and if different or additional resources are now available;

(4) Actions were cost effective;

(5) Schedules and budgets are feasible;

(6) Implementation problems, such as technical, political, legal or coordination issues with other agencies are present;

(7) Outcomes have occurred as expected;

(8) Changes in County, City, Town or Village resources impacted plan implementation (e.g., funding, personnel, and equipment); and

(9) New agencies/departments/staff should be included, including other local governments as defined under 44 C.F.R. 201.6.

(K) Specifically, the Planning Committee will review the mitigation goals, objectives, and activities using performance based indicators, including:

(1) New agencies/departments;

(2) Project completion;

(3) Under/over spending;

(4) Achievement of the goals and objectives;

(5) Resource allocation;

(6) Timeframes;

(7) Budgets;

(8) Lead/support agency commitment;

(9) Resources; and

(10) Feasibility.

(L) Finally, the Planning Committee will evaluate how other programs and policies have conflicted or augmented planned or implemented measures, and shall identify policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions (see the "Implementation of Mitigation Plan through Existing Programs" subsection later in this Section). Other programs and policies can include those that address:

(1) Economic Development;

(2) Environmental Preservation;

(3) Historic Preservation;

(4) Redevelopment;

(5) Health and/or safety;

(6) Recreation;

(7) Land use/zoning;

(8) Public Education and Outreach; and

(9) Transportation.

(M) The HM Planning Committee may refer to the evaluation forms, Worksheets #2 and #4 in the FEMA 386-4 guidance document, to assist in the evaluation process. Further, the Planning Committee may refer to any process and plan review deliverables developed by the County or participating jurisdictions as a part of the plan review processes established for prior or existing local HMPs within the County.

(N) The HM Planning Committee Coordinator shall be responsible for preparing an Annual HMP Progress Report, based on the provided local annual progress reports from each participant, information presented at the annual HM Planning Committee meeting, and other information as appropriate and relevant. These annual reports will provide data for the five-year update of this HMP and will assist in pinpointing implementation challenges. By monitoring the implementation of the Plan on an annual basis, the HM Planning Committee will be able to assess which projects are completed, which are no longer feasible, and what projects may require additional funding.

(O) This report shall apply to all planning partners, and as such, shall be developed according to an agreed format and with adequate allowance for input and comment of each planning partner prior to completion and submission to the State Hazard Mitigation Officer. Each planning partner will be responsible for providing this report to its governing body for their review. During the annual HM Planning Committee meeting, the planning partners shall establish a schedule for the draft development, review, comment, amendment and submission of the Annual HMP Progress Report to NYS DHSES.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.033 EMERGENCY RESPONSE CAPABILITY ASSESSMENT.

(A) Periodic assessment of the County's capability to manage the emergencies that could be caused by the hazards identified in the County is a critical part of Risk Reduction.

(B) The Office of Emergency Services will, every three to five years, or more often as deemed necessary, assess the county's current capability for dealing with those significant hazards that have been identified and analyzed, including but not limited to:

(1) The likely time of onset of the hazard;

(2) The impacted communities' preparedness levels;

(3) The existence of effective warning systems; and

(4) The communities' means to respond to anticipated casualties and damage.

(C) To assist in its assessment, the Office of Emergency Services will conduct exercises based upon specific hazards and hazard areas identified by the assessment.

(D) An After Action Report with Improvement Plans will be developed after exercises are conducted to document shortfalls and lay out a plan to correct them.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.034 TRAINING OF EMERGENCY PERSONNEL.

(A) The Warren County NIMS Point of Contact, in coordination with the Warren County Office of Emergency Services, has the responsibility to:

(1) Arrange and provide, with the assistance of the New York State Department of Homeland Security and Emergency Services and Department of Health, training programs for county emergency response personnel, as designated by the County Office of Emergency Services Director;

(2) Encourage and support training for city, town and village emergency response personnel including volunteers;

(3) Such training programs will:

(a) Include information on the characteristics of hazards and their consequences and the implementation of emergency response actions including protective measures, notification procedures, and available resources;

(b) Include Incident Command System (ICS) training, focusing on individual roles;

(c) Conduct meetings as needed, but no less than yearly, with appropriate personnel from county municipal governments concerning disaster interface with county government, including ICS for Executives training;

(d) Provide emergency personnel with the variety of skills necessary to help reduce or eliminate hazards and increase their effectiveness to respond to and recover from emergencies of all types; and

(e) Be provided in crisis situations, that requires additional specialized training and refresher training.

(4) Conduct periodic exercises and drills to evaluate local capabilities and preparedness, including a full scale operational exercise that tests a major portion of the elements and responsibilities in the Comprehensive Emergency Management Plan, and regular drills to test readiness of warning and communication equipment; see Attachment 2, Warren County Drill and Exercise Schedule;

(5) Consult with the county departments and agencies, in developing training courses and exercises;

(6) Work with the local response community and education agencies to identify or develop, and implement, training programs specific to mitigation, response, and recovery from the identified hazards;

(7) Receive technical guidance on latest techniques from state and federal sources as appropriate and request assistance as needed.

(B) All county departments and agencies assigned emergency functions are responsible to develop an in-house training capability in order that departments and agencies further train their employees in their duties and procedures.

(C) Volunteers participating in emergency services such as fire and rescue operations, ambulance services, first aid and other emergency medical services, American Red Cross, RACES, should be trained by these services in accordance with established procedures and standards.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.035 EDUCATION AND PUBLIC AWARENESS.

(A) The Cooperative Extension Educator and Warren County Health Services, Health Educator, in cooperation with the County Office of Emergency Services, is responsible for:

(1) Providing education on hazards to the young adult and general population in the county;

(2) Making the public aware of existing hazards in their communities; and

(3) Familiarizing the public with the kinds of protective measures the county has developed to respond to any emergency arising from the hazard.

(B) This education will:

(1) Cover all significant hazards;

(2) Be available free of charge; and

(3) Be provided by the existing school systems in the county through arrangements with the superintendent of schools.

(C) Federal Emergency Management Agency (FEMA) pamphlets, books and kits dealing with all aspects of emergency management and materials developed by New York State Office of Emergency Management and other State departments, as appropriate, will be made available for use in the program.

(D) The following is a list of avenues used to educate the public:

(1) Handouts;

(2) Presentations;

(3) Website;

(4) Social media; and

(5) Staff.

(E) Warren County and participating jurisdictions are committed to the continued involvement of the public in the hazard mitigation process. This Plan update will be posted on-line.

(F) Local Planning Committee representatives and the Warren County HMP Coordinator will be responsible for receiving, tracking, and filing public comments regarding this HMP. Contact information for the County is included in the Point of Contact information at the end of the Executive Summary of this document.

(G) The public will have an opportunity to comment on the plan via the hazard mitigation website at any time. The HMP Coordinator will maintain this website, posting new information and maintaining an active link to collect public comments.

(H) The Planning Committee representatives shall be responsible to assure that:

(1) Public comment and input on the plan, and hazard mitigation in general, are recorded and addressed, as appropriate;

(2) Copies of the latest approved plan (or draft in the case that the five year update effort is underway) are available for review at the town hall and public library, along with instructions to facilitate public input and comment on the Plan;

(3) Appropriate links to the Warren County Hazard Mitigation Plan website are included on municipal websites; and

(4) Public notices are made as appropriate to inform the public of the availability of the plan, particularly during Plan update cycles.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.036 MONITORING OF IDENTIFIED HAZARD AREAS.

(A) The County Highway Department will develop, with the necessary assistance of other local highway departments, the capability to monitor identified hazard areas, in order to detect hazardous situations in their earliest stages.

(B) As a hazard's emergence is detected, this information is to be immediately provided to the Office of Emergency Services or the Warren County 911 Communications Center, as appropriate, and disseminated per protocol.

(C) When appropriate, monitoring stations may be established regarding specific hazard areas where individuals responsible to perform the monitoring tasks can be stationed.

(D) Monitoring tasks include detecting the hazard potential and taking measurements or observations of the hazard. Examples of such are raising water levels, slope and ground movement, the formation and breakup of ice jams, shore erosion and dam conditions.

(E) All County hazard monitoring activity will be coordinated with, and make use of where available, local governments, private industry, school districts, utility companies, and volunteer agencies and individuals, as appropriate.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

ATTACHMENT 1: VULNERABILITY ASSESSMENT/HAZARD ANALYSIS UPDATE.

Hazard Analysis Results for Warren County	
Using HAZNY as provided by the State Office of Emergency Management	
March 6, 2015	
Hazard	**Rating**
Flood	330
Dam failure	303
Trans accident	253
HAZMAT (fixed site)	248
HAZMAT (in transit)	242
Ice jam	238
Severe storm	237
Infestation	235
Water supply contamination	230
Epidemic	225
Extreme temps	223
Terrorism	222
Earthquake	216
Fire	214
Ice storm	208
Hurricane	204
Winter storm (severe)	200
Landslide	192
Wildfire	191
Utility failure	186
Tornado	160
Structural collapse	158
Drought	120
321 to 400 high hazard	
241 to 320 moderately high hazard	
161 to 240 moderately low hazard	
44 to 160 low hazard	

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

ATTACHMENT 2: WARREN COUNTY DRILL AND EXERCISE SCHEDULE.

(A) Multiyear training and exercise plan.

(1) Warren County realizes the importance of training and exercises to develop effective plans and well trained emergency responders. This multiyear plan has been developed by referencing After Action Plans/Improvement Plans from exercises and real incidents that were in Warren County.

(2) We also participate in private, as well as State and federal training and exercises as the occasion arises.

Priorities
Communications
Satellite Phones
HAM Radios - RACES
Communication Bus - test once completed
Secure communications between EOC and on-scene operations
Capability
Volunteer Management - Serv NY; VOAD Coordinator
Trained responders to move equipment
Cross training
Unified Command; ICS/NIMS
Surge Capacity
Technology
Laptops - slow or not functioning
Lack of internet service
Emergency Operations Center
Develop specific training
Exercise
Plans
Airport Emergency Plan
CHEMPACK
SNS
CART
Municipal Center and HSB EAP
Terrorism (Active Shooter and IED)
HAZMAT
Dams (various locations)
Mass Fatality

(B) Training and exercises in Warren County are developed through a variety of pushes. The Warren County Hazard Analysis and the Glens Falls Hospital annual hazard analysis are used to determine what hazards we need to be prepared to defend against. The State of New York develops training and exercise requirements that it pushes down to the County and local level; as such we will participate in these as much as possible. Through real life incidents and revisions of plans, private partners reach out to us to participate in training and exercises.

(C) Warren County traditionally participates in at least one full-scale exercise every year. The Glens Falls Hospital engages in monthly tabletop exercises that pertain directly to their hazard analysis, but they involve the pertinent community partners. Warren County participates in multiple drills every month. Each discipline evaluates its own, but commentary is freely given and received from across all disciplines for the better of the exercise as a whole. We make changes after each exercise, and then take special note as to the effectiveness of the changes.

(D) After all County developed training and exercises we have a discussion at the next Emergency Responders Preparedness quarterly meeting. This is a way for all key partners in the community to hear what is going on even if they were not participants. At this time, alternative ideas and concerns can be voiced.

2017												
Jurisdiction	***Janu-ary***	***Febru-ary***	***March***	***April***	***May***	***June***	***July***	***August***	***Septem-ber***	***Octo-ber***	***Novem-ber***	***Dec-ember***
Glens Falls Hospital	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	
Warren Co								Full scale				
Tri-Co (Sar & Wash)				seminar								
7 Co HAZMAT											func-tional	
10 Co Comm		drill										
RACES			drill				drill					
NWS					drill							
DOH			full-scale									
Private partners							TTX		drill			
Public Health	drill					drill						
2018												
Jurisdiction	***Janu-ary***	***Febru-ary***	***March***	***April***	***May***	***June***	***July***	***August***	***Septem-ber***	***Octo-ber***	***Novem-ber***	***Dec-ember***
Glens Falls Hospital	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	
Warren Co								Full scale				
Tri-Co (Sar & Wash)				drill								
7 Co HAZMAT											func-tional	
10 Co Comm								drill				
RACES			drill				drill					

Jurisdiction	*January*	*February*	*March*	*April*	*May*	*June*	*July*	*August*	*September*	*October*	*November*	*December*
NWS					drill							
DOH			drill	full-scale								
Private partners							TTX		drill			
Public Health		drill				drill						
2019												
Jurisdiction	***January***	***February***	***March***	***April***	***May***	***June***	***July***	***August***	***September***	***October***	***November***	***December***
Glens Falls Hospital	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX	TTX
Warren Co									Full scale			
Tri-Co (Sar & Wash)												
7 Co HAZMAT				TTX								
10 Co Comm												drill
RACES			drill				drill					
NWS					drill							
DOH			drill	full-scale								
Private partners							TTX		drill			
Public Health		drill				drill						

Dates are subject to change

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

PART 4: RESPONSE

§ VIII.050 RESPONSE ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES.

(A) *Warren County Board of Supervisors, Chairman Responsibilities, Powers, and Succession.*

(1) The Chairman of the Warren County Board of Supervisors (County Executive) is ultimately responsible for County emergency response activities and:

(a) May assume personal oversight of the County emergency response organization if the scope and magnitude of the emergency indicates the necessity of personal management and direction of the response and recovery operations;

(b) Controls the use of all County owned resources and facilities for disaster response;

(c) May declare a local state of emergency in consultation with the Office of Emergency Services and the County Attorney, and may promulgate emergency orders and waive local laws, ordinances, and regulations (see Appendix C);

(d) May request assistance from other counties and the State when it appears that the incident will escalate beyond the capability of County resources;

(e) May provide assistance to others at the request of other local governments both within and outside Warren County.

(2) In the event of the unavailability of the Chair, the following line of command and succession has been established by County Law to ensure continuity of government and the direction of emergency operations:

(a) The Vice Chairman (Finance Committee Chair) will assume the responsibilities of the Chairman of the Board until the Chairman of the Board is available.

(b) The County Administrator will assume the responsibilities of the Chairman of the Board or the Vice Chairman until either is available.

(c) The Budget Officer will assume the responsibilities of the Chairman of the Board, County Administrator or the Vice Chairman until one is available.

(B) *The Role of the Emergency Manager.*

(1) The Emergency Manager coordinates County emergency response activities for the Chairman of the Warren County Board of Supervisors, and recommends to the Chairman of the Board of Supervisors to declare a local state of emergency based on the severity of the situation and the necessity to use additional executive power to respond effectively to the emergency.

(2) The Emergency Manager:

(a) Activates the County's response organization and initiates County response activities;

(b) Notifies and briefs County departments, agencies and other organizations involved in an emergency response;

(c) Maintains and manages an Emergency Operations Center;

(d) Facilitates coordination between the County and:

1. The Incident Commander;

2. Towns, cities, and villages in the County;

3. Local governments outside the County;

4. The State of New York;

5. Private emergency support organizations.

(C) *All Warren County Emergency Response Organizations*.

(1) *The Incident Command System (ICS)*.

(a) Warren County endorses the use of the Incident Command System (ICS), as developed by the National Incident Management System (NIMS), and formally adopted by the State of New York, for emergencies requiring multi-agency response. ICS allows flexibility in its implementation so that its structure can be tailored to the specific situation at hand. ICS should be initiated by the emergency forces first responding to an incident. See Appendix 1, Incident Command System Position Descriptions.

(b) ICS is organized by functions. There are five:

1. Command;

2. Operations;

3. Planning;

4. Logistics;

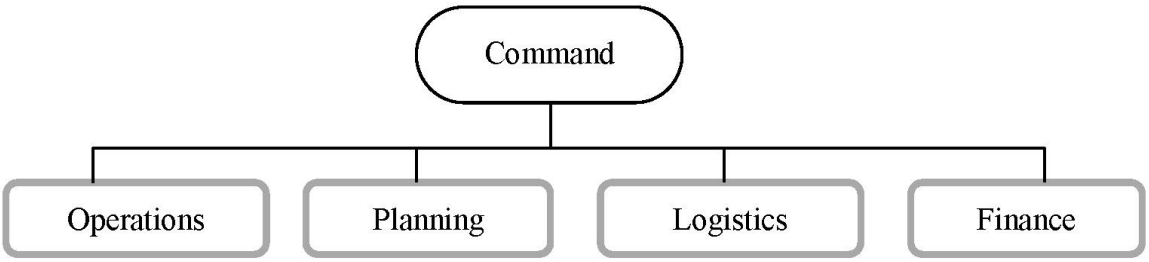
5. Finance.

(c) Under ICS, an Incident Commander (IC) has the overall responsibility for the effective on-scene management of the incident, and must ensure that an adequate organization is in place to carry out all emergency functions. The IC directs emergency operations from an Incident Command Post, the only command post at the emergency scene.

(d) In minor incidents, the five ICS functions may all be managed directly by the IC. Larger incidents usually require that one or more of the functions be set up as separate sections under the IC.

(e) Within the Command function, the IC has additional responsibilities for Safety, Public Information, and Liaison. These activities can be assigned to staff under the IC.

(f) An on-scene ICS with all five functions organized as sections is depicted as:

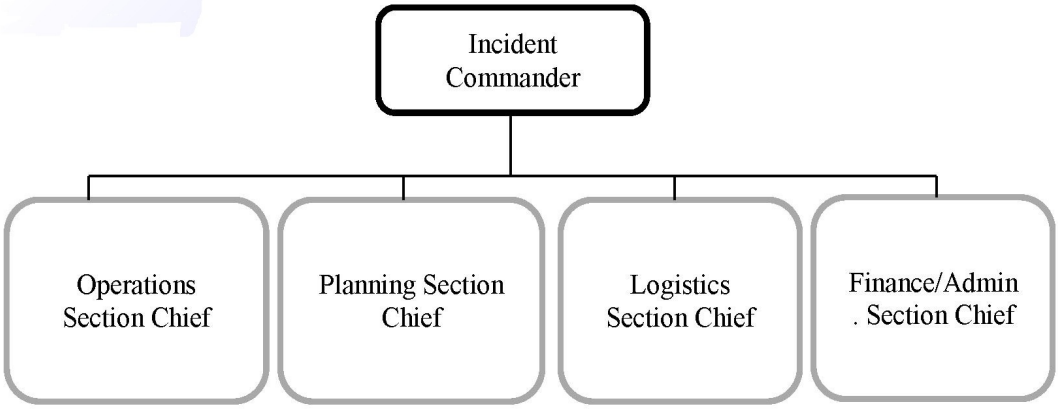


(g) During an emergency, County response personnel must be cognizant of the Incident Command System in place and their role in it. Some County personnel may be responders to the scene and part of the on-scene ICS structure in a functional or staff role. Other County personnel may be assigned by the Chairman of the Board of Supervisors, to the County Emergency Operations Center (EOC) or other locations where they will provide support to the responders at the scene. All County response personnel not assigned to the on-scene ICS will be coordinated by or through the County Emergency Manager.

(h) The Incident Commander is selected due to being the most qualified responding officer at the scene. The IC must be fully qualified to manage the incident. As an incident grows in size or becomes more complex, a more highly qualified Incident Commander may be assigned by the responsible jurisdiction. Thus, a County official could be designated as the IC.

(i) A major emergency encompassing a large geographic area may have more than one emergency scene. In this situation, separate Incident Commanders may set up command at multiple locations. In this case, an Area Command may be established. The Area Command is structured similar to a normal ICS with one exception, the Incident Commander is called the Incident Manager to whom all Incident Commanders report.

(j) County response personnel operating at the EOC will be organized by ICS function, as depicted below and interface with their on-scene counterparts, as appropriate.



(k) Whenever the ICS is established, County response forces should be assigned to specific ICS functions wherever they are needed, including at the scene, at the EOC in a support role, or at an Area Command, if established. See Table 1 for sample ICS functional assignments by agency. Assignments may change as situation dictates or as directed by the EOC Manager.

(2) *Agency Responsibilities*. The Office of the Warren County Board of Supervisors shall exercise ultimate responsibility and oversight for emergency response, and shall delegate ICS responsibilities as described in Table 1, or as special circumstance warrants.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.051 MANAGING EMERGENCY RESPONSE.

(A) *Incident command post and emergency operations center.*

(1) On-scene emergency response operations will be directed and controlled by the Incident Commander from an Incident Command Post located at or near the emergency site. This will be the only command post at the emergency scene. All other facilities at the scene used by agencies for decision-making should not be identified as a command post.

TABLE 1 - ICS Function and Response Activities by Agency

Agency	*ICS Function*	*Response Activities*
Chairman, Warren County Board of Supervisors	Command	Ultimate situation responsibility; (Agency Administrator) Declaration of State of Emergency; Promulgation of Emergency Orders.
County Administrator	Public Information	Emergency Public Information.
County Attorney	Command, Legal	Legal support.
Emergency Services	Command, Liaison	Activation and Coordination of the (EOC Manager) EOC, Liaison and Coordination with governments and organizations.
Fire Control	Operations	Fire Suppression and Control; Search and Rescue; HAZMAT Exposure Control.
EMS	Operations	Coordinate the Treatment and Transport of the sick and injured.
Sheriff's Office	Operations/Logistics	Communications, Warning, Law Enforcement, Security, Traffic Control, Food.
Public Health	Safety/Operations	Disease Surveillance; Incident Assessment; Epidemiologic Investigation; Public Alert and Education; POD Mass Vaccination.
Glens Falls Hospital	Operations	Medical Care; Disease Surveillance.
Public Works Dept.	Operations/Logistics	Debris Removal and Disposal; Damage Assessment; Traffic Control, Facilities, Ground Support.
Self-Insurance	Finance Admin	Comp/Claims.
Social Services	Operations	Human Needs Assessment.
Office for the Aging	Operations	Human Needs Assessment.
Planning and Development	Planning	Situation Assessment and Documentation Advance Planning.
Mental Health Services	Operations	Crisis Counseling.
Coroner	Operations	Identification and Disposition of Dead.

TABLE 1 - ICS Function and Response Activities by Agency		
Agency	***ICS Function***	***Response Activities***
American Red Cross	Operations	Temp. Housing, Shelter; Feeding, Clothing.
Purchasing	Logistics	Supply and Procurement; Information Systems.
Human Resources	Logistics	Human Resources.
Treasurer/Auditor	Finance/Admin	Purchasing; Accounting; Record keeping.

(2) The County EOC will be used to support Incident Command Post activities and to coordinate County resources and assistance. The EOC can also be used as an Area Command Post when Area Command is instituted.

(3) A Command Post will be selected by the Incident Commander based upon the logistical needs of the situation and located at a safe distance from the emergency site.

(4) If a suitable building or structure cannot be identified and secured for use as an Incident Command Post, a mobile unit or field trailer may be used.

(5) The County EOC is located at the Warren County Municipal Center, 1340 State Route 9, Lake George, NY 12845. A back-up EOC is located at the Warren County Sheriff's Office, 1400 State Route 9, Lake George, NY 12845.

(6) If a disaster situation renders both EOCs inoperable, an auxiliary EOC may be established at the Queensbury Central Fire Department, 17 Lafayette Street, Queensbury, NY 12804, or at another location designated at the time.

(7) The EOC can provide for the centralized coordination of County and private agencies' activities from a secure and functional location.

(8) County agencies and other organizations represented at the EOC will be organized according to ICS function under the direction of the EOC Manager.

(9) Though organized by ICS function, each agency's senior representative at the EOC will be responsible for directing or coordinating his or her agency's personnel and resources. Where the agency is also represented at the scene in an ICS structure, the EOC representative will coordinate the application of resources with the agency's representative at the scene.

(10) The Emergency Manager is responsible for managing the EOC or auxiliary EOC during emergencies.

(11) If required, the EOC will be staffed to operate continuously on a twenty-four hour a day basis. In the event of a 24-hour operation, two 12-1/2 hour shifts will be utilized. (The additional 1/2 hour is for shift change briefings.) Designation of shifts will be established as conditions warrant by the Emergency Manager.

(12) Work areas will be assigned to each agency represented at the EOC.

(13) Security, if necessary, at the EOC during an emergency will be provided by the Warren County Sheriffs Office:

(a) All persons entering the EOC will be required to check in at the security desk located at the main entrance;

(b) All emergency personnel will be issued a pass (permanent or temporary) to be worn at all times while in the EOC;

(c) Temporary passes will be returned to the security desk when departing from the premises.

(14) EOC space should be maintained in an emergency operating mode by the Emergency Manager at all times. During non-emergency periods, the EOC can be used for meetings, training and conferences.

(15) The ICS Planning function is responsible for emergency situation reporting at the EOC and can use established procedures and daily forms.

(16) The Emergency Manager maintains a Standard Operation Guide for activating, staffing and managing the EOC. The SOG can be found as Appendix 2 to this section of the plan.

(B) *Notification and Activation*. Upon initial notification of an emergency to the Warren County 911 Communications Center (WCCC), the WCCC will immediately alert the appropriate County official(s) and emergency services agencies as defined and outlined in the Warren County Sheriff's Office Operations Manual.

(1) This initial notification sets into motion the activation of County emergency response personnel.

(2) The Director of the Office of Emergency Services will activate appropriate resources as deemed necessary.

(C) *Assessment and Evaluation*. As a result of information provided by the EOC Section Coordinators, the Command Staff will, as appropriate, in coordination with the on-scene Incident Commander:

(1) Develop policies by evaluating the safety, health, economic, environmental, social, humanitarian, legal and political implications of a disaster or threat;

(2) Analyze the best available data and information on the emergency;

(3) Explore alternative actions and consequences;

(4) Select and direct specific response actions.

(D) *Declaration of local state of emergency and promulgation of local emergency orders*.

(1) In response to an emergency, or its likelihood, upon a finding that public safety is imperiled, the Chairman, Warren County Board of Supervisors may proclaim a state of emergency pursuant to N.Y. Exec. Law Article 2-B, § 24.

(2) Such a proclamation authorizes the County Executive to deal with the emergency situation with the full executive and legislative powers of county government.

(3) This power is realized only through the promulgation of local emergency orders. For example, emergency orders can be issued for actions such as:

(a) Establishing curfews;

(b) Restrictions on travel;

(c) Evacuation of facilities and areas;

(d) Closing of places of amusement or assembly.

(4) Appendix C describes the requirements for proclaiming a state of emergency and promulgating emergency orders.

(5) Chief executives of cities, towns and villages in Warren County have the same authority to proclaim states of emergency and issue emergency orders within their jurisdiction.

(6) Whenever a state of emergency is declared in Warren County or emergency orders issued, such action will be coordinated, beforehand, with the affected municipality.

(7) Emergency responders have implicit authority and powers to take reasonable immediate action to protect lives and property absent an emergency declaration or emergency orders.

(E) *Public warning and emergency information.*

(1) In order to implement public protective actions there should be a timely, reliable and effective method to warn and inform the public.

(2) Activation and implementation of public warning is an operations section responsibility.

(3) Information and warnings to the public that a threatening condition is imminent or exists can be accomplished through the use of the following resources. Though public warning may, in many cases, be implemented solely by on-scene personnel, the use of the systems in (a) and (b) below require strict coordination with the County EOC:

(a) Hyper Reach & NY-Alert mass notification systems can be utilized. Both of these systems rely on the public telephone networks and servers. This form of notification is quick and does not endanger the first responders. This can be initiated through the Warren County Sheriff's Office or Office of Emergency Services.

(b) Emergency Alert System (EAS) - formerly known as Emergency Broadcast System (EBS), involves the use of the broadcast media including television, radio, and cable TV, to issue emergency warnings. Can be activated by means of a telephone or encoder by select County officials including the Emergency Manager via the National Weather Service.

(c) NOAA Weather Radio (NWR) is the "Voice of the National Weather Service" providing continuous 24-hour radio broadcasts of the latest weather information including severe weather warnings directly from the Weather Service office in Albany. NWR will also broadcast non-weather-related emergency warnings. NWR broadcasts on select high-band FM frequencies, not available on normal AM-FM radios. Radios with NWR frequencies, automated alarm capabilities, and Specific Area Message Encoding (SAME) technology are generally available. NWR broadcast signal can be received County-wide. NWR is also a component of EAS. Emergency broadcasts on the NWR can also be initiated by select County officials.

(d) Emergency service vehicles with siren and public address capabilities - Many police and fire vehicles in the County are equipped with siren and public address capabilities. These vehicles may be available, in part, during an emergency for "route alerting" of the public.

(e) Door-to-door public warning can be accomplished in some situations by the individual alerting of each residence/business in a particular area. This can be undertaken by any designated group such as auxiliary police, regular police, fire police, firefighters, and highway personnel, visiting each dwelling in the affected area and relating the emergency information to the building occupants. To achieve maximum effectiveness, the individual delivering the warning message should be in official uniform.

(4) County officials will advocate, as part of their normal dealing with special institutions such as schools, hospitals, nursing homes, major industries and places of public assembly, that they obtain and use tone-activated receivers/monitors with the capability to receive NOAA Weather Radio (NWR)

with SAME reception. They should also be encouraged to sign up for NY-Alert messages.

(5) Special arrangements have been made for providing warning information to the hearing impaired (Hyper Reach).

(6) The Command Staff position of Public Information Officer, if established, or its function, may, in coordination with on-scene Incident Command:

(a) Establish and manage a Joint Information Center (JIC) from where to respond to inquiries from the news media and coordinate all official announcements and media briefings;

(b) Authenticate all sources of information being received and verify accuracy;

(c) Provide essential information and instructions including the appropriate protective actions to be taken by the public, to the broadcast media and press;

(d) Coordinate the release of all information with the key departments and agencies involved both at the EOC and on-scene;

(e) Check and control the spreading of rumors;

(f) Arrange and approve interviews with the news media and press by emergency personnel involved in the response operation;

(g) Arrange any media tours of emergency sites.

(7) The JIC may be established near the EOC or at any location where information flow can be maintained, without interfering with emergency operations. The JIC will be located in the Board Room of the Municipal Center or outside if weather permitting. A regional JIC may be formed for larger incidents encompassing multiple counties or agencies.

(F) *Public Health.*

(1) A high impact disaster can cause injury and death to large numbers of people. In addition, damage to and destruction of homes, special facilities, and vital utilities may place the public at substantial risk of food and water contamination, communicable diseases, and exposure to extreme temperatures.

(2) There may be established within the Operations section a Public Health Group to ensure that health and medical problems are being addressed. This group will be lead by the Warren County Health Services.

(G) *Emergency medical services.* There may be established within the Operations section an Emergency Medical Services Group.

(1) The group will be lead by the County EMS Coordinator.

(2) The function of this group is to assist with the coordination of care and transportation of the sick and injured, while preserving the overall integrity of the County EMS System.

(3) Mutual Aid Guidelines will be found in the County EMS Mutual Aid Plan.

(4) At times this group may include representatives from the New York State Bureau of Emergency Medical Services, or designated regional Medical Control Physicians.

(5) At times pending the size and duration of an incident, it is possible that EMS Coordinators from other counties may assist with the operations of this group through the use of the mutual aid.

(H) *Human services.*

(1) The Planning and Operations functions are responsible for ascertaining what human needs have been particularly affected by an emergency and responding to those unmet needs with the available

resources of County and local government and with the assistance of volunteer agencies and the private sector.

(2) There may be established within the Operations section a Human Needs Branch to perform the tasks associated with (1) above.

(3) Human services response is coordinated through the Warren County Human Services departments, comprised of various County departments, in conjunction with local agencies, volunteer groups and the private sector, whose purpose is to assist in the coordination of the delivery of human services in Warren County, and to advise the EOC Manager on human needs issues.

(4) Whenever a Human Needs Branch is not established by the Operations section, the Operations section will confer with the Warren County Social Services Commissioner on human needs issues.

(I) *Restoring public services.*

(1) The Operations and Planning sections are responsible for ascertaining the emergency's effect on the infrastructure and the resultant impact on public services including transportation, electric power, fuel distribution, public water, telephone, and sewage treatment and ensuring that restoration of services is accomplished without undue delay.

(2) There may be established within the Operations section a Public Infrastructure Group to perform the tasks associated with (1) above.

(3) In the event of a major power outage, the Operations Section will request that National Grid assign a representative to the Warren County EOC to facilitate communications and information flow between the utility and the Operations Section.

(4) The Operations section may request assigning a representative from other utilities (telephone, water, cable) as appropriate with the consent of the utility.

(5) During response operations relating to debris clearance and disposal, Warren County should act in cognizance of and in cooperation with the State.

(J) *Resource management.*

(1) The planning function is responsible for the identification and allocation of additional resources needed to respond to the emergency situation.

(2) Resources owned by the municipality in which the emergency exists should be used first in responding to the emergency.

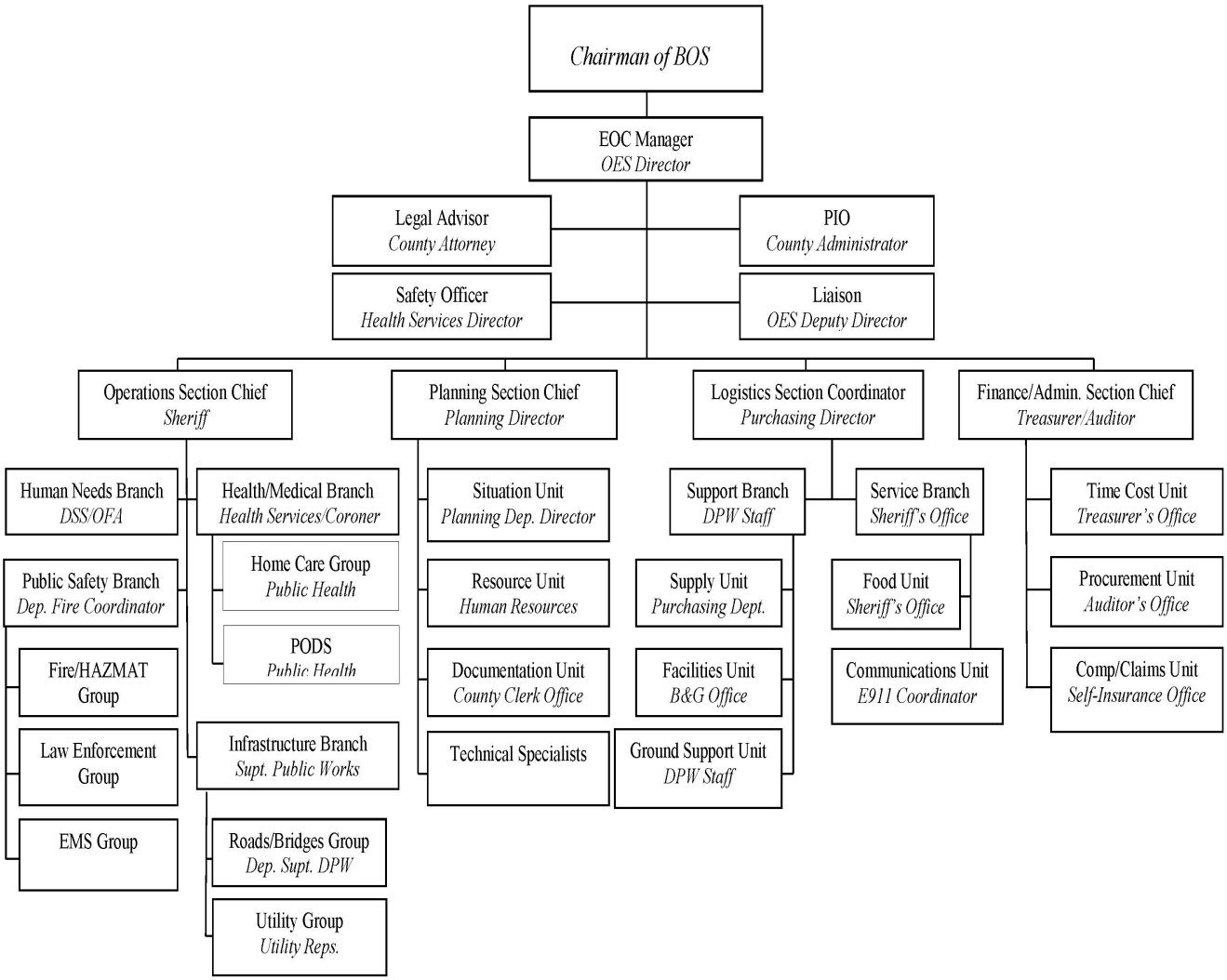
(3) All County-owned resources are under the control of the Chairman of the Board of Supervisors during an emergency and can be utilized as necessary.

(4) Resources owned by other municipalities in and outside of Warren County can be utilized upon agreement between the requesting and offering government.

(5) Resources owned privately cannot be commandeered or confiscated by government during an emergency. However, purchases and leases of privately owned resources can be expedited during a declared emergency. In addition, it is not uncommon for the private sector to donate certain resources in an emergency.

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.052 WARREN COUNTY INCIDENT COMMAND SYSTEM ORGANIZATIONAL CHART.



(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

PART 5: RECOVERY

§ VIII.065 DAMAGE ASSESSMENT.

(A) All local governments (towns, villages, and cities) in Warren County must participate in damage assessment activities.

(B) The Warren County Office of Emergency Services is responsible for:

(1) Developing with local governments a damage assessment program.

(2) Coordinating damage assessment activities in the County during and following an emergency.

(3) Designating a Damage Assessment Officer for each emergency.

(4) The Emergency Manager will advise the Chief Executive Officers of affected cities, towns, and villages to maintain similar detailed records of emergency expenditures, and supply them with standard documentation forms via FEMA.

(C) All County departments and agencies, as well as local municipalities in the county, will cooperate fully with the Emergency Manager in damage assessment activities including:

(1) *Pre-emergency*.

(a) Identifying county agencies, personnel, and resources to assist and support damage assessment activities;

(b) Identifying non-government groups such as non-profit organizations, trade organizations and professional people that could provide damage assessment assistance;

(c) Fostering agreements between local government and the private sector for technical support;

(d) Utilizing geographic information systems (GIS) in damage assessment;

(e) Participate in training.

(2) *Emergency*.

(a) Obtaining and maintaining documents, maps, photos and video tapes of damage;

(b) Obtaining and reviewing procedures and forms for reporting damage to higher levels of government;

(c) Determining if State assistance is required in the damage assessment process.

(3) *Post-emergency*.

(a) Advise county departments and local municipalities of assessment requirements;

(b) Selecting personnel to participate in damage assessment survey teams;

(c) Arranging for training of selected personnel in damage assessment survey techniques;

(d) Identifying and prioritizing areas to survey damage;

(e) Assigning survey teams to selected areas;

(f) Completing damage assessment survey reports and maintaining records of the reports.

(D) It is essential that, from the outset of emergency response actions, local response personnel keep detailed records of expenditures for:

(1) Labor used;

(2) Use of owned equipment;

(3) Use of borrowed or rented equipment;

(4) Use of materials from existing stock;

(5) Contracted services for emergency response;

(6) Submitting damage assessment reports to the NY State Office of Emergency Management via the Warren County Office of Emergency Services.

(E) Damage assessment will be conducted by county and local government employees, such as Public Works engineers, highway workers, building inspectors and assessors. When necessary, non-government personnel from the fields of engineering, construction, insurance, property

evaluation and related fields may supplement the effort.

(F) There will be two types of damage assessment: Public Infrastructure (PI) (damage to public property and the infrastructure); Individual assistance (IA) teams (impact on individuals and families, agriculture, private sector).

(G) County and local municipality's damage assessment information will be reported to the Damage Assessment Officer at the EOC.

(H) Personnel from county departments and agencies, assigned damage assessment responsibilities, will remain under the control of their own departments, but will function under the technical supervision of the Damage Assessment Officer during emergency conditions.

(I) All assessment activities in the disaster area will be coordinated with the on-site Incident Commander (when appropriate) and the EOC Manager.

(J) The Emergency Manager, in conjunction with the Damage Assessment Officer, will prepare a Damage Assessment Report which will contain information on:

(1) Destroyed property;

(2) Property sustaining major damage;

(3) Property sustaining minor damage, for the following categories:

(a) Damage to private property in dollar loss to the extent not covered by insurance:

1. Homes;

2. Businesses;

3. Industries;

4. Hospitals, institutions and private schools.

(b) Damage to public property in dollar loss to the extent not covered by insurance:

1. Road systems;

2. Bridges;

3. Water control facilities such as dikes, levees, channels;

4. Public buildings, equipment, and vehicles;

5. Publicly-owned utilities;

6. Parks and recreational facilities.

(c) Damage to agriculture in dollar loss to the extent not covered by insurance:

1. Farm buildings;

2. Machinery and equipment;

3. Crop losses;

4. Livestock.

(d) Cost in dollar value will be calculated for individual assistance in the areas of mass care, housing, and individual family grants;

(e) Community services provided beyond normal needs;

(f) Debris clearance and protective measures taken such as pumping, sandbagging, construction of warning signs and barricades, emergency levees, etc.;

(g) Financing overtime and labor required for emergency operations.

(K) The Chairman of the Warren County Board of Supervisors, through the Office of Emergency Services, will submit the Damage Assessment Report to the State Office of Emergency Management via

Region 3 Capital District Office. It is required for establishing the eligibility for any state and/or federal assistance.

(L) Unless otherwise designated by the County Executive, the Office of Emergency Services will serve as the County's authorized agent in disaster assistance applications to state and Federal government.

(M) The County's authorized agent will:

(1) Attend public assistance applicant briefing conducted by Federal and State Emergency officials;

(2) Obtain from the Damage Assessment Officer maps showing disaster damage locations documented with photographs and video tapes;

(3) Prepare and submit Request for Public Assistance in applying for Federal Disaster Assistance;

(4) Assign local representative(s) who will accompany the Federal/State Survey Teams(s);

(5) Follow up with governor's authorized representative and FEMA;

(6) Submit Proof of Insurance, if required;

(7) Prepare and submit project listing if small project grant;

(8) Follow eligibility regarding categorical or flexibly funded grant;

(9) Maintain accurate and adequate documentation for costs on each project;

(10) Observe FEMA time limits for project completion;

(11) Request final inspection of completed work or provide appropriate certificates;

(12) Prepare and submit final claim for reimbursement;

(13) Assist in the required state audit;

(14) Consult with Governor's Authorized Representative (GAR) for assistance;

(15) Maintain summary of damage suffered and recovery actions taken.

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.066 PLANNING FOR RECOVERY.

(A) Recovery includes community development and redevelopment.

(B) Community development is based on a comprehensive community development plan prepared under direction of local planning boards with technical assistance provided by the Warren County Department of Planning and Economic Community Development.

(C) Comprehensive community development plans are officially adopted by local government as the official policy for development of the community.

(D) Localities with public and political support for land use planning and the corresponding plan implementation tools such as zoning ordinances, subdivision regulations, building codes, etc. have pre-disaster prevention and mitigation capability by applying these methods successfully after disasters.

(E) A central focal point of analytical and coordinative planning skills, which could obtain the necessary political leadership and backing when needed, is required to coordinate the programs and agencies necessary to bring about a high quality level of recovery and community redevelopment.

(F) County Government decides whether the recovery will be managed through existing

organizations with planning and coordinative skills or by a recovery task force created exclusively for this purpose.

(G) A recovery task force will:

(1) Direct the recovery with the assistance of county departments and agencies coordinated by the Office of Emergency Services;

(2) Prepare a local recovery and redevelopment plan, unless deemed unnecessary.

(H) The recovery and redevelopment plan shall include:

(1) Replacement, reconstruction, removal, relocation of damaged/destroyed infrastructures/buildings;

(2) Establishment of priorities for emergency repairs to facilities, buildings and infrastructures;

(3) Economic recovery and community development;

(4) New or amended zoning ordinances, subdivision regulations, building and sanitary codes.

(I) Recovery and redevelopment plan will account for and incorporate to the extent practical, relevant existing plans and policies.

(J) Prevention and mitigation measures should be incorporated into all recovery planning where possible.

(K) Responsibilities for recovery assigned to local governments depend on whether or not a state disaster emergency has been declared pursuant to N.Y. Exec. Law Article 2-B.

(L) If the governor declares a state disaster emergency, then under N.Y. Exec. Law § 28-A the local governments have the following responsibilities:

(1) Any county, city, town or village included in a disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such a plan to be unnecessary or impractical;

(2) Within 15 days after declaration of a state disaster, any county, city, town or village included in such disaster area, shall report to the State Disaster Preparedness Commission (DPC) through DHSES, whether the preparation of a recovery and redevelopment plan has been started and, if not, the reasons for not preparing the plan.

(3) Proposed plans shall be presented at a public hearing upon five days notice published in a newspaper of general circulation in the area affected and transmitted to the radio and television media for publications and broadcast.

(4) The local recovery and redevelopment plan shall be prepared within 45 days after the declaration of a state disaster and shall be transmitted to the DPC. The DPC shall provide its comments on the plan within ten days after receiving the plan.

(5) A plan shall be adopted by such county, city, town or village within ten days after receiving the comments of the DPC.

(6) The adopted plan:

(a) May be amended at anytime in the same manner as originally prepared, revised and adopted; and

(b) Shall be the official policy for recovery and redevelopment within the municipality. (Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.067 RECONSTRUCTION.

(A) Reconstruction consists of two phases:

(1) Phase 1-short term reconstruction to return vital life support systems to minimum operating standards;

(2) Phase 2-long term reconstruction and development which may continue for years after a disaster and will implement the officially adopted plans, policies and programs for redevelopment including risk reduction projects to avoid the conditions and circumstances that led to the disaster.

(B) Long term reconstruction and recovery includes activities such as:

(1) Scheduling planning for redevelopment;

(2) Analyzing existing State and Federal programs to determine how they may be modified or applied to reconstruction;

(3) Conducting of public meetings and hearings;

(4) Providing temporary housing and facilities;

(5) Public assistance;

(6) Coordinating State/Federal recovery assistance;

(7) Monitoring of reconstruction progress; and

(8) Preparation of periodic progress reports to be submitted to NYS OEM.

(C) Reconstruction operations must conform to existing State/Federal laws and regulations concerning environmental impact.

(D) Reconstruction operations in and around designated historical sites must conform to existing State and FEMA guidelines.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

§ VIII.068 PUBLIC INFORMATION ON RECOVERY ASSISTANCE.

(A) Public Information Officers are responsible for making arrangements with the broadcast media and press to obtain their cooperation in adequately reporting to the public on:

(1) What kind of emergency assistance is available to the public;

(2) Who provides the assistance;

(3) Who is eligible for assistance;

(4) What kinds of records are needed to document items which are damaged or destroyed by the disaster;

(5) What actions are needed to apply for assistance; and

(6) Where to apply for assistance.

(B) The following types of assistance may be available:

(1) Food stamps (regular and/or emergency);

(2) Temporary housing (rental, mobile home, motel);

(3) Unemployment assistance and job placement (regular and disaster unemployment);

(4) Veteran's benefits;

(5) Social Security benefits;

(6) Disaster and emergency loans (Small Business Administration, Farmers Home Administration);

(7) Tax refund;

(8) Individual and family grants; and/or

(9) Legal assistance.

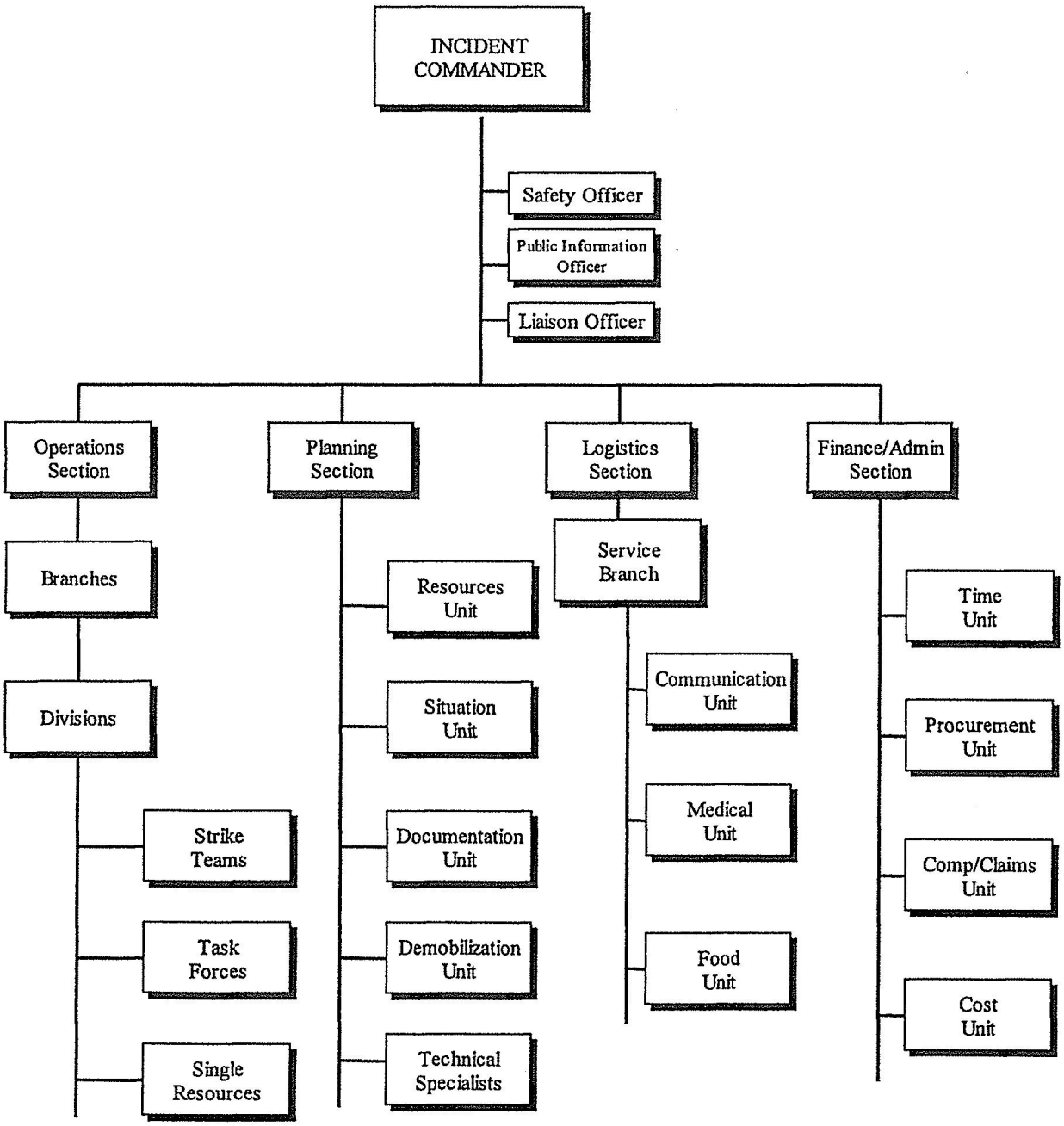
(C) All the above information will be prepared jointly by the Federal, State, and County PIOs as appropriate and furnished to the media for reporting to public.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

APPENDIX A: NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) INCIDENT COMMAND SYSTEM POSITION DESCRIPTION.

Incident command system diagram: This diagram illustrates a model Incident Command System (ICS) structure for an extremely large incident. The system will vary depending on the size, nature, and complexity of the response. For most incidents the ICS structure will be much less elaborate.

(See next page)

INCIDENT COMMAND SYSTEM
ORGANIZATION CHART



Position: AGENCY REPRESENTATIVES

Position Description: In many multi jurisdictional incidents, an agency or jurisdiction will send a representative to assist in coordination efforts.

An Agency Representative is an individual assigned to an incident from an assisting or cooperating agency who has been delegated authority to make decisions on matters affecting that agency's participation at the incident.

Agency representatives report to the Liaison Officer, or to the EOC Director in the absence of a Liaison Officer.

Responsibilities:

- Check in properly at the EOC.
- Obtain briefing from the Liaison Officer or EOC Director.
- Inform assisting or cooperating agency personnel on the incident that the Agency Representative position for that agency has been filled.
- Clarify any issues regarding your authority and assignment and what others in the organization do.
- Establish communication link with home agency. If unable to do so, notify Communications Unit in the Logistics Section.
- Obtain EOC organization chart, floor plan and telephone listings. Review the location and general duties of all sections and branches that have been activated.
- Facilitate requests for support or information that your agency can provide.
- Keep up-to-date on the general status of resources and activity associated with your agency.
- Provide appropriate situation information to the Planning Section.
- Keep your agency informed of the situation.
- Attend briefings and planning meetings as required.
- Provide input on the use of agency resources unless resource technical specialists are assigned from the agency.
- Cooperate fully with the EOC Director and the General Staff on agency involvement at the incident.
- Ensure the well-being of agency personnel assigned to the incident.
- Advise the Liaison Officer of any special agency needs or requirements.
- Report to home agency dispatch or headquarters on a prearranged schedule.
- Ensure that all agency personnel and equipment are properly accounted for and released prior to departure.
- Ensure that all required agency forms, reports and documents are complete prior to departure.
- Have a debriefing session with the Liaison Officer or Incident Commander prior to departure.
- Check out of EOC when demobilization is authorized.
- Leave a forwarding phone number if necessary.

Position: EOC MANAGER

Position Description: The EOC Manager's responsibility is the overall management of the County EOC. On most incidents the command activity is carried out by a single EOC Manager. The EOC Manager is selected by qualifications and experience.

The EOC Manager may have a deputy, who may be from the same agency, or from an assisting agency. Deputies may also be used at section and branch levels of the ICS organization. Deputies must have the same qualifications as the person for whom they work as they must be ready to take over that position at any time.

Responsibilities:

- Assess the situation and/or obtain a briefing from the prior EOC Manager.
- Determine Incident Objectives and strategy for the operational period.
- Determine level of staffing needed to begin dealing with the emergency. This may be increased or decreased later.
- Determine what level incident this is.
- Determine if a field operation is needed.
- Establish the immediate priorities.
- Ensure planning meetings are scheduled as required.
- Approve and authorize the implementation of an Incident Action Plan.
- Ensure that adequate safety measures are in place.
- Coordinate activity for all Command and General Staff.
- Coordinate with County Executive's Office, NYS OEM, and FEMA.
- Approve requests for additional resources or for the release of resources.
- Keep agency administrator informed of incident status.
- Approve the use of trainees, volunteers, and auxiliary personnel.
- Determine the operational period.
- Authorize release of information to the news media.
- Order the demobilization of the incident when appropriate.
- Use SOP for briefing incoming incident commander.

Attachments:

1. Warren County ICS Incident Organization Chart
2. Copy of Notification Procedure
3. Checklist for Emergency Preparedness
4. SOP for Transfer of Command

Position: FINANCE/ADMINISTRATION SECTION COORDINATOR

Position Description: The Finance/Administration Section Coordinator is responsible for managing all financial aspects of the incident. He/she is responsible for tracking all incident costs and providing guidance to the EOC Director on financial issues that may have an impact on incident operations.

Responsibilities:

- Check-In upon arrival at the EOC.
- Report to the EOC Director.
- Obtain a briefing on the situation.
- Review your position responsibilities.
- Determine if other section staff are at the EOC.
- Ensure that the section is set up properly and that appropriate personnel, equipment and supplies are in place. Set up your work station.
- Review organization in place at the EOC. Know where to go for information or support.
- Clarify any issues you may have regarding your authority and assignment, and what others in the organization do.
- Open and maintain section logs.
- Organize and staff section as appropriate.
- Identify collateral response organization(s) and positions.
- Manage all financial aspects of an incident.
- Confer with EOC Director on delegation of purchasing authority to section. Determine appropriate purchasing limits to delegate to Logistics Section.
- Meet with Operations and Logistics Coordinators. Determine financial and administrative support needs. Review procedures for on-going support from section. Establish purchasing limits for Logistics Section.
- Based on the situation as known or forecast, determine likely future Finance/Administration section personnel and support needs.
- Review responsibilities of units in section. Develop plan for carrying out all responsibilities.
- Activate organizational units within section as needed and designate leaders for each unit.
- Request additional personnel for the section as necessary to maintain appropriate level of EOC operations.
- Determine need for representation or participation of other agency representatives.
- Adopt a proactive attitude. Think ahead and anticipate situations and problems before they occur.

Operational Duties

- Provide financial and cost analysis information as requested.
- Gather pertinent information from briefings with responsible agencies.
- Develop an operating plan for the Finance/Administration Section; fill supply and support needs.
- Meet with Assisting and Cooperating Agency Representatives as needed.
- Maintain daily contact with agency(s) administrative headquarters on Finance/Administration matters.
- Ensure that section logs and files are maintained.
- Carry out responsibilities of Finance/Administrative Section units that are not currently activated.
- Maintain current displays associated with your area. Make sure that information reports or displays you prepare are clear and understandable.
- Make sure that all contacts with the media are fully coordinated first with the Information Officer.
- Participate in EOC Director's strategy meetings and planning meetings.
- Conduct periodic briefings for section. Ensure that all organizational elements are aware of priorities.
- Monitor section activities and adjust section organization as appropriate.

- Resolve problems that arise in conduct of section responsibilities.
- Brief EOC Director on major problem areas that now need or will require solutions.
- Share status information with other sections as appropriate.
- Keep agency administrators apprised of overall financial situation.
- Brief your relief at shift change time.

Demobilization

- Provide financial input to demobilization planning.
- Authorize deactivation of organizational elements within the section when they are no longer required.
- Ensure that any open actions are handled by section or transferred to other EOC elements as appropriate.
- Demobilize the Section and close out logs when authorized by the EOC Director.
- Ensure that any open actions are assigned to the appropriate agency or element for follow-on support.
- Ensure that any required forms or reports are completed prior to your release and departure.
- Brief agency administrative personnel on all incident-related financial issues needing attention or follow-up.
- Be prepared to provide input to the After Action Report.

ATTACHMENTS:

1. County Telephone Directory
2. ICS Forms Catalog
3. ICS Incident Organization Chart

Position: LOGISTICS SECTION COORDINATOR

Position Description: The Logistics Section Coordinator is responsible for providing all support needs to the incident (except air). Support needs includes facilities, services, personnel, equipment and supplies.

The Logistics Section Coordinator participates in the development and implementation of the Incident Action Plan, and activates and supervises the units within the Logistics Section.

Responsibilities:

- Check-In upon arrival at the EOC.
- Report to the EOC Director.
- Obtain a briefing on the situation
- Review your position responsibilities.
- Determine if other section staff are at the EOC.
- Ensure that the section is set up properly and that appropriate personnel, equipment and supplies are in place. Set-up your work station.
- Review organization in place at the EOC. Know where to go for information or support.
- Clarify any issues you may have regarding your authority and assignment, and what others in the organization do.
- Open and maintain section logs.
- Manage all incident logistics.
- Provide logistical input to the EOC Director in preparing the Incident Action Plan.
- Brief Branch Directors and Unit Leaders as needed.
- Identify anticipated and known incident service and support requirements.
- Request additional resources as needed.
- Review and provide input to the Communications Plan, the Medical Plan and the Traffic Plan.
- Supervise requests for additional resources.
- Oversee demobilization of the Logistics Section.

ATTACHMENTS:

1. County Telephone Directory
2. ICS Forms Catalog
3. ICS Incident Organization Chart

Position: OPERATIONS SECTION COORDINATOR

Position Description: The Operations Section Coordinator is responsible for the management of all tactical operations for the incident. The Operations Section Coordinator helps formulate and interprets strategy established by the EOC Director, and implements it tactically as per EOC procedures. The Operations Section Coordinator activates and supervises organizational elements in accordance with the Incident Action Plan and directs its execution. The Operations Section Coordinator also directs the preparation of unit operational plans, requests or releases resources, makes expedient changes to the Incident Action Plan as necessary, and reports such changes to the EOC Director.

The Operations Section Coordinator ensures that the operations function is carried out including the coordination of response for all operational functions assigned to the EOC and ensures that operational objectives and assignments/missions identified in the IAP are carried out effectively. The Operations Section Coordinator establishes the appropriate level of organization within the section, continuously monitors the effectiveness of that organization and makes changes as required. The Operations Section Coordinator exercises overall responsibility for the coordination of operational activities within the section and ensures that all state agency actions under the section are accomplished within the priorities established. The Operations Section Coordinator reports to the EOC Director on all matters pertaining to section activities.

Responsibilities:

- Check-In upon arrival at the EOC.
- Report to the EOC Director.
- Obtain a briefing on the situation
- Review your position responsibilities.
- Determine if other section staff are at the EOC.
- Ensure that the Operations Section is set up properly and that appropriate personnel, equipment and supplies are in place. Set-up your work station.
- Review organization in place at the EOC. Know where to go for information or support.
- Clarify any issues you may have regarding your authority and assignment, and what others in the organization do.
- Open and maintain section logs.
- Meet with Communications Unit Leader.
- Obtain briefing on on-site and external communications capabilities and restrictions.
- Establish operating procedure with Communications Unit for use of telephone and radio systems.
- Make any priorities or special requests known.
- Attempt to determine estimated times of arrival of requested staff who are not yet on site.
- Establish contact and determine status of collateral EOCs. Determine status of any requests for missions/assistance.
- Meet with the Planning Section Coordinator. Obtain and review any major incident reports. Obtain from the Planning Section additional field operational information that may pertain to or affect section operation.
- Based on the situation as known or forecast, determine likely future Operations Section needs.
- Review responsibilities of the section. Develop plan for carrying out all responsibilities.
- Make a list of key issues currently facing your Section. Clearly establish with assembled personnel action items to be accomplished within the current operational period.
- Activate organizational elements within section as needed and designate supervisors for each element.
- Determine need for representation or participation of other agency representatives.
- Request additional personnel for the section as necessary for maintaining appropriate level of EOC operation.

- Advise EOC Director of Section status.
- Adopt a proactive attitude. Think ahead and anticipate situations and problems before they occur.

Operational Duties

- Ensure that section EOC logs and files are maintained.
- Keep up to date on situation and resources associated with your section. Maintain current status at all times.
- Maintain current displays associated with your area. Make sure that the information reports or displays you prepare are clear and understandable.
- Provide situation and resources information to the Planning Section on a periodic basis or as the situation requires.
- Make sure that all contacts with the media are fully coordinated first with the Public Information Officer.
- Conduct periodic briefings and work to reach consensus among staff on objectives for forth-coming operational periods.
- Attend and participate in strategy and planning meetings.
- Work closely with the Planning Section Chief in the development of EOC Incident Action Plans.
- Work closely with each supervisor to ensure operation's objectives as defined in the current Incident Action Plan are being addressed.
- Ensure that information for your sections and Agency Representatives is made available to the Planning Section.
- Ensure that all fiscal and administrative requirements are coordinated through the Finance/Administration Section.
- Notification of any emergency expenditures.
- Time sheets.
- Brief EOC Director on major problem areas that now need or will require solutions.
- Brief supervisors periodically on any updated information you may have received.
- Share status information with other sections as appropriate.
- Brief your relief at shift change time.
- Deactivate subordinate units when no longer required. Ensure that all paperwork is complete and logs are submitted to the Documentation Unit (or Planning Section).

Demobilization

- Authorize demobilization of organizational elements with the section when they are no longer needed. Ensure that any open sections are handled by section or transferred to other EOC elements as appropriate.
- Demobilize the Section and close out logs when authorized by the EOC Director.
- Ensure that any open actions are assigned to the appropriate agency or element for follow-on support.
- Ensure that any required forms or reports are completed prior to your release and departure.
- Be prepared to provide input to the After Action Report.
- Manage tactical operations.
- Interact with next lower level of Section (Branch, Division/Group) to develop the operations portion of the Incident Action Plan.
- Request resources needed to implement the Operations Section's tactics as a part of the Incident Action Plan development (ICS 215).
- Assist in development of the operations portion of the Incident Action Plan.
- Supervise the execution of the Incident Action Plan for Operations.
- Maintain close contact with subordinate positions.
- Ensure safe tactical operations.
- Request additional resources to support tactical operations.
- Approve release of resources from assigned status (not release from the incident).

- Make or approve expedient changes to the Incident Action plan during the Operational Period as necessary.
- Maintain close communication with the Incident Commander.
- Maintain Unit Log.

Position: PLANNING SECTION COORDINATOR

Position Description: The Planning Section Coordinator is responsible for the collection, evaluation, dissemination and use of information about the development of the incident and the status of resources. Information is needed to understand the current situation, predict the probable course of incident events, and prepare alternative strategies and control operations for the incident. The Planning Section Coordinator conducts the Planning Meeting and is responsible for producing a written Incident Action Plan (if so directed by the Incident Commander). The Planning Section Coordinator activates and supervises units within the Planning Section; Situation Unit, Resource Unit, Documentation Unit, Demobilization Unit and Technical Specialists.

Responsibilities:

- Check-In upon arrival at the EOC.
- Report to the EOC Director.
- Obtain a briefing on the situation
- Review your position responsibilities.
- Determine if other section staff are at the EOC.
- Ensure that the section is set up properly and that appropriate personnel, equipment and supplies are in place. Setup your work station.
- Review organization in place at the EOC. Know where to go for information or support.
- Clarify any issues you may have regarding your authority and assignment, and what others in the organization do.
- Open and maintain section logs.
- Organize and staff section as appropriate.
- Identify collateral response organization(s) and positions.
- Collect from all available sources information about the incident.
- Supervise preparation of the Incident Action Plan.
- Modify the Incident Action Plan to meet changing needs as necessary.
- Prior to the completion of the Incident Action Plan, prepare and distribute the EOC Director's objectives.
- Provide input to the EOC Director and Operations Section Coordinator for the preparation of the Incident Action Plan by the Planning Section.
- Conduct the Planning Meeting.
- Identify out-of-service personnel and positions they are qualified to fill.
- Assign out-of-service personnel to ICS organizational positions as appropriate.
- Establish reporting requirements and reporting schedules for all ICS organizational elements.
- Gather, post, and maintain current incident resource status including transportation, and support vehicles and personnel.
- Determine need for any specialized resources in support of the incident.
- If requested, assemble and disassemble resources not assigned to operations.
- Identify coincidental information needs and gather as necessary.
- Ensure that information concerning special environmental needs is included in the Incident Action Plan.
- Assemble information on alternative strategies based on projections.
- Provide periodic predictions on incident potential and develop contingency plans (i.e., worst case scenario).
- Advise General Staff of any significant changes in incident status.
- Anticipate changes in resource needs.
- Compile and display incident status information.
- Oversee preparation of Incident demobilization plan.
- Develop the incident traffic plan.

- Develop the incident medical plan.
- Incorporate the Incident Traffic Plan and supporting plans developed by other units (Incident Communications Plan, etc.) into the Incident Action Plan.
- Maintain Unit Log.
- Perform operational planning for the Planning Section.
- Ensure coordination between the Planning Section and other Command and General staff.

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

APPENDIX B: STANDARD OPERATING GUIDE FOR WARREN COUNTY EMERGENCY OPERATIONS CENTER (EOC).

(A) *Introduction.*

(1) This Guide is an appendix to the Warren County Comprehensive Emergency Management Plan.

(2) The Warren County Emergency Operations Center (EOC), located at the Warren County Municipal Center, 1340 State Route 9, Lake George, NY 12845, serves as a location where multiple agencies and departments coordinate emergency response and recovery activities for the County in support of on-scene operations. The backup EOC is located at the Warren County Sheriff's Office, 1400 State Route 9, Lake George.

(3) The Director of the Office of Emergency Services (Emergency Manager) is responsible for maintaining the EOC in a state of readiness and providing for its continued operation during an emergency.

(B) *Readiness.*

(1) The Emergency Manager maintains (at the EOC):

(a) A current alert notification roster of all government, private sector, and volunteer emergency support services personnel assigned to the EOC (both in hard copy and electronic).

(b) The current "Cheat Sheets" corresponding to response activities required during emergencies.

(c) Current maps and data, including a county map depicting municipal boundaries, main roads and waterways; individual maps of each town, village, and city in the county depicting all public roads; population and special facility data for each municipality.

(d) Current copies of agencies' response plans/procedures.

(e) A situation display board for recording and reporting during the progress of an emergency.

(f) A "daily activities" log (both in hard copy and electronic).

(g) A current resource inventory (both in hard copy and electronic).

(h) EOC space is to be maintained in an emergency operation mode by the Emergency Manager at all times. During non-emergency periods, the EOC can be used for meetings, training, and conferences.

(C) *Activation.*

(1) Initial notification of an emergency is usually received at the Warren County 911 Communications Center where the information is recorded.

(2) Initial notification of an emergency to a County office other than the County 911 Center requires the recipient to notify the Warren County 911 Communication Center at 911 or (518) 743-2500 option 1.

(3) During normal working hours (M-F, 0800 to 1600), the staff of the Office of Emergency Services may be immediately accessible for EOC operations.

(4) In every situation, the Emergency Manager can modify the EOC staffing as the situation requires.

- Full Activation of the EOC with all positions filled. An IMAT may be used to supplement local staffing.
- Partial Activation of the EOC with some of the positions filled. Depending on the type and severity of the incident the EOC Manager will determine which positions need to be filled.
- Limited Activation of the EOC to include regular OES staff and possibly a few additional positions, depending on the need.

(D) *Staffing.*

(1) The levels of staffing will vary according to the actual demands of the situation.

(2) For an emergency, with full EOC staffing, staff will be organized into the five ICS groups: Command, Operations, Planning, Logistics, and Finance/Administration.

(3) 24-hour continuous-day EOC operations may be necessary for a catastrophic situation.

(4) Each agency/organization assigned to the EOC will be prepared to maintain continuous operations using two 12-1/2 hour shifts (0800 to 2030 and 2000 to 0830).

(5) Upon the initiation of the 12-1/2 hour shifts by the Emergency Manager, each agency will update its shift rosters to the Operations Officer.

(6) For smaller emergencies where there is no need for a major County response, the formal use at the EOC of distinct ICS groups may be limited. In these situations, the Emergency Manager, under the authority of the Chairman, Warren County Board of Supervisors, will normally be responsible for all ICS functions and may utilize distinct ICS functional components as needed.

(E) *Situation reporting.* The ICS Planning function is responsible for preparation of the Incident Action Plan and emergency situation reporting, and will:

(1) Provide a uniform reporting format for all situations reporting to ensure that the information reported is precise, concise, and clear.

(2) After the occurrence of an emergency, ensure that information on the emergency is collected and reported as soon as possible.

(3) Receive copies of all messages and/or situation reports from the Incident Commander and local and State government officials sent to the EOC pertaining to an emergency situation.

(4) Periodically request situation reports from each agency represented at the EOC.

(5) Select for posting, in chronological order on the situation board, the crucial situation reports and damage assessment information.

(6) In preparation of the Incident Action Plan, analyze the situation reports and prepare an overall situation report. The report should contain the following information:

(a) Date and time of emergency;

(b) Type, response level, and location;

(c) Specific area affected (including number of people);

(d) Number of injured (estimated);

(e) Number of dead (estimated);

(f) Extent of damage (estimated);

(g) Damage or loss of municipal response equipment;

(h) Roads closed;

(i) States of emergency declared;

(j) Emergency order issued;

(k) Mutual aid called upon;

(l) Major actions taken.

(7) Provide the report to the EOC Manager, who reports, as needed, to the Chairman of the Warren County Board of Supervisors and the NYS OEM Regional 3 Capital District Office.

(8) Based upon the report, conduct regular briefings to the Command and Operations Section.

(9) Prepare and provide follow-up situation reports on a regularly scheduled basis to the Operations Section Chief, Chairman of the Warren County Board of Supervisors and the NYS OEM Regional 3 Capital District Office.

(10) Maintain an event log to include all pertinent disaster-related information.

(F) *Security*.

(1) Security at the EOC will be provided by the Warren County Sheriff's Office, as deemed necessary.

(2) All persons entering and exiting the EOC will be required to check in at the security desk, located at the designated entrance.

(3) All emergency personnel will be issued a pass (permanent or temporary) to be worn at all times while in the EOC.

(4) Anyone seen in the EOC without a visible pass will be approached by Sheriff's Office personnel and dealt with appropriately.

(5) Temporary passes will be returned to the security desk when departing from the premises.

(6) When there will be multiple operating periods, colored stickers will be used on permanent passes to denote which operational period the emergency personnel is assigned to.
(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

APPENDIX C: DISASTER DECLARATION KIT (N.Y. STATE EXEC. LAW ARTICLE 2-B) DECLARING A LOCAL STATE OF EMERGENCY.

Warren County Office of Emergency Services.

(A) *Purpose*.

(1) Warren County officials recognize that our municipalities are not immune from threats such as severe winter storms, tornadoes, prolonged power outages, hazardous material accidents, other emergencies and disasters. The primary responsibility of the municipality is to protect the health and safety of the people within its borders.

(2) The time to prepare for emergencies is before they occur, not when faced with an impending disaster. Warren County recognizes the importance of creating and maintaining a Comprehensive Emergency Management Plan that is in concert with the emergency plans of local, state, and federal government. This plan should follow intent of N.Y. Exec. Law Article 2-B.

(3) As a companion to the Warren County Comprehensive Emergency Management Plan, this Article 2-B Disaster Declaration Kit has been developed to assist those officials, or their designees, as they respond to and consider the impact of, a disaster on the municipality.

(4) This kit specifically explains the Chief Executive Officer's (CEO) responsibilities under N.Y. Exec. Law Article 2-B, § 24, and lists the specific tasks that the chief executive and/or his/her designee must perform during an emergency.

(5) The Warren County Office of Emergency Services prepared this kit for the guidance of the county CEO and other county officials. Use of this kit (or parts thereof) by other municipal governments is encouraged.

(B) *Local state of declaration.*

(1) N.Y. Exec. Law Article 2-B is the law that gives chief executives of New York State municipalities the authority to declare a local state of emergency. It also gives those officials other extraordinary powers during the course of a disaster.

(2) In the event of a disaster, the local chief executive official (i.e., The Chairman of the Board of Warren County) or his/her designee is authorized under N.Y. Exec. Law Article 2-B to declare a local state of emergency. After declaring a local state of emergency the chief executive office may issue local emergency orders to protect life and property to bring the emergency situation under control.

(3) The chief executive official (CEO) or his/her designee is the only individual authorized to make this broad declaration of a local state of emergency. In making the declaration, the CEO is stating that a serious situation exists, or is imminent, that will affect public health and safety and may require extraordinary assistance for effective response and/or recovery. The declaration also heightens public awareness of the hazards associated with the disaster. It can help to emphasize the protective measures that citizens should take.

(4) A declaration is not required for the municipality to receive state and federal aid. However, such a declaration highlights the need for assistance and is recommended when the municipality expects to request help from other levels of government.

(5) The declaration of a local state of emergency substantially increases the powers of the county executive or chief executive officer. It also gives greater legal protection and immunities for the chief executive and local emergency officials for the decisions they make and the actions they take to respond to the disaster.

(6) It is best to include a time of duration in the original declaration of a local state of emergency. If no time limit was specified, the local state of emergency does NOT end automatically. When the proclamation is no longer needed, it should be formally rescinded.

(7) Copies of the declaration of the local state of emergency and local emergency orders may be provided to the media, but it is best to develop press releases detailing the declarations and actions taken by emergency planning officials. News releases should be delivered to local media outlets via hand-delivery, fax, mail or e-mail. Telephone notifications may be made to alert the media that a hard copy of a news release is being delivered or transmitted or is imminent. Consider faxing news releases to media in neighboring municipalities, as well.

(C) *Local emergency orders.*

(1) The local emergency order shall be published as soon as practicable in a newspaper of general circulation in the area affected by the order, and transmitted to the radio and television media for broadcast. It should be published under the paid legal advertisement section of the newspaper.

(2) Local emergency order(s) may be issued, amended, modified or rescinded ONLY by the CEO after the local state of emergency declaration.

(3) Local emergency orders must be written. They need to include time, date, reason, area and duration.

(4) A local emergency order shall be effective from the time and in the manner prescribed in the order. Local emergency order(s) shall cease to be in effect five days after issued or upon declaration by the chief executive that the local state of emergency no longer exists, whichever occurs sooner. The CEO may extend orders for additional periods not to exceed five days during the local state of emergency.

(5) Local emergency order(s) must be executed and filed within 72 hours or as soon thereafter as practicable in the Office of the Clerk of the Board and the Office of the County Clerk and the Office of Emergency Services (OES). In turn OES will file with NYS OEM and Secretary of the State.

(6) Any person who knowingly violates a local emergency order issued pursuant to N.Y. Exec. Law Article 2-B, § 24 will be guilty of a Class B Misdemeanor.

(7) The rescission of the local state of emergency should include the time and date of the original declaration, the reason for the local state of emergency, and the time and date the local state of emergency is rescinded. The local media needs to be informed of the rescission as soon as visible.

(D) *Filing*.

(1) A declaration of local state of emergency with emergency orders and rescinding documents should be filed in the following manner:

(a) The original declaration should be filed in the Office of the Warren County Clerk.

(b) A copy should be filed in the Office of the Clerk of Board.

(c) Three additional copies will also be provided to the Warren County Office of Emergency Services; one for their records, one for New York State Office of Emergency Management and one for the Secretary of the State if the state of emergency includes emergency orders.

(2) If local emergency orders are extended they must be filed again.

(E) *Media*.

(1) News releases must include the following information:

(a) A contact name (CEO or designated spokesperson) and telephone number.

(b) The date the news release is issued.

(c) The time the news release is issued.

(d) The name of the municipality where the emergency exists.

(e) The name of the Chief Executive issuing the declaration or order.

(f) The nature of the emergency.

(g) The anticipated duration of the emergency.

(h) The time the declaration of local state of emergency or local emergency order was issued.

(i) The anticipated duration of the local state of emergency or local emergency orders.

(j) A description of how people can get more information (i.e., "Stay tuned to this station for further information.").

(k) Any other information the public should know.

(2) A spokesperson should be designated. This person will act as a liaison between responding officials and the media.

(3) The spokesperson, alone or with a designated staff, will gather information from the officials, confirm it and resolve conflicts in the information, and then disseminate it to the media.

(4) The spokesperson will also relay requests for information from the media to the officials.

(5) The spokesperson will be the municipality's voice to the media during the emergency. When the media requests interviews of certain officials such as the chief executive, the spokesperson will arrange the interviews whenever possible.

(6) The designation of a spokesperson will streamline public information efforts and minimize the chance of conflicting reports to the media by responding individuals or agencies.

[See next page.]

(F) *Sample formats.*

Declaration of a Local State of Emergency

A local state of emergency is hereby declared in _____
(municipality)

for a period of time beginning at _____ hours on _____.
(time) (date)

The local state of emergency has been declared due to _____

_____
(description of emergency)

These conditions threaten the public safety of the citizens of _____

_____. As _____ of _____
(municipality) (title)

I, _____ ,have exercised the authority
(name)

given to me under New York State Executive Law Article 2-B, to preserve the public safety and hereby render all required and available assistance vital to the security, well-being and health of the citizens of this municipality.

I hereby direct all departments and agencies of _____
(municipality)

to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.

_____
(signature)

_____
(name)

_____
(title)

_____
(date)

SAMPLE

Local Emergency Order
Controlling Presence of Persons on Public Street and Places

I, _____, _____
of (Name) (title)

_____, in accordance with a declaration
of
(municipality)

a local state of emergency issued on _____, 20____, and pursuant to Section 24 of Article 2-B, New York State Executive Law, hereby declare a local emergency order that the following areas within this municipality are restricted and all pedestrian and vehicular movement, standing and parking, is prohibited; except for the provisions of designated essential services such as fire, police and hospital services including transportation of patients thereto, utility emergency repair, emergency calls by physicians and other persons working under the direct authority of law enforcement personnel:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Said restrictions shall apply until removed by order of the chief executive of this municipality.

Signed this _____ day _____, 20_____
(date) (month)

at _____ o'clock, in _____, New York
(time) (municipality)

Signed: _____

SAMPLE

Local Emergency Order
Establishing Curfew

I, _____, _____
of (name) (title)

_____, New York, in accordance with a
declaration (municipality)
of a local state of emergency executed on the ____ day of_____,
20____.
(month)

and pursuant to Section 24 of Article 2-B New York State Executive Law, do hereby declare

that a curfew is established and imposed. The curfew will commence at _____ o'clock
(time)

on the _____ day of _____, 20____, until removed by the chief executive of this municipality.
(month)

During the period of this local emergency order such curfew, all pedestrian and vehicular traffic, except essential emergency vehicles and personnel, shall be prohibited from the use of public streets within this municipality between the hours of _____ and _____.
(time) (time)

Signed this _____ day of _____, 20_____, at _____ o'clock
(date) (month) (time)

in _____ New York
(municipality)

Signature: _____ Witness: _____

Title: _____ Title: _____

SAMPLE

Local Emergency Order Prohibiting Sale and Distribution of Alcoholic Beverages

I, _____, _____,
of
(Name) (Title)

_____, New York, in accordance with a declaration
of
(municipality)
a local state of emergency executed on the _____ of _____, 20____,
and
(day) (month)

pursuant to Section 24 of Article 2-B, New York State Executive Law, do hereby issue a local emergency order that the sale and distribution of alcoholic beverages (as defined by Section 3 of the Alcoholic Beverage Control Law, but not including patented medicines) is hereby prohibited within this municipality effective immediately until such order is rescinded by the chief executive.

Signed this _____ day of _____, 20_____, at _____
o'clock
(day) (month) (time)

in _____, New York.
(municipality)

Signature: _____ Witness: _____

Title: _____ Title: _____

SAMPLE

Local Emergency Order

Closing Places of Amusement and Assembly

I, _____, _____,
of
(Name) (title)

_____, New York in accordance with a declaration
of
(municipality)

a local state of emergency executed on the _____ of _____, 20____,
and
(day) (month)

pursuant to Section 24 of Article 2-B New York State Executive Law, do hereby issue a local emergency order the closing of all places of amusement and assembly within this municipality effective immediately and continuing until further order of the chief executive.

Signed this _____ day of _____ 20_____ at _____
o'clock
(day) (month) (time)

in _____, New York
(municipality)

Signature: _____ Witness: _____

Title: _____ Title: _____

SAMPLE

Local Emergency Order
Regulating the Purchase, Storage, Etc. of Flammable Materials

I, _____, _____,
of
(Name) (title)

_____, New York, in accordance with a declaration
of
(municipality)

a local state of emergency executed on the _____ of _____, 20____,
and
(day) (month)

pursuant to Section 24 of Article 2-B New York State Executive Law, do hereby issue a local emergency order the prohibition of the sale or other transfer, with or without consideration, gasoline or any other flammable or combustible liquid or of any explosive, or the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid except that delivery into a tank properly affixed to an operable motor driven vehicle and necessary for the propulsion thereof shall not be prohibited there under.

Signed this _____ day of _____ 20_____ at _____
o'clock
(day) (month) (time)

in _____, New York
(municipality)

Signature: _____ Witness: _____

Title: _____ Title: _____

SAMPLE

Rescission of a Local State of Emergency

Whereas, on the ____ day of _____, 20_____, at _____,
o'clock (day) (month) (time)

I,_____, _____, having determined
(name) (title)

that there was an imminent threat to life and property associated with

_____
(description of danger)

declared a local state of emergency in _____,
(municipality)

pursuant to Section 24 of the New York State Executive Law Article 2-B, and: Whereas, It appears that the existence of that local emergency has ceased to exist and protection is no longer essential;
Now, therefore, I,_____, _____
(name) (title)
pursuant to Section 24 of the New York State Executive Law Article 2-B, do hereby rescind

the existing local state of emergency effective _____ o'clock on the _____ day of
(time) (day)
_____, 20_____
(month)

Signature: _____ Title: _____

Name: _____ Date: _____

SAMPLE

Local Emergency Order Rescission

Whereas, A local state of emergency was declared on the _____, of_____,
(day) (month)

20____ at _____ o'clock pursuant to Section 24 of New York State Executive Law Article
(time)

2-B due to _____,
and
(description of emergency)

Whereas, at _____ on _____, a local emergency order was declared pursuant to Section 24; and Whereas, due to hazards associated with the declared emergency, said order was issued specifically to_____
(order coverage)
and to protect life and property within _____,
(municipality)
covered by said local state of emergency and local emergency order. Now, therefore, I,

_____ _____ hereby rescind the said
(name) (title)

local emergency order effective _____ day of _____, 20____ .
(day) (month)

Signature: _____ Title: _____

Name: _____ Date: _____

SAMPLE

Press Release for Local State of Emergency

News Release

Contact: _____ For Release: Immediate
(name of spokesperson)

Date: _____

_____, _____
(Name of Municipality) (Name of Chief Executive)

_____, of the _____,
(Title of CEO) (municipality)

_____.
(time)

A local state of emergency was declared in response to:

_____
(description of emergency)
_____.

Officials will continue to monitor the situation and advise the general public should any actions be necessary.

Please do not call government offices. The public will be kept informed the broadcast and print media of the cancellation or continuation of the local state of emergency.

_____ asks for the cooperation of the public in this
(name)
time of emergency.

SAMPLE

###

News Release for Local Emergency Order

Contact: _____ Fore Release: Immediate
(name of spokesperson)

Date: _____

_____ - _____,
Name of Municipality) (Name of Chief Executive Officer)

_____ of the _____,
(title of CEO) (municipality)

Having declared a local state of emergency because of

_____,
(description of emergency)

has issued the following local emergency order due to hazards that place lives and property at risk:

The local emergency order (restricts, closes, prohibits)

_____

_____

_____

_____

_____

The local emergency order will remain in effect until such emergency conditions have abated.
Please do not call government offices. The public will be kept informed through the broadcast and print media of the cancellation or continuation of this local state of emergency.

_____ ask for the cooperation of the public in
(name)
this time of emergency.

###

SAMPLE

(G) *Definitions.*

ARTICLE 2-B. The section of N.Y. Exec. Law that establishes the New York State Disaster Preparedness Commission, gives authority to local governments for preparing their own Comprehensive Emergency Management Plans, and empowers local chief executives to act during an emergency.

CHIEF EXECUTIVE OFFICIAL (CEO). The chief elected official of a municipality - the mayor of a city, village; the supervisor of a town; the county executive or the chairman of the governing body of a county and/or his/her designee.

CONTINUITY OF GOVERNMENT. Under N.Y. Exec. Law Article 2-B, § 27, a city, town, county or village shall by local law provide for its continuity by designating a line of succession for elective and appointive officers.

LOCAL EMERGENCY ORDER. An order issued by the chief executive official of a municipality that specifically limits or curtails actions or freedoms of the population or uses of facilities within a jurisdiction, in order to protect the health and safety of the public. It is also known as an executive order.

RESCISSION. A formal discontinuation of the declaration or order of a local state of emergency or local emergency order.

SECTION 24. The section of N.Y. Exec. Law Article 2-B that grants the chief executive of a municipality or his/her designee the power to declare a local state of emergency within his/her jurisdiction and to issue local emergency orders.

STATE OF EMERGENCY. A declaration by the chief executive official or his/her designee of a city, county, town or village in which the jurisdiction is faced with an emergency or disaster that endangers the population and/or property of that jurisdiction and requires extraordinary resources to adequately respond.

(H) *NYS Executive Law Article 2B summary.*

§ *20 - Policy and Definitions*

§ *21 - State Disaster Preparedness Commission explained*

3.f.(1)DPC may create a temporary organization in the disaster area to provide integration and coordination. Said organization may manage the local disaster upon request from the municipality. If the DPC finds the local municipality unable to manage the disaster they shall direct said organization to manage the disaster using local resources. The state shall not be liable for the expenses incurred in using third party, non-state resources requested by said organization.

3.i.(3) DPC submits to the governor an annual report including the status of local plans for disaster preparedness and response; naming those who failed or refused to develop a plan and program.

§ *22 - State Disaster Preparedness Plans*

§ *23 - Local Comprehensive Emergency Management Plans*

1. Each county, city, town & village is authorized to prepare a comprehensive emergency management plan.

2. If a plan is prepared it shall meet this section of the law. This includes items that need to be included in the plan; entities that need to be included in the plan preparation; submittal of plans.

§ 23-a - County Registry of Disabled Persons

It is recommended that each county chief executive maintain a registry of disabled persons. It shall identify those in need; plan for resource allocation; be updated annually; make available to state or federal agencies; semi-annually advertise in a newspaper; keep database confidential; all community-based services providers shall assist with the collection of registration of people.

§ 23-b - Nursing Home and Assisted Living Facility Plans

Each such facility shall be assisted in the establishment of a disaster preparedness plan. Plans shall include maintaining food, water, medicine in reserve; access to a generator; evacuation plan with alternative site; disaster staffing plans. Such plans shall be made available to county emergency management office.

§ 23-c - Consistency Among Local Disaster Preparedness Plans

No part of any local disaster preparedness plan shall conflict with any part of another local preparedness plan.

§ 24 - Local State of Emergency; Local Emergency Orders by Chief Executive.

Upon a finding by the chief executive that the public safety is imperiled, a local state of emergency may be proclaimed in any part or all of the territorial limits of such local government not to exceed 30 days or until rescinded. CE may issue additional SOE. During a SOE the CE may issue local emergency orders to protect life and property or to bring the emergency situation under control.

1.g. Suspension of an local law, ordinance or regulation pursuant to the local SOE shall be subject to additional standards and limitations.

2. A local emergency order shall be effective as prescribed in the order and shall be disseminated to the media as soon as possible. It shall cease to be in effect 5 days after promulgation or upon termination.

3. Proclamations of SOE or local emergency orders shall be executed in quadruplicate to be filled within 72 hours in the office of the clerk of the governing body, office of the county clerk, office of the secretary of the state and state office of emergency management. In Warren County, this is handled by the Office of Emergency Services; hence all local SOE and emergency orders go through this office.

6. The CE of the county may request the governor to remove any or all of sentenced inmates from institutions maintained by such county, during a local SOE.

7. The CE may request the governor to provide assistance under this chapter if the disaster is beyond the capacity of local government to meet adequately.

§ 25 - Use of Local Government Resources in a Disaster.

1. The CE is authorized to use any and all facilities, equipment, supplies, personnel and other resources of the political subdivision in such manner as may be necessary.

2. A CE may request and accept assistance by the county CE as provided in section 26.

3. A CE may request and accept assistance from any other political subdivision on such terms and conditions as may be mutually agreed to.

§ 26 - Coordination of Local Disaster Preparedness Forces & Local Civil Defense Forces in Disasters.

The county CE may coordinate responses for requests for assistance made within the county, utilizing existing organizations, lines of authority and comprehensive emergency management plans.

§ *27 - Continuity of Local Governments.*

Every county, city, town and village shall have the power by local law or resolution, for its continuity in the event of a disaster with emergency conditions thereby causing any such officers unable to discharge their duties or are absent.

§ *28 - State Declaration of Disaster Emergency.*

The governor may issue a SOE. The Governor shall have the authority to direct that other actions by taken by CE pursuant to their authority under Section 24.

§ *28-a - Post Disaster Recovery Planning.*

Whenever a state disaster emergency has been declared any county, city, town or village included in such disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such a plan to be unnecessary or impractical.

§ 29 - *Direction of State Agency Assistance in a Disaster Emergency.*

§ *29-a - Suspension of Other Laws.*

The governor may by executive order temporarily suspend specific provisions of any statue, local law, ordinance or order, rules or regulations or parts thereof, of any agency during a state disaster emergency.

§ *29-b - Use of Disaster Emergency Response Personnel in Disasters.*

2. a. The County CE may direct the emergency management director of a county to assist in the protection and preservation of human life and property by calling upon disaster emergency response personnel employed by or supporting the county as specified in the CEMP to perform the duties assigned to them.

3. There is a sub-section regarding city emergency management directors.

§ *29-c - Radiological Preparedness.*

§ *29-d - Reports (radiological).*

§ *29-e - New York State Emergency Assistance Program.*

2. The governor may issue a declaration of significant economic distress if the municipality suffered a substantial loss of assessed value; substantial damage to municipal infrastructure, clean-up operations is significant, significant economic loss to businesses; significant increase in unemployment claims and SBA loan eligible.

§*29-g - Emergency Management Assistance Compact (interstate).*

The EMAC provides mutual assistance between the states that have entered into this compact. The requesting state shall compensate the assisting state.

§ *29-h - Intrastate Mutual Aid Program.*

5. All fire related resources shall be administered pursuant to Section 209-e of GML.

6. The local emergency management director shall have the authority to request and accept assistance and deploy the local resources of their jurisdiction under the IMAP for the purposes of mitigation, responding or recovery from disasters or training, drills and exercises. Requests shall be in writing as soon as possible. Within 3 days the written request and an inventory of resources deployed will be sent to DHSES.

8. Notwithstanding the provisions of Section 25, any requesting local government shall be liable and responsible for any loss or damage to equipment or supplies. The requesting local government shall reimburse the assisting local government for salaries or other compensation and traveling and maintenance expenses incurred for its employees deployed.

10. Each local government is responsible for procuring and maintaining insurance or other coverage as it deems appropriate. Employees assisting a local government shall have the same immunities and privileges as they would in their home jurisdiction. This is applicable for injury and death benefits also.

*** This Summary is current as of 4/20/12***

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

APPENDIX D: WARREN COUNTY FACTS.

People QuickFacts	*Warren County*	*New York*
Population, 2014 estimate	64,973	19,746,227
Population, 2010 (April 1) estimates base	65,705	19,378,112
Population, percent change, April 1, 2010 to July 1, 2014	-1.1%	1.9%
Population, 2010	65,707	19,378,102
Persons under 5 years, percent, 2014	4.7%	6.0%
Persons under 18 years, percent, 2014	19.0%	21.4%
Persons 65 years and over, percent, 2014	19.8%	14.7%
Female persons, percent, 2014	51.1%	51.5%
White alone, percent, 2014 (a)	96.2%	70.4%
Black or African American alone, percent, 2014 (a)	1.2%	17.6%
American Indian and Alaska Native alone, percent, 2014 (a)	0.3%	1.0%
Asian alone, percent, 2014 (a)	0.9%	8.5%
Native Hawaiian and Other Pacific Islander alone, percent, 2014 (a)	Z	0.1%
Two or more races, percent, 2014	1.5%	2.4%
Hispanic or Latino, percent, 2014 (b)	2.2%	18.6%
White alone, not Hispanic or Latino, percent, 2014	94.3%	56.5%
Living in same house 1 year and over, percent, 2009–2013	88.4%	88.8%
Foreign born persons, percent, 2009–2013	3.0%	22.1%
Language other than English spoken at home, pct age 5+, 2009–2013	4.3%	29.9%

People QuickFacts	*Warren County*	*New York*
High school graduate or higher, percent of persons age 25+, 2009–2013	90.8%	85.2%
Bachelor's degree or higher, pct of persons age 25+, 2009–2013	28.0%	33.2%
Veterans, 2009–2013	5,617	912,499
Mean travel time to work (minutes), workers age 16+, 2009–2013	22.3	31.6
Housing units, 2014	38,993	8,191,040
Homeownership rate, 2009-2013	70.8%	54.2%
Housing units in multi-unit structures, percent, 2009–2013	20.4%	50.6%
Median value of owner-occupied housing units, 2009-2013	$189,400	$288,200
Households, 2009-2013	28,081	7,234,743
Persons per household, 2009-2013	2.29	2.61
Per capita money income in past 12 months (2013 dollars) 2009-2013	$30,351	$32,382
Median household income 2009-2013	$55,904	$58,003
Persons below poverty level, percent, 2009-2013	10.9%	15.3%

Business QuickFacts	*Warren County*	*New York*
Private nonfarm establishments, 2013	2,341	532,669 [1]
Private nonfarm employment, 2013	30,701	7,688,492 [1]
Private nonfarm employment, percent change, 2012-2013	-2.6%	1.7% [1]
Nonemployer establishments, 2013	4,651	1,626,367
Total number of firms, 2007	7,410	1,956,733
Black-owned firms, percent, 2007	S	10.4%
American Indian- and Alaska Native-owned firms, percent, 2007	F	0.7%
Asian-owned firms, percent, 2007	S	10.1%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.1%
Hispanic-owned firms, percent, 2007	F	9.9%
Women-owned firms, percent, 2007	26.7%	30.4%
Manufacturers shipments, 2007 ($1000)	1,130,451	162,720,173
Merchant wholesaler sales, 2007 ($1000)	341,996	313,461,904

Business QuickFacts	*Warren County*	*New York*
Retail sales, 2007 ($1000)	1,382,215	230,718,065
Retail sales per capita, 2007	$21,005	$11,879
Accommodation and food services sales, 2007 ($1000)	299,993	39,813,499
Building permits, 2014	278	36,286

Geography QuickFacts	*Warren County*	*New York*
Land area in square miles, 2010	866.95	47,126.40
Persons per square mile, 2010	75.8	411.2
FIPS Code	113	36
Metropolitan or Micropolitan Statistical Area	Glens Falls, NY Metro Area	

Notes:
1. Includes data not distributed by county.
(a) Includes persons reporting only one race.
(b) Hispanics may be of any race, so also are included in applicable race categories.
D: Suppressed to avoid disclosure of confidential information
F: Fewer than 25 firms
FN: Footnote on this item for this area in place of data
NA: Not available
S: Suppressed; does not meet publication standards
X: Not applicable
Z: Value greater than zero but less than half unit of measure shown
Source: US Census Bureau State & County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits. Last Revised: Wednesday, 02-Dec-2015 10:00:13 EST.

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

APPENDIX E: ACRONYM LIST.

B&G	Buildings and Grounds
CART	County Animal Response Team
CEMP	Comprehensive Emergency Management Plan
CEO	Chief Executive Official
DHSES	Department of Homeland Security and Emergency Services
DOH	Department of Health
DOT	Department of Transportation
DPC	Disaster Preparedness Commission
DPW	Department of Public Works
DSS	Department of Social Services
EAS	Emergency Alert System
EBS	Emergency Broadcast System
EMS	Emergency Medical Services
EOC	Emergency Operating Center
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
GAR	Governor's Authorized Representative
GFH	Glens Falls Hospital
GIS	Geographic Information Systems
HAZMAT	Hazardous Materials
HAZNY	Hazard Analysis
HM	Hazard Mitigation
HMP	Hazard Mitigation Plan
IA	Individual Assistance
IC	Incident Commander
ICS	Incident Command System
IED	Incendiary Explosive Device
JIC	Joint Information Center
NIMS	National Incident Management System

NWR	National Weather Radio
NYSOEM	New York Office of Emergency Management
OES	Office of Emergency Services
OFA	Office for the Aging
PI	Public Infrastructure
PIO	Public Information Officer
RACES	Radio Amateur Civil Emergency Services
SAME	Specific Area Message Encoding
SWCD	Soil and Water Conservation District
SOG	Standard Operation Guide
WCCC	Warren County Communications Center
WCPH	Warren County Public Health

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016; Res. of 2017, passed - -2017)

WARREN COUNTY OFFICE OF EMERGENCY SERVICES PUBLIC ACCESS DEFIBRILLATION PROGRAM

§ VIII.080 INTRODUCTION.

(A) Warren County Office of Emergency Services has instituted a public access defibrillation program (the "PAD Program"). The purpose of this program is to ensure that all New York State laws, rules and regulations applicable to the program are strictly adhered to. This document sets forth the practices, protocols, and procedures of the PAD Program, and is deemed incorporated into each collaborative agreement to which the Warren County Office of Emergency Services is or becomes a party.

(B) "The program goal is to improve an individual's chance of survival after experiencing sudden cardiac arrest"
(Res. 126 of 2012, passed - -2012)

§ VIII.081 TRAINING.

(A) Training will be offered to County Employees in CPR and the use of an Automatic External Defibrillator (AED) utilizing a New York State Department of Health approved PAD training course for AED users.

(B) A data base of all trained Employees will be kept on file within the Office of Emergency Services. This data will include the name of the employee and a copy of the current certification card.

(C) The Warren County Office of Emergency Services will provide initial PAD training and recertification programs for County Employees.

(D) An Employee may also obtain initial or recertification through any Department of Health approved PAD training course.

(E) All trained Employees shall be familiar with and trained to use the specific model of AED units owned by Warren County.
(Res. 126 of 2012, passed - -2012)

§ VIII.082 LOCATION OF AED'S.

(A) The Warren County Office of Emergency Services has, five AED units, which are to be available at the following locations:

(1) Municipal Center, 1st floor by DMV.

(2) Municipal Center, 2nd floor by Board of Supervisors.

(3) Human Services Building, 1st floor Security Area.

(4) Up Yonda.

(5) Airport.

(B) Placement of units will vary by building and will be located to minimize response time in the event of an emergency.

(C) If the Warren County Office of Emergency Services elects to obtain additional AED's, this program shall be amended to reflect such additions, and the location at which they shall be employed.
(Res. 126 of 2012, passed - -2012)

§ VIII.083 MAINTENANCE AND INSPECTION OF AED UNITS.

All AED units shall be stored in their cases or cabinets, as supplied by the manufacturer, and shall be kept in a clean, warm, and dry location at all times when not in use.

(A) *Weekly inspection*. Certified staff or their designee of any facility at which an AED unit is located, shall conduct a weekly visual inspection during regular working hours of such AED to determine whether the seal has been broken, or any of the self-diagnostic tests indicate that attention is required. If the security seal has been broken or any repair or other maintenance condition is identified, the Office of Emergency Services should be notified immediately.

(1) Recording of weekly inspections is not required.

(2) Certified staff is anyone trained in the use of the AED.

(B) *Monthly inspection*. The Warren County Office of Emergency Services, EMS (Emergency Medical Services) Coordinator or Deputy Coordinator shall, at the beginning of the month, inspect the AED unit(s) stationed at such facility, and complete the Monthly Inspection Report (See Appendix D). These reports will be kept on file in the EMS Coordinators office. If any inventory problems are noted, the appropriate supplies will be replenished or replaced as necessary. Appropriate levels of batteries/pads will be ordered according to current expiring dates. The cost for supplies will be assigned to the EMS Coordinators Budget.

(C) *Bi-annual inspection.*

(1) The Warren County Office of Emergency Services, EMS (Emergency Medical Services) Coordinator or Deputy Coordinator shall inspect each AED unit as part of the program's bi-annual safety inspections (See Appendix E). These reports will be kept on file in the EMS Coordinators office.

(2) Each bi-annual inspection shall include observation of all self-diagnostic indicators on the equipment, as well as verification that each unit is complete, clean, and in good operating condition.

(3) If a problem is detected in any of the above inspections, or if some attention otherwise seems warranted, then the person inspecting the AED unit should notify the Office of Emergency Services immediately.

(4) In the event that such service or attention so warrants, arrangements shall be made immediately through the Office of Emergency Service to have this completed promptly.
(Res. 126 of 2012, passed - -2012)

§ VIII.084 IN THE EVENT OF EMERGENCY.

(A) Call 911 or direct someone else to call 911.

(B) Caller should be prepared to provide the location and any pertinent details of the event.

(C) Provide CPR and use AED as per American Heart Association Guidelines.
(Res. 126 of 2012, passed - -2012)

§ VIII.085 AFTER ARRIVAL/DEPARTURE OF MEDICAL ASSISTANCE.

(A) *After the arrival of medical assistance.* After EMS (Emergency Medical Services) has reached the location of the emergency, the Warren County Employees who have been attending to the patient may remain at the scene to assist the emergency medical service personnel unless otherwise directed.

(B) *After the departure of medical assistance.*

(1) When the AED is no longer needed it should be secured, taken out of service and returned to the Office of Emergency Services.

(2) Employees involved in the use of the AED will be asked to meet with the EMS Coordinator or a Deputy Coordinator in order to fill out the QI report (Appendix C).

(3) Due to the possible emotional stress caused by a critical incident, determination of the need for Critical Incident Stress Debriefing will be made and reevaluated periodically after the event by the EMS Coordinator or Deputy Coordinator.
(Res. 126 of 2012, passed - -2012)

§ VIII.086 DOCUMENTATION REQUIREMENTS.

(A) In the event that any AED is used, the following steps are required:

(1) The EMS Coordinator or Deputy Coordinator will complete the QI Incident Report and mail it to the Mountain Lakes Regional Emergency Medical Services Council within five days (Appendix C).

(2) EMS Coordinator or Deputy Coordinator will notify the Warren County Pad Program Medical Director promptly and provided them with the Incident Report and other relevant data.

(B) ** Documentation requirements are the same should a non Warren County Employee use the AED.
(Res. 126 of 2012, passed - -2012)

§ VIII.087 EMERGENCY HEALTHCARE PROVIDER.

(A) The Warren County Office of Emergency Services has entered into a collaborative agreement with a Medical Director: (Appendix A and B)

Dr. Douglas Girling
100 Park Street
Glens Falls, N.Y. 12801
Office (518) 926-1000

(B) If the identity of the Medical Director changes, the Warren County Office of Emergency Services shall enter into a collaborative agreement with the new Medical Director, and shall submit the new collaborative as per the current requirement at that time.
(Res. 126 of 2012, passed - -2012)

§ VIII.088 QUALITY IMPROVEMENT PROGRAM.

As required by the NYS Health Department, the Warren County Office of Emergency Services will participate in a regionally approved quality improvement program.
(Res. 126 of 2012, passed - -2012)

APPENDIX A: COVER LETTER TO REMSCO.

Date

Mr. Travis Howe
Mountain Lakes Regional Emergency Medical Services Council
5 Warren Street
Glens Falls, NY 12801

Dear Mr. Howe:

Enclosed is the Collaborative Agreement between Warren County and Dr. _____ . You will also find our Notice of Intent to provide public access defibrillation.

Also, included is a copy of our public access defibrillation program for your review. Any comments and suggestions are welcome.

Please feel free to call anytime should you need any additional information.

Sincerely,

AED Coordinator

(Res. 126 of 2012, passed - -2012)

APPENDIX B: COLLABORATIVE AGREEMENT WITH MEDICAL DIRECTOR.

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

Public Access Defibrillation Collaborative Agreement

This document shall serve as a collaborative agreement between _____ (*"The Company"*) *located at (address)* _____ and the company's medical director/emergency health care provider. This document shall meet the provisions set forth in N.Y. Pub. Health Law Article 30, § 3000-B for the provisions Automated External Defibrillator (AED).

PURPOSE:

The Company is participating in Public Access Defibrillation to ensure that as many employees as necessary can be trained in the use of an Automated External Defibrillator (AED). This training will be provided for the acquisition, deployment, and use of an AED(s) within the facility in an effort to reduce the number of deaths associated with sudden cardiac arrest.

MEDICAL DIRECTOR/EMERGENCY HEALTH CARE PROVIDER:

The Company operates under the guidance of a medical director. This shall fulfill the requirements of an "emergency health care provider" as outlined on the New York State Department of Health form 4135 *Notice of Intent to Provide PAD*.

TRAINING:

The Company has adopted the _____ guidelines for PAD and the training of employees in the use of the AED. All emergency response personnel and any other interested persons MUST successfully complete the required training course. All personnel must complete refresher training in accordance with the guidelines set forth by the training program. The trained employees shall be familiar with the location of the AED and perform regularly scheduled inspections (as recommended by the manufacturer) on the unit.

PROTOCOL FOR USE OF AED:

The Company has adopted the _____AED Treatment algorithm for the use of the AED(s). The company's AED(s) shall be programmed to prompt the user and deliver counter shocks as outlined by the _____ algorithm.

EMS NOTIFICATION:

The Company will notify the (Ambulance Service Name) _____, (Fire Dept Name) _____ and the (County Name) _____ County Public Safety Answering Point (Dispatch Center) by mail of the placement and training for public access defibrillation. The (County Name) _____ County Public Safety Answering Point (Dispatch Center) will also be notified in the time of emergency.

DOCUMENTATION AND QUALITY IMPROVEMENT:

Anytime the AED is used in the resuscitation efforts of a patient, the operator shall complete a written report it shall be photocopied for the company's records and mailed to the REMSCO for data collection. This will be done as soon as possible to allow for further compilation of data as well as review of the incident. The address to return this information is:

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

All incidents involving the use of the AED shall be reviewed by the company's Medical Director/Emergency Health Care Provider, as well as the Mountain Lakes Regional EMS Council (REMSCO) in an effort to continue providing better care to future patients.

SUMMARY:

The Company is participating in Public Access Defibrillation in an effort to provide progressive quality emergency medical care to the employees, students and/or visitors who have experienced cardiac arrest. A number of employees will be trained to the standards of the _____ to perform CPR and utilize an AED in accordance with these provisions in an effort to lessen the number of deaths caused by sudden cardiac arrest.

AUTHORIZATION NAMES AND SIGNATURES:

_____	_____
Authorized Signature for Company	Date
_____	_____
(Print name)	Title
_____	_____
Signature of Medical Director/EHCP Representative	Date
_____	
(Print name)	

(Res. 126 of 2012, passed - -2012)

APPENDIX C: QI REPORT.

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801
518-793-8200

Public Access Defibrillation QI Report

Name of PAD Provider Organization:

Date of Incident://Time of Incident: am/pm

Patient's Age: Patient's Sex: ( ) Male ( ) Female

CPR prior to Defibrillation: ( ) Attempted ( ) Not Attempted

Cardiac Arrest: ( ) Not Witnessed ( ) Witnessed by Bystander ( ) Witnessed by AED

Estimated Time (in minutes) from Arrest to: CPR: Shock: ( ) Indicated ( ) Not Indicated

Estimated Time (in minutes) from Arrest to 1st shock Number of Shocks:

Additional Comments:

Patient Outcome at Incident Site:
( ) Return of pulse and breathing ( ) No return of pulse or breathing
( ) Return of pulse with no breathing( ) Became responsive
( ) Return of pulse, then loss of pulse( ) Remained unresponsive

Name of AED Operator: _____ Transporting Ambulance: _____

Name of Facility Patient Transported to:

Name of Emergency Health Care Provider:

_____ Signature of Health Care Provider Date of Report

This report is to be completed **within five (5) business days of use** of an AED.

The completed report must be mailed to:

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

The information obtained from this report will be maintained as confidential Quality Assurance information pursuant to N.Y. Pub. Health Law Article 30, §§ 3004-A and 3006.
(Res. 126 of 2012, passed - -2012)

APPENDIX D: MONTHLY INSPECTION REPORT FORM.

WARREN COUNTY OFFICE OF EMERGENCY SERVICES
AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
MONTHLY INSPECTION REPORT

DEVICE LOCATION:

Date of Inspection: _____

INVENTORY ITEM:	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***
1. Storage Cabinet Intact/Sealed				
2. AED Unit Intact				
3. Battery Installed and Functional				
4. Ready Light Operational				
5. AED Self Test				
6. AED User Guide In Cabinet				
7. CPR Guide In Cabinet				
8. Spare Battery(Exp. Date)				
9a. Adult Electrode Pad Exp. date				
9b. Child Electrode Pad Exp. date				
10. Incident Report Forms (2)				
11. Pen				
12. Mouth Barrier Device				
13. Razor				
14. Scissors				
15. Non-Latex Glove (2 Pairs)				
16. Gauze Pads or Towel				
17. Serial Number				
SIGNATURE OF INSPECTOR: _____				
COMMENTS:				

(Res. 126 of 2012, passed - -2012)

APPENDIX E: BI-ANNUAL INSPECTION REPORT FORM.

WARREN COUNTY OFFICE OF EMERGENCY SERVICES
AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
BI-ANNUAL INSPECTION REPORT

DEVICE LOCATION:

Date of Inspection: _____

INVENTORY ITEM:	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***
1. Storage Cabinet Intact/Sealed				
2. AED Unit Intact				
3. Battery Installed and Functional				
4. Ready Light Operational				
5. AED Self Test				
6. AED User Guide In Cabinet				
7. CPR Guide In Cabinet				
8. Spare Battery(Exp. Date)				
9a. Adult Electrode Pad Exp. date				
9b. Child Electrode Pad Exp. date				
10. Incident Report Forms (2)				
11. Pen				
12. Mouth Barrier Device				
13. Razor				
14. Scissors				
15. Non-Latex Glove (2 Pairs)				
16. Gauze Pads or Towel				
17. Serial Number				
SIGNATURE OF INSPECTOR: _____				
COMMENTS:				

(Res. 126 of 2012, passed - -2012)

APPENDIX F: COPY OF BOARD RESOLUTION TO ACCEPT PLAN.

Warren County Board of Supervisors Resolution of Acceptance of this plan.
(Res. 126 of 2012, passed - -2012)

APPENDIX G: NOTICE OF INTENT TO PROVIDE PUBLIC ACCESS DEFIBRILLATION.

Copy of notice of intent to provide public access defibrillation.
(Res. 126 of 2012, passed - -2012)

(G) *Definitions.*

ARTICLE 2-B. The section of N.Y. Exec. Law that establishes the New York State Disaster Preparedness Commission, gives authority to local governments for preparing their own Comprehensive Emergency Management Plans, and empowers local chief executives to act during an emergency.

CHIEF EXECUTIVE OFFICIAL (CEO). The chief elected official of a municipality - the mayor of a city, village; the supervisor of a town; the county executive or the chairman of the governing body of a county and/or his/her designee.

CONTINUITY OF GOVERNMENT. Under N.Y. Exec. Law Article 2-B, § 27, a city, town, county or village shall by local law provide for its continuity by designating a line of succession for elective and appointive officers.

LOCAL EMERGENCY ORDER. An order issued by the chief executive official of a municipality that specifically limits or curtails actions or freedoms of the population or uses of facilities within a jurisdiction, in order to protect the health and safety of the public. It is also known as an executive order.

RESCISSION. A formal discontinuation of the declaration or order of a local state of emergency or local emergency order.

SECTION 24. The section of N.Y. Exec. Law Article 2-B that grants the chief executive of a municipality or his/her designee the power to declare a local state of emergency within his/her jurisdiction and to issue local emergency orders.

STATE OF EMERGENCY. A declaration by the chief executive official or his/her designee of a city, county, town or village in which the jurisdiction is faced with an emergency or disaster that endangers the population and/or property of that jurisdiction and requires extraordinary resources to adequately respond.

(H) *NYS Executive Law Article 2B summary.*

§ *20 - Policy and Definitions*

§ *21 - State Disaster Preparedness Commission explained*

3.f.(1)DPC may create a temporary organization in the disaster are to provide integration and coordination. Said organization may manage the local disaster upon request from the municipality. If the DPC finds the local municipality unable to manage the disaster they shall direct said organization to manage the disaster using local resources. The state shall not be liable for the expenses incurred in using third party, non-state resources requested by said organization.

3.i.(3) DPC submits to the governor an annual report including the status of local plans for disaster preparedness and response; naming those who failed or refused to develop a plan and program.

§ *22 - State Disaster Preparedness Plans*

§ *23 - Local Comprehensive Emergency Management Plans*

1. Each county, city, town & village is authorized to prepare a comprehensive emergency management plan.

2. If a plan is prepared it shall meet this section of the law. This includes items that need to be included in the plan; entities that need to be included in the plan preparation; submittal of plans.

§ 23-a - County Registry of Disabled Persons

It is recommended that each county chief executive maintain a registry of disabled persons. It shall identify those in need; plan for resource allocation; be updated annually; make available to state or federal agencies; semi-annually advertise in a newspaper; keep database confidential; all community-based services providers shall assist with the collection of registration of people.

§ 23-b - Nursing Home and Assisted Living Facility Plans

Each such facility shall be assisted in the establishment of a disaster preparedness plan. Plans shall include maintaining food, water, medicine in reserve; access to a generator; evacuation plan with alternative site; disaster staffing plans. Such plans shall be made available to county emergency management office.

§ 23-c - Consistency Among Local Disaster Preparedness Plans

No part of any local disaster preparedness plan shall conflict with any part of another local preparedness plan.

§ 24 - Local State of Emergency; Local Emergency Orders by Chief Executive.

Upon a finding by the chief executive that the public safety is imperiled, a local state of emergency may be proclaimed in any part or all of the territorial limits of such local government not to exceed 30 days or until rescinded. CE may issue additional SOE. During a SOE the CE may issue local emergency orders to protect life and property or to bring the emergency situation under control.

1.g. Suspension of an local law, ordinance or regulation pursuant to the local SOE shall be subject to additional standards and limitations.

2. A local emergency order shall be effective as prescribed in the order and shall be disseminated to the media as soon as possible. It shall cease to be in effect 5 days after promulgation or upon termination.

3. Proclamations of SOE or local emergency orders shall be executed in quadruplicate to be filled within 72 hours to office of the clerk of the governing body, office of the county clerk, office of the secretary of the state and state office of emergency management. In Warren County, this is handled by the Office of Emergency Services; hence all local SOE and emergency orders go through this office.

6. The CE of the county may request the governor to remove any or all of sentenced inmates from institutions maintained by such county, during a local SOE.

7. The CE may request the governor to provide assistance under this chapter if the disaster is beyond the capacity of local government to meet adequately.

§ 25 - Use of Local Government Resources in a Disaster.

1. The CE is authorized to use any and all facilities, equipment, supplies, personnel and other resources of the political subdivision in such manner as may be necessary.

2. A CE may request and accept assistance by the county CE as provided in section 26.

3. A CE may request and accept assistance from any other political subdivision on such terms and conditions as may be mutually agreed to.

§ 26 - Coordination of Local Disaster Preparedness Forces & Local Civil Defense Forces in Disasters.

The county CE may coordinate responses for requests for assistance made within the county, utilizing existing organizations, lines of authority and comprehensive emergency management plans.

§ *27 - Continuity of Local Governments.*

Every county, city, town and village shall have the power by local law or resolution, for the its continuity in the event of a disaster with emergency conditions thereby causing any such officers unable to discharge their duties or are absent.

§ *28 - State Declaration of Disaster Emergency.*

The governor may issue a SOE. The Governor shall have the authority to direct that other actions by taken by CE pursuant to their authority under Section 24.

§ *28-a - Post Disaster Recovery Planning.*

Whenever a state disaster emergency has been declared and county, city, town or village include in such disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such a plan to be unnecessary or impractical.

§ 29 - Direction of State Agency Assistance in a Disaster Emergency.

§ *29-a - Suspension of Other Laws.*

The governor may by executive order temporarily suspend specific provisions of any statue, local law, ordinance or order, rules or regulations or parts thereof, of any agency during a state disaster emergency.

§ *29-b - Use of Disaster Emergency Response Personnel in Disasters.*

2. a. The County CE may direct the emergency management director of a county to assist in the protection and preservation of human life and property by calling upon disaster emergency response personnel employed by or supporting the county as specified in the CEMP to perform the duties assigned to them.

3. There is a sub-section regarding city emergency management directors.

§ *29-c - Radiological Preparedness.*

§ *29-d - Reports (radiological).*

§ *29-e - New York State Emergency Assistance Program.*

2. The governor may issue a declaration of significant economic distress if the municipality suffered a substantial loss of assessed value; substantial damage to municipal infrastructure, clean-up operations is significant, significant economic loss to businesses; significant increase in unemployment claims and SBA loan eligible.

§*29-g - Emergency Management Assistance Compact (interstate).*

The EMAC provides mutual assistance between the states that have entered into this compact. The requesting state shall compensate the assisting state.

§ *29-h - Intrastate Mutual Aid Program.*

5. All fire related resources shall be administered pursuant to Section 209-e of GML.

6. The local emergency management director shall have the authority to request and accept assistance and deploy the local resources of their jurisdiction under the IMAP for the purposes of mitigation, responding or recovery from disasters or training, drills and exercises. Requests shall be in writing as soon as possible. Within 3 days the written request and an inventory of resources deployed will be sent to DHSES.

8. Notwithstanding the provisions of Section 25, any requesting local government shall be liable and responsible for any loss or damage to equipment or supplies. The requesting local government shall reimburse the assisting local government for salaries or other compensation and traveling and maintenance expenses incurred for its employees deployed.

10. Each local government is responsible for procuring and maintaining insurance or other coverage as it deems appropriate. Employees assisting a local government shall have the same immunities and privileges as they would in their home jurisdiction. This is applicable for injury and death benefits also.

*** This Summary is current as of 4/20/12***

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016)

APPENDIX D: WARREN COUNTY FACTS.

People QuickFacts	*Warren County*	*New York*
Population, 2014 estimate	64,973	19,746,227
Population, 2010 (April 1) estimates base	65,705	19,378,104
Population, percent change, April 1, 2010 to July 1, 2014	-1.1%	1.9%
Population, 2010	65,707	19,378,102
Persons under 5 years, percent, 2014	4.7%	6.0%
Persons under 18 years, percent, 2014	19.0%	21.4%
Persons 65 years and over, percent, 2014	19.8%	14.7%
Female persons, percent, 2014	51.1%	51.5%
White alone, percent, 2014 (a)	96.2%	70.4%
Black or African American alone, percent, 2014 (a)	1.2%	17.6%
American Indian and Alaska Native alone, percent, 2014 (a)	0.3%	1.0%
Asian alone, percent, 2014 (a)	0.9%	8.5%
Native Hawaiian and Other Pacific Islander alone, percent, 2014 (a)	Z	0.1%
Two or more races, percent, 2014	1.5%	2.4%
Hispanic or Latino, percent, 2014 (b)	2.2%	18.6%
White alone, not Hispanic or Latino, percent, 2014	94.3%	56.5%
Living in same house 1 year and over, percent, 2009–2013	88.4%	88.8%
Foreign born persons, percent, 2009–2013	3.0%	22.1%
Language other than English spoken at home, pct age 5+, 2009–2013	4.3%	29.9%

People QuickFacts	*Warren County*	*New York*
High school graduate or higher, percent of persons age 25+, 2009–2013	90.8%	85.2%
Bachelor's degree or higher, pct of persons age 25+, 2009–2013	28.0%	33.2%
Veterans, 2009–2013	5,617	912,499
Mean travel time to work (minutes), workers age 16+, 2009–2013	22.3	31.6
Housing units, 2014	38,993	8,191,040
Homeownership rate, 2009-2013	70.8%	54.2%
Housing units in multi-unit structures, percent, 2009–2013	20.4%	50.6%
Median value of owner-occupied housing units, 2009-2013	$189,400	$288,200
Households, 2009-2013	28,081	7,234,743
Persons per household, 2009-2013	2.29	2.61
Per capita money income in past 12 months (2013 dollars) 2009-2013	$30,351	$32,382
Median household income 2009-2013	$55,904	$58,003
Persons below poverty level, percent, 2009-2013	10.9%	15.3%

Business QuickFacts	*Warren County*	*New York*
Private nonfarm establishments, 2013	2,341	532,669 [1]
Private nonfarm employment, 2013	30,701	7,688,492 [1]
Private nonfarm employment, percent change, 2012-2013	-2.6%	1.7% [1]
Nonemployer establishments, 2013	4,651	1,626,367
Total number of firms, 2007	7,410	1,956,733
Black-owned firms, percent, 2007	S	10.4%
American Indian- and Alaska Native-owned firms, percent, 2007	F	0.7%
Asian-owned firms, percent, 2007	S	10.1%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.1%
Hispanic-owned firms, percent, 2007	F	9.9%
Women-owned firms, percent, 2007	26.7%	30.4%
Manufacturers shipments, 2007 ($1000)	1,130,451	162,720,173
Merchant wholesaler sales, 2007 ($1000)	341,996	313,461,904

Business QuickFacts	*Warren County*	*New York*
Merchant wholesaler sales, 2007 ($1000)	341,996	313,461,904
Retail sales, 2007 ($1000)	1,382,215	230,718,065
Retail sales per capita, 2007	$21,005	$11,879
Accommodation and food services sales, 2007 ($1000)	299,993	39,813,499
Building permits, 2014	278	36,286

Geography QuickFacts	*Warren County*	*New York*
Land area in square miles, 2010	866.95	47,126.40
Persons per square mile, 2010	75.8	411.2
FIPS Code	113	36
Metropolitan or Micropolitan Statistical Area	Glens Falls, NY Metro Area	

Notes:
1. Includes data not distributed by county.
(a) Includes persons reporting only one race.
(b) Hispanics may be of any race, so also are included in applicable race categories.
D: Suppressed to avoid disclosure of confidential information
F: Fewer than 25 firms
FN: Footnote on this item for this area in place of data
NA: Not available
S: Suppressed; does not meet publication standards
X: Not applicable
Z: Value greater than zero but less than half unit of measure shown
Source: US Census Bureau State & County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits. Last Revised: Wednesday, 02-Dec-2015.

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016)

APPENDIX E: ACRONYM LIST.

B&G	Buildings and Grounds
CART	County Animal Response Team
CEMP	Comprehensive Emergency Management Plan
CEO	Chief Executive Official
DHSES	Department of Homeland Security and Emergency Services
DOH	Department of Health
DOT	Department of Transportation
DPC	Disaster Preparedness Commission
DPW	Department of Public Works
DSS	Department of Social Services
EAS	Emergency Alert System
EBS	Emergency Broadcast System
EMS	Emergency Medical Services
EOC	Emergency Operating Center
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
GAR	Governor's Authorized Representative
GFH	Glens Falls Hospital
GIS	Geographic Information Systems
HAZMAT	Hazardous Materials
HAZNY	Hazard Analysis
HM	Hazard Mitigation
HMP	Hazard Mitigation Plan
IA	Individual Assistance
IC	Incident Commander
ICS	Incident Command System
IED	Incendiary Explosive Device
JIC	Joint Information Center
NIMS	National Incident Management System

NWR	National Weather Radio
NYSOEM	New York Office of Emergency Management
OES	Office of Emergency Services
OFA	Office for the Aging
PI	Public Infrastructure
PIO	Public Information Officer
RACES	Radio Amateur Civil Emergency Services
SAME	Specific Area Message Encoding
SWCD	Soil and Water Conservation District
SOG	Standard Operation Guide
WCCC	Warren County Communications Center
WCPH	Warren County Public Health

(Res. 129 of 2014, passed - -2014; Res. 120 of 2015, passed - -2015; Res. of 2016, passed - -2016)

WARREN COUNTY OFFICE OF EMERGENCY SERVICES PUBLIC ACCESS DEFIBRILLATION PROGRAM

§ VIII.080 INTRODUCTION.

(A) Warren County Office of Emergency Services has instituted a public access defibrillation program (the "PAD Program"). The purpose of this program is to ensure that all New York State laws, rules and regulations applicable to the program are strictly adhered to. This document sets forth the practices, protocols, and procedures of the PAD Program, and is deemed incorporated into each collaborative agreement to which the Warren County Office of Emergency Services is or becomes a party.

(B) "The program goal is to improve an individual's chance of survival after experiencing sudden cardiac arrest"
(Res. 126 of 2012, passed - -2012)

§ VIII.081 TRAINING.

(A) Training will be offered to County Employees in CPR and the use of an Automatic External Defibrillator (AED) utilizing a New York State Department of Health approved PAD training course for AED users.

(B) A data base of all trained Employees will be kept on file within the Office of Emergency Services. This data will include the name of the employee and a copy of the current certification card.

(C) The Warren County Office of Emergency Services will provide initial PAD training and recertification programs for County Employees.

(D) An Employee may also obtain initial or recertification through any Department of Health approved PAD training course.

(E) All trained Employees shall be familiar with and trained to use the specific model of AED units owned by Warren County.
(Res. 126 of 2012, passed - -2012)

§ VIII.082 LOCATION OF AED'S.

(A) The Warren County Office of Emergency Services has, five AED units, which are to be available at the following locations:

(1) Municipal Center, 1st floor by DMV.

(2) Municipal Center, 2nd floor by Board of Supervisors.

(3) Human Services Building, 1st floor Security Area.

(4) Up Yonda.

(5) Airport.

(B) Placement of units will vary by building and will be located to minimize response time in the event of an emergency.

(C) If the Warren County Office of Emergency Services elects to obtain additional AED's, this program shall be amended to reflect such additions, and the location at which they shall be employed.
(Res. 126 of 2012, passed - -2012)

§ VIII.083 MAINTENANCE AND INSPECTION OF AED UNITS.

All AED units shall be stored in their cases or cabinets, as supplied by the manufacturer, and shall be kept in a clean, warm, and dry location at all times when not in use.

(A) *Weekly inspection*. Certified staff or their designee of any facility at which an AED unit is located, shall conduct a weekly visual inspection during regular working hours of such AED to determine whether the seal has been broken, or any of the self-diagnostic tests indicate that attention is required. If the security seal has been broken or any repair or other maintenance condition is identified, the Office of Emergency Services should be notified immediately.

(1) Recording of weekly inspections is not required.

(2) Certified staff is anyone trained in the use of the AED.

(B) *Monthly inspection*. The Warren County Office of Emergency Services, EMS (Emergency Medical Services) Coordinator or Deputy Coordinator shall, at the beginning of the month, inspect the AED unit(s) stationed at such facility, and complete the Monthly Inspection Report (See Appendix D). These reports will be kept on file in the EMS Coordinators office. If any inventory problems are noted, the appropriate supplies will be replenished or replaced as necessary. Appropriate levels of batteries/pads will be ordered according to current expiring dates. The cost for supplies will be assigned to the EMS Coordinators Budget.

(C) *Bi-annual inspection.*

(1) The Warren County Office of Emergency Services, EMS (Emergency Medical Services) Coordinator or Deputy Coordinator shall inspect each AED unit as part of the program's bi-annual safety inspections (See Appendix E). These reports will be kept on file in the EMS Coordinators office.

(2) Each bi-annual inspection shall include observation of all self-diagnostic indicators on the equipment, as well as verification that each unit is complete, clean, and in good operating condition.

(3) If a problem is detected in any of the above inspections, or if some attention otherwise seems warranted, then the person inspecting the AED unit should notify the Office of Emergency Services immediately.

(4) In the event that such service or attention so warrants, arrangements shall be made immediately through the Office of Emergency Service to have this completed promptly.
(Res. 126 of 2012, passed - -2012)

§ VIII.084 IN THE EVENT OF EMERGENCY.

(A) Call 911 or direct someone else to call 911.

(B) Caller should be prepared to provide the location and any pertinent details of the event.

(C) Provide CPR and use AED as per American Heart Association Guidelines.
(Res. 126 of 2012, passed - -2012)

§ VIII.085 AFTER ARRIVAL/DEPARTURE OF MEDICAL ASSISTANCE.

(A) *After the arrival of medical assistance.* After EMS (Emergency Medical Services) has reached the location of the emergency, the Warren County Employees who have been attending to the patient may remain at the scene to assist the emergency medical service personnel unless otherwise directed.

(B) *After the departure of medical assistance.*

(1) When the AED is no longer needed it should be secured, taken out of service and returned to the Office of Emergency Services.

(2) Employees involved in the use of the AED will be asked to meet with the EMS Coordinator or a Deputy Coordinator in order to fill out the QI report (Appendix C).

(3) Due to the possible emotional stress caused by a critical incident, determination of the need for Critical Incident Stress Debriefing will be made and reevaluated periodically after the event by the EMS Coordinator or Deputy Coordinator.
(Res. 126 of 2012, passed - -2012)

§ VIII.086 DOCUMENTATION REQUIREMENTS.

(A) In the event that any AED is used, the following steps are required:

(1) The EMS Coordinator or Deputy Coordinator will complete the QI Incident Report and mail it to the Mountain Lakes Regional Emergency Medical Services Council within five days (Appendix C).

(2) EMS Coordinator or Deputy Coordinator will notify the Warren County Pad Program Medical Director promptly and provided them with the Incident Report and other relevant data.

(B) ** Documentation requirements are the same should a non Warren County Employee use the AED.
(Res. 126 of 2012, passed - -2012)

§ VIII.087 EMERGENCY HEALTHCARE PROVIDER.

(A) The Warren County Office of Emergency Services has entered into a collaborative agreement with a Medical Director: (Appendix A and B)

Dr. Douglas Girling
100 Park Street
Glens Falls, N.Y. 12801
Office (518) 926-1000

(B) If the identity of the Medical Director changes, the Warren County Office of Emergency Services shall enter into a collaborative agreement with the new Medical Director, and shall submit the new collaborative as per the current requirement at that time.
(Res. 126 of 2012, passed - -2012)

§ VIII.088 QUALITY IMPROVEMENT PROGRAM.

As required by the NYS Health Department, the Warren County Office of Emergency Services will participate in a regionally approved quality improvement program.
(Res. 126 of 2012, passed - -2012)

APPENDIX A: COVER LETTER TO REMSCO.

Date

Mr. Travis Howe
Mountain Lakes Regional Emergency Medical Services Council
5 Warren Street
Glens Falls, NY 12801

Dear Mr. Howe:

Enclosed is the Collaborative Agreement between Warren County and Dr. _____ . You will also find our Notice of Intent to provide public access defibrillation.

Also, included is a copy of our public access defibrillation program for your review. Any comments and suggestions are welcome.

Please feel free to call anytime should you need any additional information.

Sincerely,

AED Coordinator

(Res. 126 of 2012, passed - -2012)

APPENDIX B: COLLABORATIVE AGREEMENT WITH MEDICAL DIRECTOR.

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

Public Access Defibrillation Collaborative Agreement

This document shall serve as a collaborative agreement between _____ (*"The Company"*) *located at (address)* _____ and the company's medical director/emergency health care provider. This document shall meet the provisions set forth in N.Y. Pub. Health Law Article 30, § 3000-B for the provisions Automated External Defibrillator (AED).

PURPOSE:

The Company is participating in Public Access Defibrillation to ensure that as many employees as necessary can be trained in the use of an Automated External Defibrillator (AED). This training will be provided for the acquisition, deployment, and use of an AED(s) within the facility in an effort to reduce the number of deaths associated with sudden cardiac arrest.

MEDICAL DIRECTOR/EMERGENCY HEALTH CARE PROVIDER:

The Company operates under the guidance of a medical director. This shall fulfill the requirements of an "emergency health care provider" as outlined on the New York State Department of Health form 4135 *Notice of Intent to Provide PAD*.

TRAINING:

The Company has adopted the _____ guidelines for PAD and the training of employees in the use of the AED. All emergency response personnel and any other interested persons MUST successfully complete the required training course. All personnel must complete refresher training in accordance with the guidelines set forth by the training program. The trained employees shall be familiar with the location of the AED and perform regularly scheduled inspections (as recommended by the manufacturer) on the unit.

PROTOCOL FOR USE OF AED:

The Company has adopted the _____AED Treatment algorithm for the use of the AED(s). The company's AED(s) shall be programmed to prompt the user and deliver counter shocks as outlined by the _____ algorithm.

EMS NOTIFICATION:

The Company will notify the (Ambulance Service Name) _____, (Fire Dept Name) _____ and the (County Name) _____ County Public Safety Answering Point (Dispatch Center) by mail of the placement and training for public access defibrillation. The (County Name) _____ County Public Safety Answering Point (Dispatch Center) will also be notified in the time of emergency.

DOCUMENTATION AND QUALITY IMPROVEMENT:

Anytime the AED is used in the resuscitation efforts of a patient, the operator shall complete a written report it shall be photocopied for the company's records and mailed to the REMSCO for data collection. This will be done as soon as possible to allow for further compilation of data as well as review of the incident. The address to return this information is:

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

All incidents involving the use of the AED shall be reviewed by the company's Medical Director/Emergency Health Care Provider, as well as the Mountain Lakes Regional EMS Council (REMSCO) in an effort to continue providing better care to future patients.

SUMMARY:

The Company is participating in Public Access Defibrillation in an effort to provide progressive quality emergency medical care to the employees, students and/or visitors who have experienced cardiac arrest. A number of employees will be trained to the standards of the _____ to perform CPR and utilize an AED in accordance with these provisions in an effort to lessen the number of deaths caused by sudden cardiac arrest.

AUTHORIZATION NAMES AND SIGNATURES:

_____	_____
Authorized Signature for Company	Date
_____	_____
(Print name)	Title
_____	_____
Signature of Medical Director/EHCP Representative	Date
_____	
(Print name)	

(Res. 126 of 2012, passed - -2012)

APPENDIX C: QI REPORT.

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801
518-793-8200

Public Access Defibrillation QI Report

Name of PAD Provider Organization:

Date of Incident://Time of Incident: am/pm

Patient's Age: Patient's Sex: ( ) Male ( ) Female

CPR prior to Defibrillation: ( ) Attempted ( ) Not Attempted

Cardiac Arrest: ( ) Not Witnessed ( ) Witnessed by Bystander ( ) Witnessed by AED

Estimated Time (in minutes) from Arrest to: CPR: Shock: ( ) Indicated ( ) Not Indicated

Estimated Time (in minutes) from Arrest to 1st shock Number of Shocks:

Additional Comments:

Patient Outcome at Incident Site:
( ) Return of pulse and breathing ( ) No return of pulse or breathing
( ) Return of pulse with no breathing( ) Became responsive
( ) Return of pulse, then loss of pulse( ) Remained unresponsive

Name of AED Operator: _____ Transporting Ambulance: _____

Name of Facility Patient Transported to:

Name of Emergency Health Care Provider:

_____ Signature of Health Care Provider Date of Report

This report is to be completed **within five (5) business days of use** of an AED.

The completed report must be mailed to:

Mountain Lakes Regional EMS Council
5 Warren Street
Glens Falls, NY 12801

The information obtained from this report will be maintained as confidential Quality Assurance information pursuant to N.Y. Pub. Health Law Article 30, §§ 3004-A and 3006.
(Res. 126 of 2012, passed - -2012)

APPENDIX D: MONTHLY INSPECTION REPORT FORM.

WARREN COUNTY OFFICE OF EMERGENCY SERVICES
AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
MONTHLY INSPECTION REPORT

DEVICE LOCATION:

Date of Inspection: _____

INVENTORY ITEM:	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***
1. Storage Cabinet Intact/Sealed				
2. AED Unit Intact				
3. Battery Installed and Functional				
4. Ready Light Operational				
5. AED Self Test				
6. AED User Guide In Cabinet				
7. CPR Guide In Cabinet				
8. Spare Battery(Exp. Date)				
9a. Adult Electrode Pad Exp. date				
9b. Child Electrode Pad Exp. date				
10. Incident Report Forms (2)				
11. Pen				
12. Mouth Barrier Device				
13. Razor				
14. Scissors				
15. Non-Latex Glove (2 Pairs)				
16. Gauze Pads or Towel				
17. Serial Number				
SIGNATURE OF INSPECTOR: _____				
COMMENTS:				

(Res. 126 of 2012, passed - -2012)

APPENDIX E: BI-ANNUAL INSPECTION REPORT FORM.

WARREN COUNTY OFFICE OF EMERGENCY SERVICES
AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
BI-ANNUAL INSPECTION REPORT

DEVICE LOCATION:

Date of Inspection: _____

INVENTORY ITEM:	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***	***UNIT # Loc:***
1. Storage Cabinet Intact/Sealed				
2. AED Unit Intact				
3. Battery Installed and Functional				
4. Ready Light Operational				
5. AED Self Test				
6. AED User Guide In Cabinet				
7. CPR Guide In Cabinet				
8. Spare Battery(Exp. Date)				
9a. Adult Electrode Pad Exp. date				
9b. Child Electrode Pad Exp. date				
10. Incident Report Forms (2)				
11. Pen				
12. Mouth Barrier Device				
13. Razor				
14. Scissors				
15. Non-Latex Glove (2 Pairs)				
16. Gauze Pads or Towel				
17. Serial Number				
SIGNATURE OF INSPECTOR: _____				
COMMENTS:				

(Res. 126 of 2012, passed - -2012)

APPENDIX F: COPY OF BOARD RESOLUTION TO ACCEPT PLAN.

Warren County Board of Supervisors Resolution of Acceptance of this plan.
(Res. 126 of 2012, passed - -2012)

APPENDIX G: NOTICE OF INTENT TO PROVIDE PUBLIC ACCESS DEFIBRILLATION.

Copy of notice of intent to provide public access defibrillation.
(Res. 126 of 2012, passed - -2012)

CHAPTER IX: PLANNING AND COMMUNITY DEVELOPMENT

Section

IX.01 Minority and women-owned business enterprises - equal employment opportunity policy statement

§ IX.01 MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT.

For the purposes of administration of a grant award (C1000561) between the County of Warren and the New York State Department of State, and all current and future contracts with New York State, the following plan is adopted by Warren County:

(A) *M/WBE*. This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participation goals set by the State for that area in which the State-funded project is located, by taking the following steps:

(1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.

(2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.

(3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.

(4) Where feasible, divide the work into smaller portions to enhanced participation by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.

(5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.

(6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

(B) *EEO*.

(1) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.

(2) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(3) At the request of the contracting agency, this organization shall request each

employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(4) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to nondiscrimination on the basis of prior criminal conviction and prior arrest.

(5) This organization will include the provisions of divisions (B)(1) through (B)(4) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.
(Res. 635 of 2014, passed - -2014; Res. 433 of 2015, passed - -2015)

CHAPTER X: DEPARTMENT OF PUBLIC WORKS

Section

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GENERAL PROVISIONS

§ X.01 ACCESS TO ROADS, POLICIES, STANDARDS AND PROCEDURES.

(A) By Resolution 115 of 1962, the Warren County Board of Supervisors authorized the adoption of policy, standards and procedures relating to access to county roads (which arose as a result of the construction of Quaker Road, County Road No. 70), in order to control access and entrances to County roads.

(B) By Resolution 494 of 2003, the Board of Supervisors authorized the adoption of the New York State Department of Transportation (NYS DOT) Policies and Standards for Entrances to State Highways as the county standard for access to County

roads, as it appeared that the original standards adopted by Resolution 115 of 1962 were modeled after said NYS DOT standards.

(C) Since that time, the Superintendent of Public Works has advised that NYS DOT sets state standards and procedures relative to roads and bridges, which standards are regularly reviewed and updated to remain current with industry standards, and has requested that the County adopt current and subsequently amended revisions adopted by NYS DOT of these standards and procedures, with the understanding that the Superintendent, of Public Works will be responsible for determining which specific standards are appropriately adopted for Warren County roads.

(D) The Warren County Board of Supervisors does hereby adopt New York State Department of Transportation standards and procedures, and future amendments thereto, for roads in the County, subject to the Superintendent of Public Works determining which standards would be appropriate for County roads, and approving the same as the County standards and procedures.
(Res. 372 of 2009, passed - -2009)

§ X.02 AUTHORIZING THE SUPERINTENDENT OF PUBLIC WORKS TO ISSUE PERMITS FOR USE OF CERTAIN COUNTY FACILITIES.

The Superintendent of Public Works be and he is hereby authorized and empowered to issue Permits for the use of all County owned facilities including but not limited to recreational facilities, in the form approved by the County Attorney. Such permits shall provide for the furnishing of certificates of insurance by the permittee protecting the County against any and all claims for property damages and personal injuries as a result of the use of the facility by the permittee and in such amounts as may be approved by the County Attorney.
(Res. 170 of 1979, passed - -1979)

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR THE DEPARTMENT OF PUBLIC WORKS

§ X.15 DEFINITION OF TERMS.

The terms used in this program have the meanings defined in 49 C.F.R. § 26.5.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.16 OBJECTIVES/POLICY STATEMENT.

(A) Warren County has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 C.F.R. Part 26. Warren County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Warren County has signed an assurance that it will comply with 49 C.F.R. Part 26.

(B) It is the policy of Warren County to ensure that DBEs, as defined in 49 C.F.R. Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy -

(1) To ensure nondiscrimination in the award and administration of DOT assisted contracts;

(2) To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;

(3) To ensure that the DBE Program is narrowly tailored in accordance with applicable law;

(4) To ensure that only firms that fully meet 49 C.F.R. Part 26 eligibility standards are permitted to participate as DBEs;

(5) To help remove barriers to the participation of DBEs in DOT assisted contracts; and

(6) To assist the development of firms that can compete successfully in the market place outside the DBE Program.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.17 KEEPER OF RECORDS.

Warren County Department of Public Works has been delegated as the DBE Liaison Officer. In that capacity, The Keeper of Records is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Warren County in its financial assistance agreements with the Department of Transportation.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.18 DISSEMINATION OF POLICY.

Warren County has disseminated this policy statement to the Warren County Board of Supervisors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through:

(A) Media notices/legal notices; and

(B) Attached to bids

_____ Date: _____
Louis E. Tessier, Chairman
Warren County Board of Supervisors
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.19 NONDISCRIMINATION.

(A) Warren County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 C.F.R. Part 26 on the basis of race, color, sex, or national origin.

(B) In administering its DBE program, Warren County will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.20 DBE PROGRAM UPDATES.

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.21 QUOTAS.

We do not use quotas in any way in the administration of this DBE program.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.22 DBE LIAISON OFFICER (DBELO).

(A) We have designated the following individual as our DBE Liaison Officer: The Keeper of Records, Warren County Department of Public Works, 4028 Main Street, Warrensburg, NY 12885-0010, (518) 623-4141. In that capacity, The Keeper of Records is responsible for implementing all aspects of the DBE program and ensuring that Warren County complies with all provisions of 49 C.F.R. Part 26. The Keeper of Records has direct, independent access to the Chairman, Warren County Board of Supervisors concerning DBE program matters. The DBELO has clerical/support staff to assist in the implementation of this program. An organization chart displaying the

DBELO's position in the organization is found in Attachment 1 (§ X.33) to this program.

(B) The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination other appropriate officials. Duties and responsibilities include the following:

(1) Gathers and reports statistical data and other information as required by DOT.

(2) Reviews third party contracts and purchase requisitions for compliance with this program.

(3) Works with all departments to set overall annual goals.

(4) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.

(5) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.

(6) Analyzes Warren County's progress toward goal attainment and identifies ways to improve progress.

(7) Participates in pre-bid meetings.

(8) Advises the CEO/governing body on DBE matters and achievement.

(9) Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.

(10) Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

(11) Plans and participates in DBE training seminars.

(12) Provides outreach to DBEs and community organizations to advise them of opportunities.

(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.23 FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE.

Warren-County has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

Warren County shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 C.F.R. Part 26. The recipient shall take all necessary and reasonable steps under 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 C.F.R. Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Warren County of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801 et seq.).

(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.24 DBE FINANCIAL INSTITUTIONS.

It is the policy of Warren County to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these

institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. We have searched the Empire State Development's Minority and Women's Business Development database and found there to be no DBE Financial Institutions available in Warren County.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.25 DIRECTORY.

Warren County utilizes the directory maintained by Empire State Development's Minority and Women's Business Development to identify all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The Directory is available as follows: www.empire.state.ny.us
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.26 REQUIRED CONTRACT CLAUSES.

(A) *Contract assurance*. We will ensure that the following clause is placed in every DOT-assisted contract and subcontract: The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

(B) *Prompt payment*. We will include the following clause in each DOT-assisted prime contract: The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from Warren County. The prime contractor agrees further to return retainage payments to each subcontractor after the completion of the project. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Warren County. This clause applies to both DBE and non-DBE subcontractors.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.27 MONITORING AND ENFORCEMENT MECHANISMS.

We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rule's) provided in 49 C.F.R. Part 26, § 26.109. Warren County has no regulations, provisions and/or contract remedies that would assist in dealing with contract participants who do not comply with DBE regulations. Warren County will utilize Federal regulations in such instances.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.28 OVERALL GOALS.

(A) *Amount of goal*.

(1) Warren County's overall goal for FY 2000 is the following: 3.5% of the Federal financial assistance we will expend in DOT-assisted contracts.

(2) Given the amount of DOT-assisted contracts Warren County expects to let during this fiscal year, which is $855,000, this means that we have set a goal of expending $29,925 with DBEs during this fiscal year.

(B) *Method*. The following is a summary of the method we used to calculate this goal:

(1) *Step 1*. Based on Example #1, the relative availability was determined using Census Bureau data and the number of available DBEs within the County's market. The County's market includes the following counties: Albany, Columbia, Greene,

Rensselaer, Saratoga, Schenectady, Washington and Warren.

(2) *Step 2*. There are 43 available, qualified DBE Firms in the County's market and 1,754 contractors in the Census Bureau's CBP database in the following SIC codes: 15 and 17.

(3) *Step 3*. Based on this information, the relative availability is 2.5%.

(4) *Step 4*. Warren County's history of DBE achievements is 4.5%.

(5) *Step 5*. Based on the average of the relative availability and past history, Warren County's goal has been set at 3.5%.

(C) *Process*.

(1) Warren County submits its overall goal to DOT on August 1 of each year.

(2) Before establishing the overall goal each year, Warren County will consult with Empire State Development's Minority and Women's Business Development and the Census Bureau to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Warren County's efforts to establish a level playing field for the participation of DBEs.

(3) Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

(4) Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

(5) We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT.

(D) *Breakout of estimated race-neutral and race-conscious participation*.

(1) Warren County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Warren County uses the following race-neutral means to increase DBE participation:

(a) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work they might otherwise perform with their own forces);

(b) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small business, obtain bonding and financing);

(c) Providing technical assistance and other services;

(d) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBE's, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).

(2) We estimate that, in meeting our overall goal of 3.5%, we will obtain 1% from race-neutral participation and 2.5% through race-conscious measures.

(3) The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation: Based on the availability of DBE contractors and past history, the County has set a conservative race-neutral participation goal.

(4) We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 49 C.F.R. Part 26, § 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation, through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.29 CONTRACT GOALS.

(A) Warren County will use contract goals to meet any portion of the overall goal Warren County does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

(B) We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

(C) We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.30 GOOD FAITH EFFORTS.

(A) *Information to be submitted.*

(1) Warren County treats bidder/offerors' compliance with good faith-efforts requirements as a matter of responsibility.

(2) Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 15 days after the opening of bids and before the award of the contract:

(a) The names and addresses of DBE firms that will, participate in the contract;

(b) Description of the work that each DBE will perform;

(c) The dollar amount of the participation of each DBE firm participation;

(d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;

(e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and

(f) If the contract goal is not met, evidence of good faith efforts.

(B) *Demonstration of good faith efforts.*

(1) The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can

demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in 49 C.F.R. Part 26, Appendix A.

(2) The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible: The Keeper of Records.

(3) We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

(C) *Administrative reconsideration.*

(1) Within 15 days of being informed by Warren County that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: William Remington, Department of Public Works, 4028 Main Street, Warrensburg, NY 12885-0010. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make document sufficient good faith efforts.

(2) As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.

(3) The result of the reconsideration process is not administratively appealable to the Department of Transportation.

(D) *Good faith efforts when a dbe is replaced on a contract.*

(1) We will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

(2) In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the County will issue an order stopping all or part of payment/work until satisfactory action has been taken.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.31 COUNTING DBE PARTICIPATION.

We will count DBE participation toward overall and contract goals as provided in 49 C.F.R. § 26.55.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.32 CERTIFICATION.

(A) *Generally.* Warren County relies on the State of New York's Empire State Minority and Women's Business Developments use certification standards of 49 C.F.R. Part 26, Subpart D and the certification procedures of 49 C.F.R. Part 26, Subpart E to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. Warren County uses the MWBE database provided by Empire State Development at their web site: www.empire.state.ny.us.

(B) *Process.*

(1) Prior to awarding a DOT-assisted contract to a DBE, Warren County will require the

firm to submit a copy of their most recent certification from Empire State Development Minority and Women's Business Development.

(2) In the event we propose to remove a DBE's certification, we will follow procedures consistent with 49 C.F.R. Part 26, § 26.87.

(C) *Unified certification program.* The State of New York maintains the Minority and Women's Business Development Directory. The DBELO will act as the County's liaison to the Uniform Certification Process in the State of New York.

(D) *Certification appeals.*

(1) Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights
Certification Appeals Branch
400 Seventh St., SW, Room 2104
Washington, DC 20590

(2) We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

(E) *Recertifications.* Warren County relies on the State of New York's Empire State Development Minority and Women's Business Development to review the eligibility of DBEs that were certified under former 49 C.F.R. Part 23, to make sure they meet the standards of 49 C.F.R. Part 26, Subpart D.

(F) *"No change" affidavits and notices of change.* Warren County relies on the State of New York's Empire State Development Minority and Women's Business Development to comply with the "No Change" Affidavits criteria of 49 C.F.R. Part 26.

(G) *Personal net worth.* Warren County relies on the State of New York's Empire State Development Minority and Women's Business Development to collect and review personal net worth statements as part of the certification process under 49 C.F.R. Part 26.

(H) *Information collection and reporting.*

(1) *Bidders list.*

(a) Warren County will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

(b) This information will be required at the time of the bid opening.

(2) *Monitoring payments to DBEs.*

(a) We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Warren County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

(b) We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

(c) We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

(3) *Reporting to DOT.*

(a) We will report DBE participation to DOT as follows:

(b) We will submit annually DOT Form 4630, as modified for use by FAA recipients.

(I) *Confidentiality*. We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.
(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

§ X.33 ORGANIZATION CHART.

Organizational Chart

Chairman, Board of Supervisors

Chairman, Department of Public Works

Superintendent, Department of Public Works

Keeper of Records

Clerical/Support Staff

(Res. 254 of 1994, passed - -1994; Res. 523 of 1999, passed - -1999; Res. 296 of 2000, passed - -2000)

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR FLOYD BENNETT MEMORIAL AIRPORT

§ X.45 FLOYD BENNETT MEMORIAL AIRPORT.

(A) Resolution 254 of 1994, as amended by Resolution 523 of 1999 (as codified in §§ X.15 through X.33), authorized the adoption of the Disadvantaged Business Enterprise Program.

(B) The Department of Public Works has recommended changes in the Program which is on file with the Clerk of the Board of Supervisors.

(C) It is necessary to make the above-referenced revisions to the Program in order to continue to receive funding from the New York State Department of Transportation.

(D) The Warren County Board of Supervisors hereby adopts the revised Program which is on file with the Clerk of the Board of Supervisors and is known as the Disadvantaged Business Enterprise Program.

(E) The Chairman of the Board of Supervisors be, and hereby is, authorized and directed to execute any and all documents that may be necessary to implement the aforesaid revised Program.
(Res. 617 of 2000, passed - -2000)

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR WARREN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

§ X.60 MINORITY AND WOMEN-OWNED BUSINESS UTILIZATION PLAN.

(A) The Warren County Board of Supervisors hereby adopts the Minority and Women-Owned Business Utilization Plan for the Warren County Planning and Community Development Department as set forth below.

(B) Minority and women-owned business utilization plan.

(1) This Minority and Women-Owned Business Utilization Plan ("Plan") has been adopted by The Warren County Board of Supervisors, Warren County Municipal Center, Lake George, New York 12845, to ensure the meaningful participation of minority and women-owned business enterprises in operations of its subordinate Departments implementing state and federal funded projects. This plan is to be utilized where required by federal or state funding agencies.

(2) In order to achieve this objective, the Board has established the following goals percentage as a percentage of all contracts let in connection with the Project:

(a) 3% to minority business enterprises; and

(b) 6% women-owned business enterprises.

(3) Minority and women-owned business enterprises will be given meaningful participation for contracts for this Project, which can include design, legal, construction, procurement and services let in connection with the Project. The total dollar award of contracts includes the total contract price of all contracts awarded for the furnishing of labor, materials or services for inclusion in the Project, exclusive of payments to governmental agencies and financing costs. Specific products and services include but are not limited to architectural, engineering, legal, construction trades, equipment/fixtures, finishes, and furnishings.

(4) ***MINORITY*** or ***MINORITIES*** shall mean:

(a) Black persons having origins in any of the Black African racial groups not of Hispanic origin;

(b) Hispanic persons or Mexican, Dominican, Puerto Rican, Cuban, Central or South American culture or origin, regardless of race;

(c) Asian and Pacific Islander persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; and

(d) American Indian or Alaska Native persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

(5) ***MINORITY BUSINESS ENTERPRISE (MBE)*** shall mean a business that is owned, operated and controlled by one or more minority persons. For the purpose of this definition the term ***OWNED*** shall mean that one or more minority persons own 51% or more of each class of stock and are entitled to receive 51% or more of the net profits (or losses) of the business. For the purpose of this definition, the term ***OPERATED AND CONTROLLED*** shall mean that one or more minority persons have the day-to-day responsibility for running and making all important decisions affecting the business enterprise.

(6) ***WOMEN-OWNED BUSINESS ENTERPRISE (WBE)*** shall mean a business that is owned, operated and controlled by one or more women. For the purpose of this definition the term ***OWNED*** shall mean that one or more women own 51% or more of each class of stock and are entitled to receive 51% or more of the net profits (or, losses) of the business. For the purpose of this definition, the term ***OPERATED AND CONTROLLED*** shall mean that one or more women have the day-to-day responsibility for running and making all important decisions affecting the business enterprise.

(7) In determining whether the County has met the goals established herein, all contracts, whether awarded directly by the County or awarded by contractors of the County, shall be considered. The following standards shall apply in determining the dollar value of any contract:

(a) Where the MBE or WBE is the contractor or where the contractor is a joint venture consisting entirely of MBEs or WBEs the value shall be 100% of the contract price;

(b) Where the contractor is a joint venture including one or more MBEs or WBEs as joint venturer(s), the value shall be that portion of the contract price which accrues to the MBE or WBE joint venturer(s) under the joint venture agreement;

(c) Where the MBE or WBE is a subcontractor, the value shall be the value of the work subcontracted to the MBE or WBE provided that if the subcontractor is a joint venturer the standards established in divisions (B)(7)(a) and (B)(7)(b) shall apply; and

(d) Where the MBE or WBE is a bona fide supplier the value shall be the value of the materials purchased provided that if the supplier is a joint venturer the standards of divisions (B)(7)(a) and (B)(7)(b) shall apply.

(8) The County will include but not be limited to the utilization of the following methods to encourage participation of MBEs and WBEs:

(a) Actively and affirmatively solicit bids for contracts and subcontracts from qualified MBEs;

(b) Where economically and technically feasible, divide work into smaller portions to enhance participation of MBEs and WBEs;

(c) Ensure that plans/specs and request for proposals will be made available in sufficient time for review by prospective MBEs and WBEs;

(d) Where economically and technically feasible, encourage the formation of joint ventures, partnerships, or other similar arrangements among contractors to enhance MBE/WBE participation;

(e) Request and maintain listings of MBEs and WBEs from the Funding Agency or its agents, solicit bids from such listings and consult with the Funding Agency or its agents to further MBE/WBE participation;

(f) Make written solicitations and phone contacts regarding the bid process in a timely fashion to encourage MBE/WBE participation;

(g) Where economically and technically feasible, advertise bidding in appropriate papers of general circulation;

(h) Document and maintain a record of all bid solicitation(s)/results;

(i) Make timely response to any and all inquiries during said processes;

(j) Ensure that progress payments to the County are submitted to the Funding Agency in a timely manner at the frequency allowable by the Funding Agency to ensure that MBEs and WBEs are paid in such a manner that undue financial hardship caused by the County is avoided.

(9) The County will be responsible for the submittal of all required documentation to the Funding Agency which will constitute the Funding Agency's required MBE/WBE reporting for this Project. A listing of the MBEs and WBEs the County and its contractors and subcontractors intend to utilize for a Project will be identified at the beginning of each project if required by the Funding Agency. The County and its contractors and subcontractors shall at all reasonable times make available to the Funding Agency or its agents all materials and documents prepared in connection with this Plan and shall allow the representatives of the Funding Agency access to the Project and the individuals contracted thereof to verify this Plan. In the event that the County is unable to achieve the goals established herein, the County will maintain records of the actions that it has taken to achieve the established goals in such form as will enable the Funding Agency to determine that the County has made such good faith effort. Records shall include, but are not limited to, actions outlined in this Plan to encourage participation of MBEs and WBEs. (Res. 215 of 2003, passed - -2003)

CHAPTER XI: PURCHASING POLICY FOR WARREN COUNTY 2017

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GENERAL PROVISIONS

§ XI.001 INTRODUCTION.

(A) Goods and services must be procured in a manner so as to assure the prudent and economical use of public monies 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.

(B) Adopted by the Warren County Board of Supervisors as internal policies and procedures, this Purchasing Policy governs all procurement of goods and services required to be made pursuant to the competitive bidding requirements of N.Y. Gen. Mun. Law § 103 and those goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding as per N.Y. Gen. Mun. Law § 104-b.

(C) The County of Warren is hereby authorized to make all purchases of necessary goods and services by any means legal within the State of New York and in compliance with all applicable laws, rules and regulations.

(D) The responsibilities and authority for purchasing are assigned by the governing board to the Purchasing Agent, Deputy Purchasing Agent and Purchasing Assistant. The keynote of any successful purchasing system is cooperation between the employees, the Department Head's, staff, the Auditor, the Treasurer, and the governing board.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

PURCHASING PROCEDURES

§ XI.015 PROCEDURES APPLICABLE TO ALL PURCHASES REGARDLESS OF DOLLAR AMOUNTS.

Before making any purchase, the following steps must be taken.

(A) Confirm that there isn't already a County bid for the item(s).

(B) (1) If there's no County bid, check Preferred Source Offerings in the following order:

(a) Corcraft
New York State Department of Correctional Services
Division of Industries
550 Broadway
Menands, NY 12204
Ph: 436-6321
Fax: 472-1614
website: http://www.corcraft.org

(b) Industries for the Blind of New York State, Inc.
296 Washington Avenue Extension
Albany, NY 12203-5346
Ph: 456-8671
Fax: 456-3587
website: http://www.ibnys.org

(c) New York State Industries for the Disabled, Inc.
155 Washington Avenue, Suite 400
Albany, NY 12210
Ph: 463-9706
Fax: 463-9708
e-mail: admin@nysid.org
website: http://www.nysid.org

(d) New York State Office of Mental Health Buy OMH
44 Holland Avenue
Albany, NY 12229
Ph: 474-0121

(2) Items must meet the form, function and utility of the Department. Catalogs and guidelines may be obtained in the Purchasing Department. If the price from a Preferred Source is within 15% of the lowest quote and meets the specifications of the Department, the item must be purchased from the Preferred Source.

(C) If the item/service is not available from a Preferred Source, search the New York State Office of General Services (NYS OGS) website (www.ogs.state.ny.us) for a State Contract. Purchases should be made through available State Contracts (OGS), or under County contract pursuant to N.Y. County Law § 408-a and N.Y. Gen. Mun. Law § 103, Subd. 3 (hereinafter "GML") revised in 2013 to allow purchases of materials, equipment or supplies, or to contract for services through any county within the state, whenever such purchases are deemed by the Purchasing Agent to be in the best interest of the County.

(D) If no State Contract is available, or you feel the County can obtain better pricing than State Contract, then Purchasing will proceed with a County bid or the Department may obtain quotes, depending on the dollar thresholds (see § XI.016).

(E) The County is also authorized to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, as authorized by the addition of N.Y. Gen. Mun. Law § 103 subd. 16 as an amendment to N.Y. Gen. Mun. Law § 103, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The contract must be let in a manner that constitutes competitive bidding to the lowest responsible bidder, or on the basis of best value, "consistent with state law", meaning in

harmony with New York State Law, and made available for use by other governmental entities. Purchases made in accordance with N.Y. Gen. Mun. Law § 103(16) are not subject to the competitive bidding requirements of N.Y. Gen. Mun. Law § 103. The stated purpose of N.Y. Gen. Mun. Law § 103(16) is to reduce costs, and increase efficiencies. The prerequisites that must be met are as follows:

(1) The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein. Therefore, there must be an underlying contract let by one of the listed governmental entities. Contracts developed for use by local governments that are let by private parties (e.g. a private company, association or not-for-profit corporation is the party awarding the contract to the vendor), and not by the United States or any agency thereof, any state or any other political subdivision or district therein, would not fall within the exception.

(2) The contract must have been made available for use by other governmental entities. This means that the other governmental entity has taken steps to make its contract available for New York local governments by including a clause extending the terms and conditions of the contract to other governmental entities. Unilateral offers by vendors to extend contract pricing and other terms and conditions would not fall within the exception.

(3) The contract must have been let in a manner that constitutes competitive bidding "consistent with state law". "State law" refers to New York State's bidding law applicable to its political subdivisions (N.Y. Gen. Mun. Law § 103 and related case law). Departments exercising the option to purchase under this exemption will be required to obtain background information on the procedures used to let the contract and, as necessary, consult with counsel, to determine whether this prerequisite is met.

(F) (1) Vendor numbers must be requested for each vendor receiving payment from Warren County. All requests for new or changed vendor numbers must be submitted to the Purchasing Department. Vendor numbers are necessary in order to complete a Purchase Order and must contain the following information:

(a) Correct and full name of the individual/organization.

(b) Remittance address for payment and phone number.

(c) Federal ID or Social Security Number.

(d) Reason for payment (so that Purchasing can identify 1099 status).

(2) County Departments are responsible for obtaining original W-9 forms from the vendors confirming that payment information provided to the County is valid. A W-9 form must be submitted with each new vendor request in order for a vendor number to be issued.

(G) (1) Prevailing Wages apply any time a vendor employs laborers, workmen or mechanics. Vendors are required to pay prevailing rates according to N.Y. Lab. Law Article 8, no matter what the dollar amount. Pursuant to N.Y. Lab. Law Article 9, prevailing wages must also be paid for building service contracts such as moving, landscaping, elevator maintenance, etc., for any contract exceeding $1,500 per year. Owners/operators, who have no employees, do not need to pay themselves Prevailing Wages. Certified payrolls must be provided by the Contractor to the applicable County Department, prior to submitting an invoice. The Certified Payroll forms are required to be kept on file by the Departments for which the contract applies. The form can be found at www.co.warren.ny.us/purchasing/forms.php

(2) All prevailing wage schedules must be requested through the Purchasing Department prior to obtaining quotes or bids. All vendors must be provided with the New York State Department of Labor PRC number assigned to each individual project so that appropriate labor rates are included in their quotes/bids. If the contract is cancelled at any time, Purchasing must be notified in order to cancel the prevailing wage schedule for that project.

(3) On occasion, the New York State Department of Labor, Bureau of Public Works, upon receiving complaints for non-payment of prevailing wages shall direct the County to withhold monies due to a vendor. The original notice is forwarded to the Superintendent of the Department of Public Works, a copy is kept in Purchasing and a copy forwarded to the Treasurer's Office. These monies are held until notification is received from the Department of Labor on how they are to be disbursed.

(4) Contractors and the applicable County Department must check prevailing wage schedules for each project on the first of each month. The Department of Labor posts corrections to each schedule (when applicable), and both parties must be informed of all updates to ensure proper payment to Contractor's employees, and for the purpose of checking certified payrolls.

(5) New York State Office of General Services obtains a prevailing wage schedule for the State when awarding a State Contract. However, if the County uses the State Contract, the County is required to obtain a separate prevailing wage schedule specific to the County project.

(6) It is the County's responsibility to confirm that the Prime Contractor has provided all subcontractors with a copy of the prevailing wage schedule. A verified, signed statement must be obtained from each sub-contractor, certifying that they were provided with a copy of the schedule.

(H) (1) A contract is always required when a service is being provided to the County (regardless of dollar amount). Where appropriate, short form contracts are available. When determining the term of a contract, please take into consideration the nature of the procurement: What is the likelihood that the original term may be extended? Most contracts are capped at three years, with an initial one-year term and two additional (optional) one-year extensions. More involved contracts with larger investments by the Contractors may have longer terms which will be negotiated as part of the contract process.

(2) In consultation with and in a form approved by the County Attorney, the Chairman of the Board of Supervisors (or the Vice-Chairman in his or her absence) shall have authority to execute contracts without the need for a Board Resolution for contracts under $1,000 annually. The Department Head must provide the Chairman with their approval prior to execution of the contract. Contracts over $1,000 annually shall require Board Resolutions unless blanket authority (by Resolution) has already been given to the Department.

(I) Each set of Specifications will identify the person to which questions should be directed. This is a control mechanism so that all vendors fairly receive the same information relative to the Specifications. In the event the Purchasing Agent does not know the answer, he/she will contact the appropriate department to obtain the correct response. The appropriate information will then be distributed to the vendors in the form of a written addendum. Written addenda must be issued at least five business days prior to the bid opening. If the five day requirement is not met, the bid opening date will be changed in order to comply.

(J) (1) N.Y. Gen. Mun. Law § 103 makes it possible for the County to standardize on a particular type of material or equipment. A Resolution approved by the Department's standing committee and at least two-thirds majority of the Board of Supervisors, shall state that for reasons of efficiency or economy, there is a need for standardization. Such reasons may include, but are not limited to the following:

(a) Larger quantities of fewer items;

(b) More economical buying;

(c) Flexibility of inventory;

(d) Reduction of purchasing time;

(e) Lower departmental operating costs; and

(f) Reduced inventories.

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

(K) (1) Anticipate your needs! Once you have determined what you need, within the limitations of your budget, contact Purchasing to help you develop the specifications for the quote or bid to get the best value possible for the expenditure of tax dollars.

(2) The key is time and preparation. Turn around time is dependent on many factors ranging from the complexity of the specifications, and the need for a pre-bid meeting and addendums to the number of bids and quotes currently in process with Purchasing. Remember, poor planning does not move the request to the top of the list!

(L) Warren County takes the position, consistent with N.Y. County Law § 369; the State Comptrollers Opinion 81-83 and Opinion 81-90; and good business sense, that prepayments should not be made using County funds.

(M) As standard business procedure, all County vendors are entitled to prompt payment. Invoices should be processed as soon after goods/services are obtained and in accordance to batch deadlines established by the County Auditor. If the Auditor receives any claims for goods or services for which no Purchase Order was issued, the Purchasing Agent in conjunction with the County Auditor will have the authority to nullify the payment of such claim.

(N) (1) The Purchasing Department endeavors to aide in getting Departments the right material on time. There will be occasions when inferior goods or services are received or they are not received in a reasonable amount of time. If the problem cannot be resolved by the Department it should be reported to Purchasing as soon, as possible. This can be done via e-mail or phone. Remember to include the vendors name, bid number, the problem you have with the order and your name and extension.

(2) Purchasing will contact the vendor and try to come to a resolution of the problem. If necessary the County Attorney's Office will be contacted for assistance.

(O) When developing bid or Request for Proposal specifications, it is understood that Departments may require the expertise of vendors. When consulting with vendors it must be clearly stated that their sendees, in no way, give them an advantage in the bidding or proposal process. Departments must be especially diligent in this situation to ensure that the specifications are not written in such a way that the consulting vendor is given such an advantage (i.e., writing the specifications so narrowly that only their company or firm can respond).

(P) When the County is seeking commodities, public works and/or professional services to be funded by New York State and/or Federal Grants, the Purchasing Department will actively and affirmatively solicit bids for supplies and/or contracts from qualified New York State certified MBEs or WBEs as more fully set forth in Warren County Res. 635 of 2014.

(Q) P-Cards may be utilized on a limited basis for purchases in accordance with the Credit Card Policy adopted by the Board of Supervisors via Resolution No. 222 of 2015. Even when using a P-Card, procurements must be made in compliance with this policy.

(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.016 PROCEDURES SPECIFIC TO EACH TYPE OF PURCHASE.

(A) *Commodities vs. public works.*

(1) Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of over $20,000 and public works contracts involving over $35,000 shall be awarded to the lowest responsible bidder only after public advertising soliciting formal sealed bids (N.Y. Gen. Mun. Law § 103). The term public works contracts would apply to those projects involving labor or both materials and labor where the labor portion exceeds the material component. Included in this category would be construction, paving, printing, and repair contracts.

(2) Although not defined in N.Y. Gen. Mun. Law § 103, the Office of the State Comptroller has expressed the opinion that the term "contract for public work" encompasses contracts for services, or labor or construction by a "laborer, workman or mechanic service requiring wage rates". When a bid involves acquisition of both goods and services, such as a commodity where installation is required, the contract should be viewed as a purchase for purposes of the competitive Bidding monetary threshold only if the service portion is minor, incidental, or customarily provided by the vendor as a component of the purchase. Conversely, if the services are extensive, substantial, or involve specialized skills, so that the acquisition of the commodity is incidental to the work, the contract should be treated as a contract for public work (1987 Opns. St. Comp. No. 87-46, p. 70). For example, a contract for interior painting of a building involves both material and labor. In most cases, the labor component of the contract will be predominant, making it a contract for public work. In contrast, replacing a boiler or furnace, while involving both labor and equipment will, in most cases, consist primarily of a charge for the equipment, making it a commodity purchase.

(3) In determining the necessity for competitive bidding and quoting, the aggregate cost of an item or commodity estimated to be purchased in a fiscal year would have to be considered. As a general guide, items of the same or similar nature which are customarily handled by the same vendor or kind of vendor should be treated as a single item for purposes of determining whether the dollar threshold will be exceeded, i.e., plumbing materials, electrical materials, lumber, hardware, etc. It is the responsibility of the Purchasing Agent and/or County Auditor to note where purchases over the course of a fiscal year are exceeding the bidding thresholds from the purchase orders submitted by the various departments.

(4) Items purchased through Warren County bid or the New York State Office of General Services (OGS) on State Contract have already been subject to bidding and are therefore exempt. However, all political subdivisions must purchase from the vender holding a current State or County contract, even if another vendor's price is equal or lower, or said political subdivision must go to separate bid. The purchasing exemption made through the NYS OGS does not apply to a purchase from the state Contract vendor upon terms and conditions which materially or substantially vary from the State Contract. Used items are not exempt from bidding requirements except as noted in the exceptions section of this policy.

(B) *Commodity/equipment/furniture purchases.*

(1) These purchases may be made without a Resolution of the Board of Supervisors to the extent your Department budgeted/planned for the same.

(2) Most often, purchases made under State Contract do not require quotes, however, there are instances where quotes or a mini-bid process are required. Please read each State Contract carefully to make sure all requirements are being met before making the purchase. Some vendors may offer GSA (federal) pricing to the County. Please note, this does not exempt the County from following State and/or County procurement requirements. The GSA pricing may be used as a quote, but additional pricing is still required in accordance with the guidelines set forth below. The only exceptions to this are for Information

Technology purchases offered under GSA Federal Supply Schedule 70 and Law Enforcement products under Schedule 84. Additionally, some vendors may offer to sell products as part of an Alliance or Private Cooperative. If authorized by Board Resolution, the County may purchase through National Cooperatives such as, and by way of example, the National Joint Powers Alliance. Please contact the Purchasing Department if a vendor has offered pricing from a national cooperative in order to determine whether or not you have authority to proceed.

(a) *Competitive bidding*.

1. Legal notices are published in the official County newspapers, informing the public of the products or services being bid. The advertisement for bids shall contain a statement of the time and place where all bids will be publicly opened and read. All bid openings will be conducted at a public meeting and all interested parties may attend.

2. Where bids are required, the Department Head will assist the Purchasing Agent in the preparation of specifications and contracts. It is the responsibility of the Department Head to provide an adequate description of items needed so that the Purchasing Agent may be able to prepare the specifications to procure the desired commodity or service. The Purchasing Agent will send specifications to vendors from a list prepared jointly by the Purchasing Agent and the Department Head for all bids. Warren County does NOT accept faxed documents where original (ink) signatures are required, i.e., on proposal pages, Non-Collusive Certifications, Corporate Resolutions and Iran Divestment Act Certifications.

3. When soliciting bids, a "Statement of General Conditions" will be included with all specifications and contracts provided to vendors. These General Conditions will be incorporated into contracts awarded for the purchase of commodities and the procurement of public works services.

4. Plan holders lists shall not be released prior to a bid opening as this may adversely affect the bids received and/or encourage collusion. Any requests received by a County department for this information are to be directed to Purchasing. Construction bids are an exception as allowing subs to contact bidders will most likely result in better pricing.

5. After the public opening of a sealed bid, a tabulation sheet shall be prepared, recording all pricing as submitted by the responding vendors. The appropriate Department(s) shall evaluate the bid responses and prepare a recommendation letter. When required, the using Department will request a Resolution to be presented to their standing committee and then sent to the Board of Supervisors for final award. The using Department shall also handle any renewal Resolutions through their standing committee submitted with the proper supporting documentation provided by Purchasing.

6. Resolutions for multi-department use are handled by the predominant Department and are submitted to the appropriate Committee for approval.

(b) *Bid approval process*. Bids for commodities will be awarded by the Purchasing Department after the following conditions are met:

1. Sufficient appropriations are contained within the Department's current budget (or after a budget transfer has been completed).

2. The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the lowest bid meets the intent of the specifications. NOTE: Commodity bids do not require a Resolution unless the lowest bid is not accepted.

(c) *Bidding timeline*.

1. The following represents the estimated amount of time required to complete a bidding cycle. Timelines for commodities and services will be different. Times may change depending on the complexity of the project. Not all items pertain to all

bids. The cycle does not begin until Purchasing is able to move your project to the top of its system, i.e., first come, first served. If in doubt of the Purchasing workload at any given time, give the Purchasing Department a call to see how long it will be before you can get your project started. These are meant as a guideline, not a rule. Times may be shorter or longer depending on the circumstances.

a. Requisition or request for bid comes to Purchasing.

b. Plus up to 15 working days until Purchasing begins bidding process.

c. Plus five working days for Purchasing to review documents.

d. Plus appropriate time to supply Purchasing with approved set of documents.

e. Plus one working day for printing of documents (except large Construction projects).

f. Plus five working days for papers to publish notice to bidders (Saturdays only, Purchasing Department's deadline is the Monday before the Saturday publication).

g. Plus five to 20 working days for vendors to pick up bids.

h. Plus one day for prebid meeting (if applicable).

i. Plus one to three working days for tabulation/evaluation by Purchasing Department.

j. Plus five working days for each addendum.

k. Plus one day for opening of bids.

l. Plus a minimum of seven calendar days for review of bid results by the using department or by consultants.

m. Get on the agenda for all appropriate committees including sending all necessary documentation, evaluations, resolutions, etc.

n. Plus appropriate days to receive all necessary committee endorsements.

o. Board of Supervisors Meeting (this may require two meetings).

p. Plus one working day for "Notice of Award" to be mailed to successful vendor.

q. Plus ten calendar days to receive contracts, bonds etc.

r. Plus anticipated delivery time (best guess or check with vendors).

2. Note: The amount of time required is dependant on the frequency the Board meets. Remember, if you miss the Board meeting you may delay the start of the project for up to a month.

(d) *Dollar limit guidelines.*

[Table begins on next page.]

$1—$3,000.99 (.2 and .4 codes):	Purchases can be made at the discretion of the Purchasing Department and/or Department Head. All equipment/furniture costing more than $3,000 aggregate, (ex. 10 chairs costing $350 each for a total of $3,500) requires 3 verbal quotes. For coding purposes, ANY equipment/furniture with a useful life of more than one year shall be a .2 object code regardless of cost.
$3,001—$10,000.99:	Documented verbal quotes from at least 3 separate vendors, if available. If 3 quotes cannot be obtained, the Purchasing Agent must be consulted before the goods are ordered. When the lowest quoted item is deemed as not acceptable, documented facts must support the decision and approval must be obtained from Purchasing BEFORE the item is ordered.
$10,001—$19,999.99:	Formal, written or fax quotes from at least 3 separate vendors, if available. If 3 quotes cannot be obtained, the Purchasing Agent must be consulted before the goods are ordered. When the lowest quoted item is deemed as not acceptable, documented facts must support the decision and approval must be obtained from the appropriate committee, and a Board of Supervisors Resolution adopted BEFORE the item is ordered.
$20,000 and Up:	Sealed bids in conformance with N.Y. Gen. Mun. Law § 103.

Commodity Purchases	***As per Purchasing and/or Dept. Head***	***3 Verbal Quotes***	***Written Quotes***	
			3	***Other***
Under $3,000.99 (.2 and .4 codes)	X			
$3,001—$10,000.99		X		
$10,001—$19,999.99			X	
$20,000 and up				Bid

(e) *Best value methodology*. See division (D) for complete guidelines.

(C) *Public works projects/contracts*.

(1) A Board of Supervisors Resolution must be adopted to award a Public Works bid and authorize a contract and hence acquisition of the services.

(2) In some instances, Departments have been provided, by Resolution, with general authority to enter into Public Works contracts within certain parameters. On-call service contracts may be entered into for smaller projects (quotes or bids must be obtained on a per hour basis with a mark-up for materials). However, if a project is expected to exceed the public works threshold of $35,000, then a bid specific to that project, or portions thereof, must be established. The $35,000 threshold includes public works expenditures, as well as materials/commodities purchased as part of the public works project. However, if a project is undertaken by the County workforce, the commodity needed for that project shall be acquired pursuant to the County Purchasing Policy in accordance with the commodity thresholds. If contract labor or services should be needed for that project, the same will be independently bid or otherwise acquired pursuant to the County Purchasing Policy in accordance with the public works threshold. Regardless of the source of funding, i.e., grant funding or County funding, the County Purchasing Policy must be adhered to. (Please note that a "project" can be two or more construction projects lumped together for bidding purposes.)

(a) *Competitive bidding*. See division (B)(2)(a) above.

(b) *Bid approval process*. Bids for public works projects will be awarded by a Board of Supervisor's Resolution after the following conditions are met:

1. Sufficient appropriations are contained within the Department's current budget (or after a budget transfer has been completed).

2. The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the bids received meet the intent of the specifications.

(c) *Bidding timeline*. See division (B)(2)(c) above.

(d) *Dollar limit guidelines*.

$1—$5,000.99:	At the discretion of the Department Head.
$5,001—$19,000.99:	Written or fax quotes from at least 3 separate vendors, if available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.
$19,001—$34,999.99	Formal written or fax quotes from at least 4 separate vendors, if available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.
$35,000 and Up:	Formal sealed bids according to N.Y. Gen. Mun. Law § 103.

Public Works Wage Rates and Board Approval Required	***As per Purchasing and/or Dept. Head***	***Written Quotes***		
		3	***4***	***Other***
Under $5,000.99	X			
$5,001—$19,000.99		X		
$19,001—$34,999.99			X	
$35,000 and up				Bid

(e) *Best value methodology*. See division (D) for complete guidelines.

(D) *Best value methodology*.

(1) N.Y. Gen. Mun. Law § 103 now provides 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. 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 that 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 life span, 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.

(2) "Best value" means the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, whenever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor of offerors that are small businesses or certified minority or women-owned business enterprises as defined in N.Y. Exec. Law §§ 310(1), 310(7), 310(15) and 310(20) to be used in evaluation of offers for awarding of contracts for services.

(3) When developing solicitation documents for competitive bids for the award of purchase contracts including contracts for service work, the Purchasing Agent may, and subject to the requirements herein and the applicable requirements set forth in this policy, determine that an award of a purchase contract shall be based upon best value methodology. In making such determination, the Purchasing Agent shall consider the recommendation, if any, of the Department Head or designee of the Department the purchase contract is being procured for. The Department Head or designee shall, in all instances, obtain the approval of the Purchasing Agent to utilize best value methodology prior to issuance of the competitive bid documents.

(4) Requirements: Where the basis for an award of a purchase contract will be the best value offer, the Purchasing Agent 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) Shall select a formal competitive procurement process in accordance with guidelines established under this policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerors to submit responsive offers; and a balanced and fair method of award. Where the basis for 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.

(c) 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.

(E) *Professional services.*

(1) Professional Services are not subject to competitive sealed bidding requirements, but are subject to the guidelines of N.Y. Gen. Mun. Law § 104-b for competitive pricing to be obtained for these services. When a Department Head determines that professional services, except for legal services pursuant to N.Y. County Law § 501 are necessary, they must solicit proposals by obtaining written quotes and/or letting RFPs depending upon the anticipated cost for service (see below). Upon receiving responses, the Department Head will then bring proposals before the appropriate committee. The cost

of said services shall be outlined as price per hour and/or total cost, and the names of qualified, licensed persons to perform said services will be presented to the committee. Data from other counties or individuals may be used at this time to compare costs. Department questions as to which services require Requests for Proposals should be directed to the Purchasing Department.

(2) Engineers and other professionals may be retained in accordance with any of the following award methods:

(a) The "Lowest Cost for Service" method which allows for awarding to the lowest proposer, OR other than the lowest proposer when the lowest proposal is deemed as non-responsive. Documented facts must support the decision and approval must be obtained from the appropriate committee. A Board of Supervisors Resolution is required prior to award;

(b) The "Best Value" method, based on weighted average scores from all criteria stated in the RFP specifications and submitted by sealed proposals; or

(c) The "Two Envelope" method where criteria is stated in the RFP specifications and professionals submit two separate sealed envelopes, one with the Proposal, the other with the Price. First, all Proposals are opened and the three "best" are selected. Only the "best" Proposal price envelopes will be opened and the low price will determine the award.

(3) Proposals must be formally opened at a set time. The aforesaid methods must be authorized by the appropriate Board of Supervisors committee or used when required by Federal or State Law, Rule or Regulation.

(4) When the County is seeking professional services to be funded by Community Development Block Grant ("CDBG") funding, a Notice to Professionals must be advertised in the official County newspapers, as well as the appropriate MWBE publications required by New York State. The Purchasing Department is responsible for placing said ads as part of the procurement process provided an RFP is required, and in all other instances the Department Head shall bear similar responsibility.

(5) Proposals for professional services will be awarded by a Warren County Board of Supervisor's Resolution after the following conditions are met:

(a) Sufficient appropriations are contained within the Department's current budget (or after a budget transfer has been completed);

(b) The Department Head provides the Purchasing Agent with a written recommendation for award indicating that the bids received meet the intent of the specifications.

(6) If passed, a service contract shall be prepared by the County Attorney and signed by the Professional before services are rendered. Contracts may contain the option for an extension for a second or third year, or more, before new RFP's need to be processed.

(7) A Board of Supervisors Resolution must be adopted before services are ordered and shall be referenced on the Purchase Order together with the appropriate quotes.

(8) See division (B)(2)(c) above for bidding/RFP timeline.

[See next page.]

(9) Thresholds for seeking proposals is determined by the anticipated cost as follows:

$1—$5,000.99:	No solicitation of quotes or proposals is required at the discretion of the Department Head (quotes or proposals are encouraged when practical).
$5,001—$19,999.99:	Written quotes from at least 3 qualified sources, where available. When the lowest quote is deemed as not acceptable, documented facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.
$20,000 and Up:	RFP through the Purchasing Department from at least 3 qualified sources, where available. When the lowest proposal is deemed as non-responsive, documented, facts must support the decision, and approval must be obtained from the Board of Supervisors, by Resolution, BEFORE the services are ordered.

Professional Services Board Approval Required	***As per Purchasing And/or Dept. Head***	***Written Quotes***	
		3	***RFP***
$1—$5,000.99	X		
$5,001—$19,999.99		X	
$20,000 and up			X

(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

EXEMPTIONS

§ XI.030 EMERGENCIES, ETA SERVICES, MEDICAL.

It will NOT be necessary to comply with this Purchasing Policy for the following, however, contracts for services shall still be required:

(A) Emergencies:

(1) N.Y. Gen. Mun. Law § 103(4) describes an emergency as an urgent need affecting the health and safety of citizens, which requires immediate action, where the occurrence or condition is “unforeseen”. Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency. A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. An exception to the competitive bidding requirements exists for emergency situations.

(2) There are three basic statutory criteria to be met in order to fall within this exception. These are that:

(a) The situation arises out of an accident or unforseen occurrence or condition;

(b) Public buildings, public property or the life, health, safety or property of the political subdivision's residents are affected; and

(c) The situation requires immediate action which cannot await competitive bidding.

(3) When the Board of Supervisors passes a Resolution that a public emergency exists, the public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances. The County Attorney and the Chairman of the Board shall be consulted and will make a recommendation as to how to proceed. The Board of Supervisors' committee chairperson (and committee, if time permits) shall also be advised.

(B) Employment and Training Services obtained through SUNY Adirondack and/or Washington-Saratoga-Warren-Hamilton-Essex (WSWHE) Board of Cooperative Educational Services for educational services.

(C) Membership dues and conference fees.

(D) All Physicians, Dentists and any Medical Providers for departments including, but not limited to, the Health Services Department, Warren County Sheriff's Office, Office of Emergency Services, Self-Insurance, Countryside Adult Home and the Department of Public Works. Also included shall be counseling services for the Office of Community Services. Data from other counties or individuals may be used to compare costs.

(E) Attorneys needed for a particular or specialized requirement as reviewed and approved by the Finance Committee.

(F) Situations not required by Law such as N.Y. State Exec. Law, Article 2B(29A), State and Local Natural and Man-Made Disaster Preparedness, Suspension of Other Laws.

(G) Subscriptions for updates to existing Law Libraries.

(H) Public works services where, upon the determination by the Department Head, it is not feasible to determine the amount to be spent for repairs to vehicles, equipment or machinery (outside of standard repairs to be handled by County employees including auto body repairs), until the item is inspected and/or dismantled and a cost for inspection or diagnosis has already been incurred and for which it would not be practical to transport the equipment or machinery for multiple quotes. If auto repairs are authorized by the Insurance Carrier as a result of an accident, Department Head may proceed upon the recommendation of the Insurance Adjuster.

(I) Pursuant to N.Y. Gen. Mun. Law § 103(6), surplus and second hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the Federal government, the State of New York or from any other political subdivision, district or public benefit corporation.

(J) When procurements for goods or services are funded by State and/or Federal agencies, and procurement policies other than Warren County's are required, by law, to be followed, the Federal and/or State procurement policies shall supercede the County's Purchasing Policy.

(K) Produce purchases which shall not exceed $20,000 in the aggregate on an annual basis, due to the volatility of the market, large minimum order requirements, and remoteness of some County sites. In the event of large orders over $1,500 per site, or at the point that the commodity threshold is exceeded, State Contract must be utilized.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.031 SOLE SOURCE/SINGLE SOURCE.

(A) Competitive bidding is not required under N.Y. Gen. Mun. Law § 103 where the subject of the contract is controlled by a monopoly, or where there is only one possible (sole) source from which to procure certain patented goods or services, and therefore no possibility of competition exists. Should certain supplies or materials be obtainable only from a specific manufacturer, then a true monopoly would exist and the purchase would not be subject to bidding requirements. The mere likelihood that only one firm will bid, however, is insufficient to justify a sole source procurement. Further, a political subdivision may not artificially create a sole source situation such as by, without proper justification, tailoring bid specifications to limit competition to only one bidder.

(B) In determining whether a sole source item is required in the public interest, the County should show, at a minimum:

(1) The unique benefits to the County of the item or service as compared to other products or services available in the marketplace;

(2) That no other product or service provides substantially equivalent or similar benefits;

(3) And that, considering the benefits received, the cost of the item or service is reasonable in comparison to other products or services in the marketplace.

(C) In addition, the County should document that, as a matter of fact, there is no possibility of competition, as from competing dealers or distributors. The sole source exception may apply, for example, in those instances when:

(1) Services from a regulated public utility are available from only one source;

(2) There is only one source from which to acquire equipment which meets state-mandated requirements; or

(3) A political subdivision, which owns equipment uniquely suited to or compatible with a particular make of equipment, has adopted a standardization resolution for that make of equipment and the equipment is only available from one source.

(D) A sole source can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered a sole source, a letter on the vendor's official letterhead must be on file with the Purchasing Department detailing their sole source status.

(E) A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Should you have a situation involving a single source supplier, a letter on the manufacturer's letterhead must be on file with the Purchasing Department confirming the single source authorized vendor.

(F) Should there be ANY possibility of purchasing the item from two or more vendors, sealed bids should be requested after public advertising. Contracts ARE required when services are being provided regardless of sole source or single source status.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.032 TRUE LEASES.

(A) True Leases are not subject to the previous purchasing rules but rather must comply with the following requirements.

(B) True leases are neither purchases nor contracts for public works, and thus, are not subject to bidding under the N.Y. Gen. Mun. Law. County policy however, requires that:

(1) After a Department has been given budget funding and approval to lease equipment, unless the lease is on State Contract, RFP's must be obtained through the Purchasing Department. Where a lease will not exceed a total of $2,000 annually, no

RFP shall be required. Quotes must be obtained and the Purchasing Agent shall sign the lease as indicated in division (B)(5) below.

(2) A written explanation must be sent to Purchasing when the lowest lease quotation or response to an RFP is not taken, and a Board of Supervisors Resolution must be obtained;

(3) Appropriations must be specifically available for the lease (this will be considered authorization by the Board to enter into the lease);

(4) The lease agreement entered into may be for multiple years but must:

(a) Not contain any automatic buyout or automatic renewal clauses;

(b) Contain a non-appropriation clause; and

(c) Address the disposition of the equipment at the end of the lease so that the vendor pays the cost for return of the equipment, etc.

(5) All lease agreements shall be treated as purchases and signed by the Purchasing Agent; and

(6) While the lease agreement may not contain an automatic renewal clause, at the end of the lease term, departments may extend the lease agreement beyond the original term for a period of up to 18 months without securing additional quotes or engaging in an RFP process provided that:

(a) The lease payments do not increase;

(b) The department has appropriations therefore; and

(c) Purchasing Agent approval is received.

(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

PURCHASE ORDERS

§ XI.045 GENERAL.

(A) The Purchasing Department is designated to review and approve Purchase Orders. It is the individual Department Heads responsibility to ensure that expenditures are within the budgetary appropriations and that the proper Department account is charged.

(B) Should there be insufficient funds available, Departments must do a budget transfer and secure all the necessary approvals before the order can be processed.

(C) Most purchases exceeding $499.99 require a Purchase Order. Exemptions are listed beginning in §§ XI.030 through XI.032. The Purchase Order provides a formal document authorizing the purchase of goods and services as well as the necessary authority to pay vendor claims and proof of tax-exempt sales. Purchase Orders are prepared by the Department with all the necessary documentation such as contracts, quotes and insurance forms (where applicable) on file.

(D) The Purchasing Department verifies the following information when approving a Purchase Order:

(1) Vendor/vendor number.

(2) County contract/resolution/bid number/ quotation information/state contract number.

(3) Comments/special instructions.

(4) Description of goods and services being ordered.

(5) Quantity/unit of measure.

(6) Unit price/extension and total cost.

(7) Commodity codes/budget codes.

(8) Asset status (if over $1,000).

(E) The Purchasing Department will determine if the best method of procurement has been followed. If available, a current County bid or NYS contract will be used. If none apply, the formal bid or quotation process may be commenced depending on estimated annual expenditures.

(F) Once the Purchase Order has been approved by the Purchasing Department, it is then posted by the Treasurer's Office and is then available for use.

(G) In all instances, Purchase Orders are to be completed before a purchase is made. The only exceptions are exempt and emergency purchases as described in § XI.030.

(H) If at any time a Department finds they will exceed the competitive bidding threshold for a particular product or service, they should notify the Purchasing Department to allow time for specifications to be developed and the formal bid process to be completed, to meet their anticipated needs.

(I) Purchases of $499.99 or under do NOT require a Purchase Order. The following additional purchases do NOT require a Purchase Order. Purchases billed to the Department on a monthly basis not requiring Purchase Orders are Postal costs, Internet and Telephone charges, and routine Printing needs, which are to be handled by the Print Shop, via a Printing Order Form. Also exempt from the Purchase Order requirement are mileage, utilities and gas. To obtain routine maintenance and repairs, a Work Order Form must be completed and submitted to the Buildings and Grounds Department at the Municipal Center. Requests for shelving, bookcases, bulletin boards, and computer work stations may also be handled in this manner. When Buildings and Grounds funds are available for such requests, there will be no charge for Work Order requests to the individual departments, However, if Buildings and Grounds funds are not available or otherwise committed, it is the responsibility of the department to purchase required materials. Department Heads must be responsible for making sure that all these procedures are complied with as outlined in this Purchasing Policy.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.046 BLANKET PURCHASE ORDERS.

(A) A Blanket Purchase Order (BPO) is created for products or services that are purchased on an "as needed" basis from a vendor throughout the year where the dollar value will vary for each purchase. These are issued for a maximum period of 12 months and must be reissued at the beginning of each fiscal year.

(B) For vendors used by all County Departments, each Department will issue a BPO for their Department only. There has to be quotes, a bid and/or a contract established with the vendor and insurance on file (if required) before a BPO can be issued.

(C) PLEASE NOTE: Whenever possible, BPOs must be for the total amount (or aggregate) amount to be spent with the vendor annually or for the term of the bid and/or contract. The Purchasing Department issues several commodity bids that are for less than one-year terms. The BPOs for the commodity bids should only include enough funding for the term of the bid and not an annual total. If multiple budget codes are involved in the purchase, the department may either assign multiple codes to one PO, or individual POs may be submitted for each code even if the POs are less than $500.

(D) Departments are responsible for providing the BPO number to the vendor and verify that the number also appears on the documentation sent to Audit for payment processing.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.047 EMERGENCY PURCHASE ORDERS.

(A) N.Y. Gen. Mun. Law § 103(4) defines an emergency as "a public emergency arising out of an accident or other unforseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants requires immediate action".

(B) If an emergency arises, the department must contact the Chairman of the Board of Supervisors and the County Attorney to obtain approval prior to making any emergency purchases. Purchasing may be contacted for assistance in procuring products or services required to deal with the emergency. If the Chairman of the Board of Supervisors and the County Attorney determine there is a true emergency, the vendor who can immediately provide the required goods or services will be given prime consideration for the purchase.

(C) The Purchasing Department will not approve an Emergency Purchase Order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is a lack of proper planning.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.048 PURCHASE ORDER CHECKLIST.

For reference purposes, the following checklist should be used when submitting POs:

	Is the vendor remit to address correct (submit vendor form to Purchase if a change is required).
	Is the description complete ? (One-time message should include bid number, state contract number, quotes and/or any other information relevant to the purchase). If the one-time message indicates that the purchase is from a sole source vendor, a copy of the sole source letter must be provided to the Purchasing Department or attached as a document to the PO.
	Is the form type "REGULAR-REGULAR"? ("REG-Regular" should not be selected.)
	Deliver by Date and Expiration Date fields must be left blank.
	Is the correct Resolution Number referenced? Confirm that the authorizing resolution is current.
	Is the dollar amount correct? Does it match the contract or quote amount? We cannot approve POs that exceed the authorized amount.
	Create New Asset Box - if the item is less than $1,000, uncheck the asset box.
	Contracts - If applicable, has the contract been signed? The Purchasing Department will not approve POs until it's confirmed that the contract is fully executed. If the contract is for an exact dollar amount, it must be attached to the PO prior to approval.

(Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

ASSET MANAGEMENT

§ XI.060 GENERALLY.

The purpose of the asset inventory management system is to establish proper procedures for

monitoring the movement of fixed assets to maintain accurate reporting of assets values as required by NYS Audit and Control.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.061 FIXED ASSETS.

(A) ***FIXED ASSETS*** are defined as those properties the County of Warren retains more or less permanently, not for sale, but for utilization in the normal course of operations.

(B) Fixed assets will always imply tangible fixed assets. The general accepted practice, as in Warren County, is to record and report fixed assets at their historical acquisition cost. The cost of a fixed asset should include all expenses of transporting the asset to the proper location and placing it in the condition necessary for its intended use. Only items costing $1,000 or more and with a useful life of more than one year will be inventoried.

(C) Upon receipt of an asset valued over $1,000, the Treasurer's Office will issue a numbered inventory sticker to be attached to the new asset. Stickers are necessary to provide positive identification of assets. They also provide a quick and accurate method of identifying assets during the annual physical inventory. If a sticker is lost or damaged the Department should contact the Treasurer's Office.

(D) Please note that all stickers must remain on the item until the time of sale or disposition. When sold or scrapped, the sticker shall be removed and placed on the Treasurer's Office copy of the Disposition Form.

(E) Each Department Head has the ultimate responsibility to conduct and maintain the individual inventory pertaining to that Department. It is also the responsibility of the Department Head to evaluate on a continuing basis the suitability and need for materials, supplies and equipment. If they should become obsolete by reason of age, wear or technical advancement or should become surplus, unnecessary for the operation of his/her department, the department inventory manager should send an e-mail to the Purchasing Agent with details and condition of the item for sale or disposal. The Department will then complete a work order to have the item removed either for the sale or disposal.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

§ XI.062 CAPITAL ASSETS.

(A) Capital assets include property, plant, equipment and infrastructure assets (e.g., roads, bridges, airport runways and similar items). Such assets are recorded at historical cost or estimated historical cost. The reported value excludes normal maintenance and repairs, which are essentially amounts spent in relation to capital assets that do not increase capacity or efficiency of the item or increase its estimated useful life. Donated capital assets are recorded at estimated fair market value of the item at the date of donation.

(B) The capital assets are capitalized at certain thresholds and depreciated using a straight line method over their useful lives as follows:

Capital Assets	*Capitalization Threshold*	*Useful Lives (Years)*
Land Improvements	$25,000	20
Buildings & Improvements	$50,000	40
Vehicles & Equipment	$5,000	5–10
Infrastructure	$250,000	10–40

(Res. 157 of 2017, passed - -2017)

TRANSFER AND SALE OF SECOND HAND EQUIPMENT

§ XI.075 TRANSFER AND SALE OF SECOND HAND EQUIPMENT.

(A) The Purchasing Agent is designated by the Board of Supervisors to be responsible for the salvage control program. The same precautions must be taken when disposing of property as when purchasing. A Physical Inventory Deletion Form is needed for items sold, scrapped or traded in. Surplus equipment may be transferred to another department where it is needed by using a Property Transfer Form. Both forms are available through the Purchasing Department. The Purchasing Agent is solely authorized to sell or trade in used and/or obsolete equipment to a vendor, even those under State Contract, and to accept a trade in allowance from such vendor. If all above procedures have been exhausted, the Purchasing Agent will arrange to sell such articles at a widely advertised public auction, on-line auction through a contracted Auction, or on eBay. Items that have no value and are broken beyond repair, must be properly disposed of by the appropriate Department.

(B) Department personnel assigned the task of inventory management are to report any surplus equipment or materials they have to the Purchasing Department. These items will be made available to all County Departments on a first-come first-served basis. If an asset remains unclaimed on the list for over two weeks, it will be made available to the towns, village and city in Warren County. If unclaimed the Purchasing Agent will determine the most beneficial disposition of this surplus equipment.

(C) Any vehicle or equipment that requires a title to be signed for transfer will be handled by the Purchasing Agent and/or the Superintendent of the Department of Public Works or his designee.
(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157-2017, passed - -2017)

PURCHASING POLICY

§ XI.090 GENERAL CONDITIONS.

(A) The Purchasing Agent is appointed at the pleasure of the Board of Supervisors and is responsible for reviewing and administering the purchasing policy of Warren County.

(B) Employees of the Purchasing Department shall maintain effective and professional public, vendor and customer relationships.

(C) To maintain a high level of quality service to Warren County Departments and Municipal Subdivisions, Purchasing staff shall participate in educational opportunities offered in the purchasing field, and keep abreast of current developments in market conditions, pricing, new products and the Law.

(D) The Purchasing Policy herein shall be administered in accordance with all ethical rules called for by the County of Warren.

(E) 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/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Board of Supervisors as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be made part of the official minutes of the Board of Supervisors. If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the County Attorney should be contacted immediately.

(F) Each Purchase Order will be examined by a member of the Warren County Purchasing Department and processed according to the guidelines set forth under the section of applicable Purchasing Procedures.

(G) The Warren County Purchasing Department and Department Heads will maintain adequate

documentation of all action taken in connection with each method of procurement. Such documentation may include, but not be limited to any and all pertinent Board Resolutions, Memoranda, Written Quotes, Contracts and any other appropriate form of documentation.

(H) Opportunity will be provided to all responsible suppliers to do business with the County. To this end, the Purchasing Department will maintain a listing of potential bidders for the various types of material, equipment, supplies and services used by County Departments. This list will be used for the distribution of notices for bids and quotes. Any supplier may be included on the list upon request.

(I) Suppliers will be removed from the bidders list if they make a formal written request, or if the Purchasing Agent finds the supplier to be an irresponsible bidder. This is determined by failing to provide proof of responsibility, having repeatedly made slow or unsatisfactory delivery of supplies or services or having been found by a Court of competent jurisdiction to have engaged in unlawful employment or business practices within the previous 12 months.

(J) Supplies used by various County Departments should be uniform whenever consistent with operational goals in the interest of efficiency or economy. The material, equipment, supplies, and services purchased by Warren County shall be of the quality and quantity required to serve ALL departments in a satisfactory manner, as will be determined by the requisitioner and the Purchasing Agent.

(K) Credit cards or P-Cards whose use is approved by the Clerk of the Board of Supervisors are held by same and signed out for use by County staff. Some Departments hold cards specific to their operations and reference is herein made to the County Credit Card Policy for further details.

(L) On occasion, County Departments are asked by vendors to complete credit applications in order to be able to set up an account. Said applications should not be returned as the County is not applying for credit. In most cases, a Purchase Order is sufficient documentation for the vendor to set up an account.

(M) No official or employee will be interested financially in contracts entered into by the municipality (as defined in N.Y. Gen. Mun. Law § 800). This also precludes acceptance of gratuities, financial or otherwise, as stated in the Warren County Code of Ethics.

(N) The County of Warren will not be deemed responsible for any commitment made at the departmental level circumventing these procedures. If County procedures are circumvented, disciplinary action may be taken.

(O) Salespersons are encouraged to visit the Purchasing Department prior to or in conjunction with initial, individual Department contact.

(P) The Finance Committee will annually review the policies and procedures set forth in this manual prior to adoption by the Warren County Board of Supervisors.

(Q) The unintentional failure to fully comply with the provisions of N.Y. Gen. Mun. Law §§ 103 and 104-b shall not be grounds to void any action taken or give rise to cause of action against the County of Warren, the Purchasing Department, or any officer or employee thereof.

(R) The County Attorney and the Warren County Board of Supervisors shall make the final decision regarding any issues related to procurement of goods and services for Warren County.

(S) Standard lists of commonly used items shall be jointly developed for all categories or groups of supplies by the Purchasing Agent and the appropriate requisitioners. These lists shall be used as a basis for determining the feasibility tot obtaining quotations on quantity purchases or the necessity of advertising for formal bids.

(T) It is the responsibility of the Purchasing Agent to make alternative suggestions to the requisitioner if, in the judgment of the Purchasing Agent, the specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In case of disagreement as to the content of the specifications, the Board of Supervisors, after reviewing all available data, should make the final determination.

(U) The Purchasing Department offers a vendor library which includes many reference materials. NYS OGS contracts, Buyer's (Consumer) Guides, vendor catalogues, preferred source catalogues, industrial buying guides, and all materials pertaining to Warren County bids. These materials may be viewed in the Purchasing Department Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.

(V) When a low bidder proposes an alternative as an "equal" to that specified, it is the responsibility of the Department Head to determine whether the proposed substitution is, in fact, an equal.

(W) Grant/Revenue and Asset Forfeiture funding is NOT exempt from the County's Purchasing Policy or N.Y. Gen. Mun. Law §§ 103 or 104-b. These funds are still considered to be taxpayer money and procurement guidelines must be followed as with any other budgetary appropriation.

(X) (1) The Purchasing Department posts all public bid documents on the County's WCEAS system, including, but not limited to:

(a) Specifications;

(b) Addenda;

(c) Recommendation Letters;

(d) Award Letters;

(e) Resolutions;

(f) Tab Sheets;

(g) Extension Letters.

(2) If a bid document is not posted, please contact the Purchasing Department for further information.

(Res. 722 of 2013, passed - -2013; Res. 134 of 2015, passed - -2015; Res. 137 of 2016, passed - -2016; Res. 157 of 2017, passed - -2017)

CHAPTER XII: REAL PROPERTY TAX SERVICES

Section

XII.01 Increase in real property tax exemption for persons 65 years of age and older

§ XII.01 INCREASE IN REAL PROPERTY TAX EXEMPTION FOR PERSONS 65 YEARS OF AGE AND OLDER.

(A) The Warren County Board of Supervisors hereby amends Res. 298 of 2005 and adopts a partial exemption from County taxes of real property owned by persons qualified pursuant to the provisions of N.Y. Real Prop. Tax Law § 467, provided the combined income of the qualified owners is up to and between the amount of $24,000 and $32,400 for the income tax year immediately preceding the date of making application for exemption pursuant to N.Y. Real Prop. Tax Law § 467, in combination with a sliding scale of increment levels of exemption as follows:

(B) This resolution and the amended partial exemption schedule shall become effective on April 20, 2012.

Annual Income	*Percentage Assessed Value Exemption from Taxation*
Up to $24,000	50%
More than $24,000, but less than $25,000	45%
$25,000 or more, but less than $26,000	40%
$26,000 or more, but less than $27,000	35%
$27,000 or more, but less than $27,900	30%
$27,900 or more, but less than $28,800	25%
$28,800 or more, but less than $29,700	20%
$29,700 or more, but less than $30,600	15%
$30,600 or more, but less than $31,500	10%
$31,500 or more, but less than $32,400	5%

(Res. 251 of 2012, passed - -2012)

CHAPTER XIII: SELF INSURANCE

Section

General Provisions

XIII.001 Health Insurance Portability and Accountability Act of 1996

Warren County Injury Management Guidelines Policy

XIII.015 Policy
XIII.016 Implementation
XIII.017 Documentation - written procedures for reporting incidents

Editor's note:
Appendix A through Appendix G can be found on file with the Self Insurance Office.

Warren County Municipal Center Emergency Action and Response Plan

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XIII.033 Types of evacuations to be used in emergency circumstances
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Editor's note:
Appendix A through Appendix G can be found on file with the Self Insurance Office.

Warren County Human Services Building Emergency Action and Response Plan

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Editor's note:
Appendix A through Appendix G can be found on file with the Self Insurance Office.

Warren County Safety and Health Program Policy

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XIII.061 Assignment of responsibilities
XIII.062 Safety Officer (Insurance Administrator)
XIII.063 Risk Management Steering Committee
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XIII.065 Employee Safety and Health Committee roles and responsibilities
XIII.066 Employee Safety and Health Committee membership
XIII.067 Safety and health hazard identification
XIII.068 Safety and health suggestions/concerns

Editor's note:
Appendix 1 through Appendix 3 can be found on file with the Self Insurance Office.

Workplace Violence Prevention Plan and Program

XIII.080 Purpose
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XIII.082 Defining workplace violence
XIII.083 Workplace violence prevention risk evaluation

XIII.084 Risk factors identified in § XIII.083
XIII.085 Workplace violence prevention responsibilities

Cross-reference:

Workplace Harassment Plan and Program, see §§ VI.130 through VI.134

GENERAL PROVISIONS

§ XIII.001 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

(A) The Warren County Board of Supervisors hereby approves and adopts the Warren County Health Insurance Portability and Accountability Act of 1996 (HIPAA) Compliance Policy (the "Policy") presented at this meetings and authorizes implementation as of April 2, 2003 and ratifies the actions of the Personnel and Finance Committees in adopting and authorizing the implementation of the Policy effective that date.

(B) The Warren County Attorney is designated as the Privacy Official for Warren County effective as of the date of the implementation of the Policy and Department Heads of individual health care components are authorized to appoint designated Privacy Officials and actions of said Department Heads to so appoint these officials are ratified.

(C) The release or use of any Notices of Privacy Practices required under the HIPAA regulations and County Policy by covered entity components of Warren County is hereby authorized and ratified.

(D) It is acknowledged that it will be necessary for covered entity components, to further develop procedures and address matters that are of particular administrative concern to the particular covered components, and so long as the overall Warren County Policy is adhered to, the said covered entity components are hereby authorized to establish such procedures and address other related departmental matters in terms of carrying out the requirements of the HIPAA regulations.

(E) That training implemented by the County Attorney and Department Heads is hereby authorized and, to the extent necessary, ratified.

(F) Since the implementation of the HIPAA Policy by the Finance Committee on April 2, 2003, it is acknowledged that the Notice of Privacy utilized by Westmount Health Facility has been revised to include language relative to an Organized Health Care Arrangement ("OCHA") with Royal Care Pharmacy Services and EFS/Royal Care, and such revision is hereby authorized and ratified.
(Res. 297 of 2003, passed - -2003)

WARREN COUNTY INJURY MANAGEMENT GUIDELINES POLICY

Editor's note:

Appendix A through Appendix G can be found on file with the Self Insurance Office.

§ XIII.015 POLICY.

(A) It is Warren County's policy that all unsafe incidents, injuries, near misses and property damage occurrences are reported to Department Heads for the purpose of evaluating data to prevent further occurrence. All incidents shall be recorded on the appropriate accident reporting forms contained herein.

(B) The Employee Safety and Health Committee and the Risk Management Steering Committee shall be responsible for evaluating incident trends and making recommendations to the County for corrective actions.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.016 IMPLEMENTATION.

(A) In order to optimize management of injuries and loss in the County's operating facilities and those

affecting County employees, these guidelines describe a set of forms and establish timelines designed to assist departments in documenting incidents, injuries, near misses and property damage occurrences. Any questions about these guidelines should be addressed to the Insurance Administrator.

(B) It is the policy of Warren County that management investigate the following:

(1) All accidents resulting in injury.

(2) Significant loss or damage to property.

(3) Any incident that did not result in injury, damage or loss, but could have under similar circumstances (near misses).
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.017 DOCUMENTATION - WRITTEN PROCEDURES FOR REPORTING INCIDENTS.

(A) *Procedures for reporting of employee occupational injury/illnesses*. All injuries and illnesses, regardless of severity, will be reported to the area Supervisor in accordance with the Injury/Loss Management Reporting Schedule (Appendix A). The following forms should be used to report an employee injury or illness:

(1) *Employee's report of incident*. For occupational injury and/or illness, the employee should complete the packet of forms "Procedure for reporting workers' compensation injury" (Appendix E) as soon as they have received appropriate treatment and are capable of returning to the site. The completed report should be provided immediately to his/her Supervisor. In certain instances, the employee may be unable to complete the Employee's Report due to hospitalization or transportation directly home from the health care facility. In such cases, reasonable effort should be made to have the Employee's Report completed as soon as the employee is capable of doing so, even though he/she may not be cleared to work. The Supervisor and Department Head should follow the instructions on the forms packet to complete their portion of the forms required.

(2) *Accident investigation witness statement*. A separate Witness Statement (included in the appropriate Appendix forms) must be completed by each employee that witnessed an accident, and when possible, by each non-employee witness. The fully completed form should be returned immediately to the Supervisor who, in turn, will provide them to the Department Head.

(3) *Supervisor's report of accident investigation*.

(a) A Supervisor's Report of Accident Investigation (included in the appropriate Appendix forms), must be completed for every incident that requires an Employee's Report. The report must be fully completed and should represent a thorough investigation of the incident, including the root cause. The statement of actions taken to prevent similar accidents or illnesses, and recommendations for additional action, should be well thought out. In many situations, sketches or photographs of the area involved are useful in conveying information regarding the location and circumstances related to an accident. Where possible, sites should retain a digital or disposal camera for this purpose. The photographs should be taken as soon after the accident as possible and the date and time of each photograph recorded. Additional sheets should be attached if the spaces provided on the form are inadequate or the situation warrants supplemental clarification. The originals of all reports should be forwarded to the Department Head.

(b) In those instances where it is infeasible to complete the report within the specified time frame, the supervisor can forward supplemental information as soon as the information becomes available. However, this exception only applies to information that is not possible to obtain at the time of the incident, e.g., if the employee is not capable of completing the Employee's Report or being interviewed. This document is to be attached to the Employee's Report and forwarded to the Department Head as soon as possible.

(4) *Incident tracking log*. Incidents that are not severe, where the employee did not seek medical treatment and did not miss time from work, can be recorded on the Incident Tracking Log (Appendix G). In some cases it is advisable to perform an investigation of the accident using the near miss forms/process (Appendix D). However, the Incident Tracking Log can be used in place of the "Procedure for reporting workers' compensation injury" (Appendix B) when the employee didn't seek treatment or miss time from work. If the employee's injury becomes severe enough to seek medical treatment or the employee misses time from work then the forms "Procedure for reporting workers' compensation injury" (Appendix B) must be completed and a copy of the appropriate page from the Incident Tracking Log should be forwarded to Self-Insurance with the injury report forms. A copy of the Incident Tracking Log will be collected at least semiannually by Self-Insurance and reviewed for injury trending purposes.

(B) *Procedures for reporting of non-employee. Volunteer and visitor injuries and illnesses*. To the extent possible, the timeframes for reporting and documenting non-employee, volunteers and visitor incidents are the same as for employees. It is especially important that photographs be taken for all non-employee accidents. A separate Witness Statement (included in the appropriate Appendix forms) must be completed by each employee that witnessed an accident, and when possible, by each non-employee witness. The fully completed form should be returned immediately to the supervisor who, in turn, will provide them to the Department Head. Appendix C contains the forms for reporting non-employee, volunteer and visitor injuries.

(C) *Procedures for the reporting of employee near misses*.

(1) The County's objective is to encourage its employees to report all near misses so that deficiencies in equipment, procedures and training can be identified and corrected.

(2) Forms for near miss incidents are to be completed when an incident occurs that did not result in an injury or significant loss but may have under similar circumstances. The forms required to report near miss incidents are located in Appendix D. If there are multiple employees involved, each employee should complete his/her own report. Witnesses should complete the appropriate Witness Statement. All reports should be submitted to the Supervisor who will complete the Supervisor's Report of Accident Investigation. The report must be fully completed and should represent a thorough investigation of the near miss including the root cause. The statement of actions taken to prevent similar incidents, and recommendations for additional action should be well thought out. In many situations, sketches or photographs of the area involved are useful in conveying information regarding the location and circumstances related to a near miss. Where possible, sites should retain a digital camera or disposal camera for this purpose. The photographs should be taken as soon after the incident as possible and the date and time of each photograph recorded. Additional sheets should be attached if the spaces provided on the form are inadequate or the situation warrants supplemental clarification. Originals of all reports should be forwarded to the Department Head within three business days.

(D) *Procedures for reporting of non-employee near misses*. To the extent possible, the timeframes for reporting and documenting non-employee, visitors, and volunteers near misses are the same as for employees.

(E) *Procedures for reporting of property damage*. The County Property Damage Report (Appendix E) must be completed any time an incident results in loss for the County. This loss could be to County facilities and be caused by County employees, non-employees, volunteers or visitors, or it could be to the property of others such as to others vehicles, property or equipment, both on and off the County's property. Losses to the property of others would have to be caused by a County employee and/or equipment. Photographs of the actual damage and the area involved should be taken as soon after the incident as possible and the date and time of each photograph recorded. The photographs and supporting information should be included with the Damage Report.

Witnesses should complete the appropriate Witness Statement. All reports should be submitted to the Supervisor who will complete the Supervisor's Report of Accident Investigation. A copy of the reports should be forwarded to the Department Head within three working days. The portions of the forms that cannot be completed within three days (e.g. total costs of repair) are to be completed when final invoices are received.

(F) *Procedures for reporting county automobile damage*. The County Automobile Loss Report (Appendix F) must be completed any time an incident results in damage to a County Automobile. Photographs of the actual damage and the area involved should be taken as soon after the incident as possible and the date and time of each photograph recorded. The photographs and supporting information should be included with the Automobile Loss Report. Witnesses should complete the appropriate Witness Statement. All reports should be submitted to the Supervisor who will complete the Supervisor's Report of Accident Investigation. A copy of the reports should be forwarded to the Department Head within three working days. The portions of the forms that cannot be completed within three days (e.g. total costs of repair) are to be completed when final invoices are received. The complete original is to be forwarded to the Department Head.
(Res. 484 of 2014, passed 10-17-2014)

WARREN COUNTY MUNICIPAL CENTER EMERGENCY ACTION AND RESPONSE PLAN

Editor's note:

All activities within the framework of this plan will be carried out with the Incident Command System within the National Incident Management System. Warren County formally adopted the National Incident Management System in Res. 616 of 2006.

Appendix A through Appendix G can be found on file with the Self Insurance Office.

§ XIII.030 ORGANIZATION.

(A) *List of contacts for further information*.

(1) Names or regular job titles of persons or departments at the Warren County Municipal Center facility located on 1340 State Route 9, Lake George, New York who would be contacted for further information or explanation of duties under this plan:

Insurance Administrator/ Safety Officer	761-6529

(2) (See also Chain of Command in § XIII.031(C)).

(B) *New York State Supreme and County Court procedures*. See Appendix F.

(C) *Training*.

(1) Training is important for the effectiveness of an emergency plan. Before implementing an emergency action plan a sufficient number of persons must be trained to assist in the safe and orderly evacuation of employees. Training for each type of disaster response is necessary so that employees know what actions are required.

(2) All employees will be trained in the following in accordance with the Employee Quick Response Card found in Appendix A of this document:

(a) Evacuation.

(b) Lock Down.

(c) Shelter-in-Place.

(d) Duck and Cover.

(3) These Training Programs should be provided as follows:

(a) Initially when the plan is developed.

(b) For all new employees, interns, long-term vendors or others that might be alone in the building.

(c) When new equipment, materials, or processes are introduced.

(d) When procedures have been updated or revised.

(e) When exercises show that employee performance must be improved.

(f) At least annually.

(4) Potential Incident Commanders shall take incident command training. Minimally NIMS 700 and ICS 100.

(5) The Municipal Center will hold a minimum of two fire drills per year, and at least one emergency drill from the Employee Quick Response Card e.g., Duck and Cover. There will be an evaluation of the performance made immediately by management and employees. After Action Reports/ Improvement Plans of all exercises will be prepared and maintained. The emergency plan will be reviewed periodically and updated to maintain adequate response and program efficiency.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.031 COMMUNICATION.

(A) *Methods of communication.*

(1) During an emergency involving a fire or explosion, it may be necessary to evacuate all work areas. A method of communication is needed to alert employees to the evacuation or to take other action as required in the plan.

(2) The communication procedure for notifying employees of the need to evacuate is through the use of the fire alarm. The fire alarm signal is an audible signal and a strobe light signal. The telephone would be used for contacting local authorities (i.e., Security or 911 Communications Center.)

(3) The Municipal Center has an "All Call" paging function through the phone system. This "All Call" notification will be used to advise employees of other response actions necessary in the event of an incident which does not require evacuation from the facility and notification via the fire alarm.

(4) The process for the paging system is to dial from any phone in the building, 05#01. the phone receiver will then become a microphone connected to the speaker system throughout the building.

(5) The Highest Ranking Person in the Chain of Command has the primary responsibility for setting up, directing, maintaining, and operating all communications in an emergency action situation.

(6) During Non-Working Hours: The Primary Method of notification of key people while off duty is by cell phone or home phone using a department phone tree.

(7) During Working Hours: The Primary Method of communicating during an all building emergency will be via County email, public address system and phone systems.

(B) *Indirect communications or alarm signals during work hours.* The building is equipped with fire, heat and smoke detection systems that are monitored by a contracted vendor. The fire alarm signal will be used as a warning for conditions that warrant facility wide emergency action and evacuation. Once the alarm is raised, employees shall evacuate the facility and report to the emergency evacuation areas, see Appendix B.

(C) *Chain of command.*

(1) A chain of command is established to minimize confusion so that employees will have no doubt about who has authority for making decisions.

(2) The chain of command for the Municipal Center is:

County Administrator	761-6539
Assistant to the County Administrator	761-7655
Clerk of the Board	761-6563

(3) In the event that no member of the Chain of Command for the Municipal Center is available at the time of an emergency, the Incident Command will be drawn from Warren County's HSB Chain of Command, or a member of the County Chain of Command may choose to become Incident Commander at a facility incident based on the scale or scope of the emergency;

(4) If there is an emergency which affects both buildings, the Incident Command will be drawn from Warren County Municipal Center's chain of command.

(D) *Reporting*.

(1) The preferred means of reporting fires and other emergencies:

(a) Call 911.

(b) Fire Alarm, Pull Down System.

(c) Verbal through the "All Call" feature on the telephone system.

(d) Notify the Security Desk via telephone at 6231.

(2) (These are not any specific order, see Communication Plan, divisions (A) and (C) above.)

(3) A list of Important Contacts and phone trees are documented in Appendix C.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.032 ACTION AND RESPONSE.

(A) *Procedures during evacuation*. Employees shall not be expected to remain in operating areas during an emergency that requires facility wide evacuation, during normal operating conditions. During an emergency, employees should not turn off computers and printers but should shut off any heat producing equipment such as toasters and portable heating equipment. All employees and visitors will evacuate the building upon being notified to do so. Employees should bring their coats and car keys with the idea they may not be allowed to return only if they can be easily reached without delaying evacuation, and should proceed to the evacuation areas (see Appendix B). A member of the County's Chain of Command will form a temporary command center near the radio tower at the rear of the Municipal Center until such time that fire department responders arrive and then the fire departments officer in charge will assume the position of incident commander and determine where the incident command site will be located.

(B) *Emergency escape procedures*.

(1) A map of the facility can be found in Appendix B of this document. Evacuation routes are posted by each exit door, and in the event of an evacuation, employees and visitors should evacuate the facility by use of the nearest available marked exit. If the closest stairway or exit is unusable, another exit should be located and used.

(2) Employees and visitors should not use elevators to evacuate the building.

(C) *Procedures to account for personnel*.

(1) After emergency evacuation has been initiated, all employees and visitors will gather at the designated emergency evacuation area. The area fire marshal (see list in Appendix B) will verify the adequacy of the evacuation on their area and then report to the assigned outside areas.

(2) Members of the chain of command and others have been issued portable radios as follows:

• Security Supervisor	Unit 5
• HSB Security	Units 1 and 2
• MC Probation Security	Units 3,4
• DMV Security	Unit 7

• County Administrator	Unit 14
• Health Services/Gazebo	Unit 15
• Clerk of the Board/Flag Pole 253	Unit 16
• County Clerk/DMV Assembly	Unit 12
• Probation/Probation Assembly	Unit 19
• Superintendent of Buildings	Unit 17
• DSS Accounting/Bus Stop	Unit 11
• DSS CPS/County Cars	Unit 10
• Self-Insurance/County Cars	Unit 13
• OFA/Bus Stop	Unit 18

(3) Members of the chain of command and those issued radios will report to each of the evacuation sites with their radios and will communicate evacuation status to the Incident Commander at the command post. The Incident Commander will be responsible for reporting the evacuation status to incoming police and other emergency services personnel including the status of non-ambulatory or disabled persons.

(a) Non-Ambulatory personnel, and any other persons not physically able to use the stairs should report to one of the four designated areas of refuge located in the north and south stairwells on the second floor and in the basement.

(b) All personnel who have evacuated to the evacuation areas will remain there until told that they may return to the building by the Incident Commander or Emergency Services.

(c) If the building cannot be re-entered or the first responders indicate that employees must be relocated, the assembly area radio personnel will lead persons from their assembly/evacuation areas to the main lobby at the Human Services Building and organize by department.

(D) *Medical assistance.*

(1) Warren County does not expect or require any employee to provide medical assistance or CPR to injured colleagues or visitors. If any employees have received training and choose to provide medical assistance or perform CPR on an injured colleague or visitor, they do so on a voluntary "good Samaritan" basis and are encouraged to follow universal precautions as taught to them in their certification classes. Automatic External Defibrillator (AED) machines are located in the DMV Security area and near the Board of Supervisors.

(2) The following is information should someone choose to assist an injured worker while awaiting the arrival of emergency medical services.

(a) Rendering First AID/CPR:

1. Call 911.

2. Perform a primary victim assessment to use to determine what the next step will be.

a. Does the victim have an open airway?

b. Is the victim breathing?

c. Is the unconscious victim's heart beating?

d. Is the victim bleeding heavily?

3. Check for medical alert tag.

4. Render basic first aid as appropriate and in accordance with training.

5. Render CPR as appropriate and in accordance with training.

6. For a person that may be choking:

a. If the person is coughing forcefully he/she is able to get oxygen. Encourage the person to keep coughing.

b. If the person cannot cough, cry, speak or breathe, get permission to help and have someone call 911. Administer five back blows and five abdominal thrusts until the object is forced out, the person starts to cough, cry, speak or breathe on his/her own or the person becomes unconscious. If the person becomes unconscious, gently lower him/her to the floor being careful to protect the head on the way down.

(b) Additional Medical Assistance. If a person requires additional medical attention from a physician but the condition is not an emergency, transport victim to:

Glens Falls Hospital
(518) 926-1000

(c) Emergency Conditions:

1. If the condition of the victim is considered an emergency, call the emergency medical services by dialing 911.

2. Be prepared to give:

a. The victim's location.

b. Your phone number.

c. The nature of the emergency.

d. Number of persons needing help and any special conditions.

e. Condition of victim(s) from the assessment made in division (D)(2)(a)2. above.

f. Always be the last person to hang-up the phone.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.033 TYPES OF EVACUATIONS TO BE USED IN EMERGENCY CIRCUMSTANCES.

(A) (1) The following list has been compiled and thought to be the most likely emergencies at the facility, not in specific order:

(a) Fire and/or associated explosions, chemical spills, bomb threat, natural disasters and weather events (Evacuation).

(b) Escalation by clients and Workplace violence incidents (Lockdown).

(c) Commercial traffic related incidents including chemical spills, natural disasters, weather events and bomb threat (Shelter in Place).

(d) Natural disaster and weather events (Duck and Cover).

(2) Procedures to be followed in the event of an emergency are located in Appendix A.

(B) Fire and/or Associated Explosions (Evacuation):

(1) The fire protection system consists of heat, smoke and fire detectors within the facility that are monitored by a contracted vendor. The means of egress from the building are indicated on the diagrams located in Appendix B, and exit routes are posted in corridors and office areas.

(2) Portable fire extinguishers are located in common areas in the facility.

(3) In the event of a fire (other than incipient), pull a fire alarm pull station and notify 911 of the nature of the emergency, location, severity, and number of injuries. Request the presence of the fire department, even if building employees can control the fire.

(4) Building employees may operate fire extinguishers when attempting to control fires to aid in

maintaining evacuation routes; however, employees are encouraged to evacuate the building and allow the fire department to control fires. The fire department has prime authority to direct fire fighting activities.

(5) Note: An incipient fire is a small and contained fire producing small amounts of smoke.

(6) Chemical spills, bomb threats, natural disasters could also precipitate a situation calling for a building evacuation. In the case of this event the evacuation would be called via the public address system.

(C) Escalation by clients and workplace violence incidents (Lockdown):

(1) In the event of an intruder or a client who poses a threat, employees should telephone 911 or use an accessible distress button. If an intruder enters the building, and is armed or indicates a threat to personnel, the following steps should be taken:

(a) Call 911 if you can do so safely.

(b) Do not confront the intruder.

(c) Follow instructions given by the intruder, particularly if they are armed.

(d) Do not violate the intruder's space, use loud tones or issue false promises or threats.

(e) Follow instructions given by the intruder, particularly if they are armed.

(e) Personnel who are not immediately in the location of the intruder, and who become aware of the intruder's presence should lock themselves in a separate room if possible after dialing 911. See Appendix G for list of lockdown areas located in the Municipal Center.

(2) The exteriors of the building, including the parking areas, are provided with lighting. If an employee has any concern with regard to entering or leaving the parking lot, they should request assistance from the Sheriff's Office.

(3) See Appendix A for Lockdown instructions.

(D) Commercial traffic related incidents including chemical spills, natural disasters, weather events and bomb threat (Shelter in Place).

(1) In the event of commercial traffic related incidents, natural disasters and weather events the Incident Commander may call for a "Shelter in Place". See Appendix A for Shelter in Place instructions.

(2) Should an employee receive a bomb threat, he or she should complete the New York State Police Bomb Threat Card which is kept near each telephone (Appendix D) and immediately notify 911. See Appendix A for additional Shelter in Place instructions.

(3) Bomb Threat (Generic, Non-specific Bomb Threat, i.e., no specific date, time, location or method):

(a) Instruct everyone to remain where they are, and scan their respective area for anything out of the ordinary.

(b) Call 911.

(c) Scan common areas for anything unusual. Do not touch anything.

(d) If no device is found, decide whether to continue normal operations or evacuate. The Incident Commander may consult with police to make their decision.

(e) If a device is found, follow steps for a "Specific" bomb threat.

(4) Bomb Threat (Specific):

(a) Call 911.

(b) Announce "Shelter-in-Place".

(c) Move people out of the immediate area where the device is found, or area identified in the specific threat, to another area of the building.

(d) Assist first responders as necessary.

(E) Natural disasters and weather events (Duck and Cover).

(1) In the event of severe weather that can cause flying glass or loss of structural integrity, the Incident Commander will call for a "Duck and Cover", and have employees move into corridors and assume the duck and cover position. See Appendix A for Duck and Cover instructions.

(2) Snow and ice - general considerations.

(a) Maintenance of exits.

(b) Maintenance of walkways.

(c) Watch for snow and ice loading on roof - post warning signs or barricades for clients and employees if ice and snow might fall from the roof.

(d) Prepare areas for plowing snow.

(e) The Incident Command will notify personnel of hazards when coming to work and determine who is able to get to work.

(3) Severe thunderstorms/hurricanes - general considerations.

(a) Stay away from telephone lines and metal pipes, which can conduct electricity.

(b) Secure loose objects that may blow around the facility.

(c) Stay away from windows and doors.

(d) The Incident Commander will notify personnel of hazards when coming to work and determine who is able to get to work.

(4) Building closing procedures due to weather conditions, etc.

(a) Procedure for final determination as to whether to close the building: County Administrator shall confer, as necessary, with:

1. Director/Deputy Director of OES.

2. Chairman of the Board of Supervisors.

3. DPW Superintendent.

4. Sheriff.

(b) If it is determined to close one or more County Buildings, the following procedures will be followed:

1. The County Board Chairman, County Administrator or designee will notify the press, or if after business hours, notification will be to the Office of Emergency Services who will arrange to send it to the 911 communications center which will in turn notify all press, paper, TV and radio on file. The Office of Emergency Services will also post the closing notice to its Face Book account and, depending on availability lighted variable message signs providing closing notification will be placed, as soon as practical, at the affected building entrance to provide notification to the general public;

2. The Closing will also be posted to the County Web site on the Home page near the top of the page and below the caption "County News and Events";

3. The closing will be posted to the School Closings network which provides the scrolling information on TV and to the radio stations;

4. An email will be sent to "Warren County Supervisors", "Department Heads", and "All Employees" - at the on file government email addresses - this will allow those that access their County email to find out information that way as well (including Chief Clerk of the Supreme Court and Chief Clerk of the Family Court);

5. Depending upon weather conditions, a secondary notice will be sent, at such time as appropriate, to cancel all non-essential meetings, clinics, etc. to Department Heads.

6. A phone call will be made to each Department Head. For after hour events, Department Heads are encouraged to utilize phone trees in their own departments so that staff can be notified in that manner as well; and

7. Closed notices will be posted at or near building entrances as soon as practical.

(c) Depending upon conditions, the County Administrator may determine to implement a liberal leave policy by notifying Department Heads of the same and asking them to extend liberal leave to their employees with the understanding that, most likely, DPW, Sheriff, Nursing Home, Countryside, Airport and Buildings and Grounds will not be extending the liberal leave policy due to the particular tasks or jobs their staff may need to engage in during the storm.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.034 CRISIS RESPONSE PROCEDURES.

In the interest of consistent community and media relations, employees shall not make statements on behalf of the County to representatives of the press, television, or radio, nor may they photograph, videotape, or record at the facility. Inquiries from the media must be referred to the County Administrator as the designated Public Information Officer (Appendix E).
(Res. 484 of 2014, passed 10-17-2014)

Warren County Human Services Building Emergency Action and Response Plan

Editor's note:

All activities within the framework of this plan will be carried out with the Incident Command System within the National Incident Management System. Warren County formally adopted the National Incident Management System in Res. 616 of 2006.

Appendix A through Appendix G can be found on file with the Self Insurance Office.

§ XIII.045 ORGANIZATION.

(A) *List of contacts for further information.*

(1) Names or regular job titles of persons or departments at the Warren County Human Services Building facility located at 19 Glen Lake Road, Queensbury, New York who would be contacted for further information or explanation of duties under this plan:

Insurance Administrator/Safety Officer	761-6529

(2) See also Chain of Command in § XIII.046(C)).

(B) *Training and exercises.*

(1) Training is important for the effectiveness of an emergency plan. Before implementing an emergency action plan a sufficient number of persons must be trained to assist in the safe and orderly evacuation of employees. Training for each type of disaster response is necessary so that employees know what actions are required.

(2) All employees will be trained in the following in accordance with the Employee Quick Response Card found in Appendix A of this document:

(a) Evacuation.

(b) Lock Down.

(c) Shelter-in-Place.

(d) Duck and Cover.

(3) These Training Programs should be provided as follows:

(a) Initially when the plan is developed.

(b) For all new employees, interns, long-term vendors or others that might be alone in the building.

(c) When new equipment, materials, or processes are introduced.

(d) When procedures have been updated or revised.

(e) When exercises show that employee performance must be improved.

(f) At least annually.

(4) Potential Incident Commanders shall take incident command training. Minimally NIMS 700 and ICS 100.

(5) The Human Services Building will hold a minimum of two fire drills per year, and at least one emergency drill from the Employee Quick Response Card e.g., Duck and Cover, There will be an evaluation of the performance made immediately by management and employees. After Action Reports/Improvement Plans of all exercises will be prepared and maintained. The emergency plan will be reviewed periodically and updated to maintain adequate response and program efficiency.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.046 COMMUNICATION.

(A) *Methods of communication.*

(1) During an emergency involving a fire or explosion, it may be necessary to evacuate all work areas. A method of communication is needed to alert employees to the evacuation or to take other action as required in the plan.

(2) The communication procedure for notifying employees of the need to evacuate is through the use of the fire alarm. The fire alarm signal is an audible signal and a strobe light signal. The telephone would be used for contacting local authorities (i.e., Security or 911 Communications Center).

(3) The Human Services Building has an "All Call" paging function through the phone system. This "All Call" notification will be used to advise employees of other response actions necessary in the event of an incident which does not require evacuation from the facility and notification via the fire alarm.

(4) Dial 6640.

(a) 00 = All Zones.

(b) 01 = First Floor Hallways.

(c) 02 = Family/Waiting Room First Floor.

(d) 03 = Group Recert Room.

(e) 04 = Second Floor Halls.

(f) 05 = Third Floor Halls and Break Room.

(g) 06 = Basement and Conference Rooms.

(5) The Highest Ranking Person in the Chain of Command has the primary responsibility for

setting up, directing, maintaining, and operating all communications in an emergency action situation.

(6) During non-working hours: the Primary Method of notification of key people while off duty is by cell phone or home phone using a department phone tree.

(7) During working hours: the Primary Method of communicating during an all building emergency will be via County email, public address and phone systems.

(B) *Indirect communications or alarm signals during work hours*. The building is equipped with fire, heat and smoke detection systems that are monitored by a contracted vendor. The fire alarm signal will be used as a warning for conditions that warrant facility wide emergency action and evacuation. Once the alarm is raised, employees shall evacuate the facility and report to the emergency evacuation areas, see Appendix B.

(C) *Chain of command*.

(1) A chain of command is established to minimize confusion so that employees will have no doubt about who has authority for making decisions.

(2) The chain of command for the Human Services Building is:

Position	***Phone Number***
Commissioner DSS	761-6362
Deputy Commissioner DSS	761-6310
Insurance Administrator	761-6529
Director OFA	761-8820

(3) In the event that no member of the Chain of Command for the Human Services Building is available at the time of an emergency, the Incident Command will be drawn from the Warren County Municipal Center's Chain of Command, or a member of the County Chain of Command may choose to become Incident Commander at a facility incident based on the scale or scope of the emergency.

(4) If there is an emergency which affects both buildings, the Incident Command will be drawn from Warren County Municipal Center's chain of command.

(D) *Reporting*.

(1) Means of reporting fires and other emergencies.

(a) Call 911.

(b) Fire Alarm, Pull Down System.

(c) Verbal through the "All Call" feature on the telephone system.

(d) Notify the Security Desk via telephone at 6248.

(2) (These are not any specific order, see Communication Plan, divisions (A) and (C) above.)

(3) A list of Important Contacts and phone trees are documented in Appendix C.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.047 ACTION AND RESPONSE.

(A) *Procedures during evacuation*. Employees shall not be expected to remain in operating areas during an emergency that requires facility wide evacuation, during normal operating conditions. During an emergency, employees should not turn off computers and printers but should shut off any heat producing equipment such as toasters and portable heating equipment, if time allows. All employees and visitors will evacuate the building upon being notified to do so. Employees should bring their coats and car keys with the idea they may not be allowed to return, only if they can be easily reached without delaying evacuation, and should proceed to the evacuation areas (see Appendix B). When the emergency allows,

the Incident Commander will establish a Command Post in front of the main entrance where the Security Supervisor and Incident Commander will greet incoming emergency vehicles. If the nature of the emergency does not allow the command post to be in front of the main entrance, the Incident Commander will designate another command post.

(B) *Emergency escape procedures.*

(1) A map of the facility can be found in Appendix B of this document. Evacuation routes are posted by each exit door, and in the event of an evacuation, employees and visitors should evacuate the facility by use of the nearest available marked exit. If the closest stairway or exit is unusable, another exit should be located and used.

(2) Employees and visitors should not use elevators to evacuate the building.

(C) *Procedures to account for personnel.*

(1) After emergency evacuation has been initiated, all employees and visitors will gather at the designated emergency evacuation area. The area fire marshal (see list in Appendix B) will verify the adequacy of the evacuation in their area and then report to the assigned outside areas. Members of the chain of command and others have been issued portable radios as follows:

• DSS Accounting/Bus Stop	Unit 11
• DSS CPS/County Cars	Unit 10
• Self-Insurance/County Cars	Unit 13
• OFA/Bus Stop	Unit 18
• Security Supervisor	Unit 5
• HSB Security	Units 1 and 2
• MC Probation Security	Units 3, 4
• MC DMV Security	Unit 7
• County Administrator	Unit 14
• Health Services/Gazebo	Unit 15
• Clerk of the Board/Flag Pole	Unit 16
• County Clerk/DMV Assembly	Unit 12
• Probation/Probation Assembly	Unit 19
• Superintendent of Buildings	Unit 17

(2) Members of the chain of command and those that have been issued radios will report to each of the evacuation sites with their radios and will communicate evacuation status to the Incident Commander at the command post. The Incident Commander will be responsible for reporting the evacuation status to incoming police and other emergency services personnel including the status of non-ambulatory or disabled persons.

(a) Non-Ambulatory personnel and any other persons not physically able to use the stairs should report to one of the two designated areas of refuge located in the rear stairwells at the east and west ends of the building on each floor and press the button to speak with Emergency Services.

(b) All personnel who have evacuated to the evacuation areas will remain there until told that they may return to the building by the Incident Commander or the first responders.

(c) If the building cannot be re-entered or the first responders indicate that employees must be relocated, the assembly area radio personnel will lead persons from their assembly/evacuation areas to the main hallway near DMV at the Municipal Center, if available, and organize by department.

(D) *Medical assistance.*

(1) Warren County does not expect or require any employee to provide medical assistance or CPR to injured colleagues or visitors, if any employees have received training and choose to provide medical assistance or perform CPR on an injured colleague or visitor, they do so on a voluntary "good Samaritan" basis and are encouraged to follow universal precautions as taught to them in their certification classes. An Automatic External Defibrillator (AED) machine is located in the Security area of the building.

(2) The following is information should someone choose to assist an injured worker while awaiting the arrival of emergency medical services.

(a) Rendering First AID/ CPR:

1. Call 911.

2. Perform a primary victim assessment to determine what the next step will be.

a. Does the victim have an open airway?

b. Is the victim breathing?

c. Is the unconscious victim's heart beating?

d. Is the victim bleeding heavily?

3. Check for medical alert tag.

4. Render basic first aid as appropriate and in accordance with training.

5. Render CPR as appropriate and in accordance with training.

6. For a person that may be choking:

a. If the person is coughing forcefully he/she is able to get oxygen. Encourage the person to keep coughing.

b. If the person cannot cough, cry, speak or breathe, get permission to help and have someone call 911. Administer five back blows and five abdominal thrusts until the object is forced out, the person starts to cough, cry, speak or breathe on his/her own or the person becomes unconscious. If the person becomes unconscious, gently lower him/her to the floor being careful to protect the head on the way down.

(b) Additional medical assistance: if person requires additional medical attention from a physician but the condition is not an emergency, transport victim to:

Glens Falls Hospital	(518) 926-1000

(c) Emergency conditions.

1. If the condition of the victim is considered an emergency, call the emergency medical services by dialing 911. It is important to stay calm and speak clearly and concisely to the 911 operator.

2. Be prepared to give:

a. The victim's location.

b. A call back number for yourself.

c. The nature of the emergency.

d. Number of persons needing help and any special conditions.

e. Condition of victim(s).

f. Always be the last person to hang-up the phone.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.048 TYPES OF EVACUATIONS TO BE USED IN EMERGENCY CIRCUMSTANCES.

(A) (1) The following list has been compiled and thought to be the most likely emergencies at the facility, not in specific order:

(a) Fire and/or associated explosions, chemical spills, bomb threat, natural disasters and weather events (Evacuation).

(b) Escalation by clients and Workplace violence incidents (Lockdown).

(c) Commercial traffic related incidents including chemical spills, natural disasters, weather events and bomb threat (Shelter in Place).

(d) Natural disaster and weather events (Duck and Cover).

(2) Procedures to be followed in the event of an emergency are located in Appendix A.

(B) Fire and/or Associated Explosions (Evacuation).

(1) The fire protection system consists of heat, smoke and fire detectors within the facility that are monitored by a contracted vendor. The means of egress from the building are indicated on the diagrams located in Appendix B, and exit routes are posted in the building.

(2) Portable fire extinguishers are located in common areas in the facility.

(3) In the event of a fire (other than incipient), pull a fire alarm pull station and notify 911 of the nature of the emergency, location, severity, and number of injuries. Request the presence of the fire department, even if building employees can control the fire.

(4) Building employees may operate fire extinguishers when attempting to control fires to aid in maintaining evacuation routes; however, employees are encouraged to evacuate the building and allow the fire department to control fires. The fire department has prime authority to direct fire fighting activities.

(5) Note: An incipient fire is a small and contained fire producing small amounts of smoke.

(6) Chemical spills, bomb threats, natural disasters could also precipitate a situation calling for a building evacuation. In the case of this event the evacuation would be called via the public address system.

(C) Escalation by clients and workplace violence incidents (Lockdown).

(1) In the event of an intruder or a client who poses a threat, employees should telephone 911 or use an accessible distress button. If an intruder enters the building, and is armed or indicates a threat to personnel, the following steps should be taken:

(a) Call 911, if you can do so safely.

(b) Do not confront the intruder.

(c) Follow instructions given by the intruder, particularly if they are armed.

(d) Do not violate the intruder's space, use loud tones or issue false promises or threats.

(e) Stay calm and do not attempt to negotiate or sympathize with the intruder.

(f) Personnel who are not immediately in the location of the intruder, and who become aware of the intruder's presence should lock themselves in a separate room if possible after dialing 911. See Appendix G for list of lockdown areas located in the Human Services Building.

(2) The exteriors of the building, including the parking areas, are provided with lighting. If an employee has any concern with regard to entering or leaving the parking lot, they should request assistance from the Sheriff's Office.

(3) See Appendix A for Lockdown instructions.

(D) Commercial traffic related incidents including chemical spills, natural disasters, weather events and bomb threat (Shelter in Place).

(1) In the event of commercial traffic related incidents, natural disasters and weather events the Incident Commander may call for a "Shelter in Place". See Appendix A for Shelter in Place instructions.

(2) Should an employee receive a bomb threat, he or she should complete the New York State Police Bomb Threat Card which is kept near each telephone (Appendix D) and immediately notify 911. See Appendix A for additional Shelter in Place instructions.

(3) Bomb Threat (Generic, Non-specific Bomb Threat, i.e., no specific date, time, location or method):

(a) Instruct everyone to remain where they are, and scan their respective area for anything out of the ordinary.

(b) Call 911.

(c) Scan common areas for anything unusual. Do not touch anything.

(d) If no device is found, decide whether to continue normal operations or evacuate. The Incident Commander may consult with police to make their decision.

(e) If a device is found, follow steps for a "Specific" bomb threat.

(4) Bomb Threat (Specific):

(a) Call 911.

(b) Announce "Shelter-in-Place".

(c) Move people out of the immediate area where the device is found, or specific threat has been issued to, to another area of the building.

(d) Assist first responders as necessary.

(E) Natural disasters and weather events (Duck and Cover).

(1) In the event of severe weather that can cause flying glass or loss of structural integrity, the Incident Commander will call for a "Duck and Cover", and have employees move into corridors and assume the duck and cover position. See Appendix A for Duck and Cover instructions.

(2) Snow and ice - general considerations.

(a) Maintenance of exits.

(b) Maintenance of walkways.

(c) Watch for snow and ice loading on roof - post warning signs or barricades for clients and employees if ice and snow might fall from the roof.

(d) Prepare areas for plowing snow.

(e) The Incident Command will notify personnel of hazards when coming to work and determine who is able to get to work.

(3) Severe thunderstorms/hurricanes - general considerations.

(a) Stay away from telephone lines and metal pipes, which can conduct electricity.

(b) Secure loose objects that may blow around the facility.

(c) Stay away from windows and doors.

(d) The Incident Commander will notify personnel of hazards when coming to work and determine who is able to get to work.

(4) Building Closing Procedures due to weather conditions, etc.

(a) Procedure for final determination as to whether to close the building: County Administrator shall confer, as necessary, with:

1. Director/Deputy Director of OES.

2. Chairman of the Board of Supervisors.

3. DPW Superintendent.

4. Sheriff.

(b) If it is determined to close one or more County Buildings, the following procedures will be followed:

1. The County Board Chairman, County Administrator or designee will notify the press, or if after business hours, notification will be to the Office of Emergency Services who will arrange to send it to the 911 communications center which will in turn notify all press, paper, TV and radio on file. The Office of Emergency Services will also post the closing notice to its Face Book account and, depending on availability lighted variable message signs providing closing notification will be placed, as soon as practical, at the affected building entrance to provide notification to the general public;

2. The Closing will also be posted to the County Web site on the Home page near the top of the page and below the caption "County News and Events";

3. The closing will be posted to the School Closings network which provides the scrolling information on TV and to the radio stations;

4. An email will be sent to "Warren County Supervisors", "Department Heads", and "All Employees" - at the on file government email addresses - this will allow those that access their County email to find out information that way as well (including Chief Clerk of the Supreme Court and Chief Clerk of the Family Court);

5. Depending upon weather conditions, a secondary notice will be sent, at such time as appropriate, to cancel all non-essential meetings, clinics, etc. to Department Heads;

6. A phone call will be made to each Department Head. For after hour events, Department Heads are encouraged to utilize phone trees in their own departments so that staff can be notified in that manner as well; and

7. Closed notices will be posted at or near building entrances as soon as practical.

(c) Depending upon conditions, the County Administrator may determine to implement a liberal leave policy by notifying Department Heads of the same and asking them to extend liberal leave to their employees with the understanding that, most likely, DPW, Sheriff, Nursing Home, Countryside, Airport and Buildings and Grounds will not be extending the liberal leave policy due to the particular tasks or jobs their staff may need to engage in during the storm.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.049 CRISIS RESPONSE PROCEDURES.

In the interest of consistent community and media relations, employees shall not make statements on behalf of the County to representatives of the press, television, or radio, nor may they photograph, videotape, or record at the facility. Inquiries from the media must be referred to the County Administrator as the designated Public Information Officer (Appendix E).
(Res. 484 of 2014, passed 10-17-2014)

WARREN COUNTY SAFETY AND HEALTH PROGRAM POLICY

Editor's note:
Appendix 1 through Appendix 3 can be found on file with the Self Insurance Office.

§ XIII.060 INTRODUCTION.

(A) The personal safety of our employees, as well as the general public, is a primary and continuing concern for Warren County. It is the goal of the County to provide every employee with a working environment free from recognized hazards that are a potential cause for serious physical harm or impairment.

(B) Warren County recognizes the five components of a safety program that are important to its ultimate effectiveness as:

(1) Management's commitment and leadership coupled with employee participation.

(2) Assignment of responsibilities for safety and health within the county.

(3) Identification and control of hazards.

(4) Training and education.

(5) Record keeping and hazard analysis.

(C) Consistent with this approach, the County will implement and or continue the following:

(1) Assign responsibilities for safety and health at all levels of the organization.

(2) Appoint a Safety Officer.

(3) Establish a Risk Management Steering Committee and Employee Safety and Health Committee.

(4) Develop process for identifying and eliminating potential hazards, tracking of incidents, and safety record keeping.

(5) Provide training and education systems for managers, supervisors and employees.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.061 ASSIGNMENT OF RESPONSIBILITIES.

(A) Board of Supervisors:

(1) Foster an environment of support for safety and health at all levels of the organization.

(2) Allocate appropriate resources for safety and loss control programming.

(3) Monitor the County's safety performance and effectiveness of safety systems and programming throughout the organization.

(B) Administrators and Department Heads will:

(1) Implement progressive accident prevention programs, systems, and techniques.

(2) Provide a working environment where identified hazards are controlled when elimination is not feasible.

(3) Cooperate with government and labor to optimize employee safety and health.

(C) Department Supervisors will:

(1) Be responsible and accountable for a superior level of employee protection and performance.

(2) Institute working practices that reflect the safest, most efficient methods available for accomplishing the County's objectives and required tasks.

(3) Educate and train employees regarding "on-the-job" hazards.

(D) All employees will:

(1) Be expected to perform their tasks in the safest and healthiest manner prescribed.

(2) Be expected to conduct themselves in a way that enhances their personal safety and that of their fellow employees.

(3) Be encouraged to cooperate and contribute towards the overall success of the safety program.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.062 SAFETY OFFICER (INSURANCE ADMINISTRATOR).

(A) The Safety Officer will be responsible for the management of the safety program of the County.

(B) The major functions of the position shall include:

(1) The facilitation of the Employee Safety and Health Committee and the Risk Management Steering Committee;

(2) The review and revision of the County's various safety policies;

(3) The selection of employees to serve on the Employee Safety and Health Committee;

(4) The oversight and or the establishment of the agenda of the Employee Safety and Health Committee and the Risk Management Steering Committee;

(5) Oversight of the development and monitoring of safety plans and programs (e.g. plans mandated by Occupational Safety and Health Administration and/or Public Employee Safety and Health standards).
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.063 RISK MANAGEMENT STEERING COMMITTEE.

(A) The Committee shall meet at least quarterly for an hour and half and not to exceed two hours.

(B) The Chairperson shall generate minutes that document attendance, topics covered, and findings and recommendations of the committee.

(C) The Chairperson shall be responsible for generating an agenda and forwarding it to the committee members.

(D) The Chairperson will represent the Committee at the Support Services Committee and/or Board of Supervisors for action items as necessary.

(E) The Committee is responsible for identifying compliance and employee safely and health issues that impact the organization, and assign a responsibility to available resources, e.g., Employee Safety and Health Committee and/or Safety and Health Consultant.

(F) The Committee is responsible for reviewing the finding and recommendations of the Employee Safety and Health Committee and making recommendations to be forwarded to the Support Services Committee and/ or Board of Supervisors for appropriate follow through.

(G) The Committee is responsible for formally responding to recommendations of the Employee Safety and Health Committee.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.064 RISK MANAGEMENT STEERING COMMITTEE MEMBERSHIP.

(A) Chairperson: Insurance Administrator/ Safety Officer.

(B) Representative from the Office of the County Administrator.

(C) DPW management representative.

(D) Westmount management representative.

(E) DSS management representative.

(F) Health Services management representative.

(G) Office of Emergency Services representative

(H) Sheriff Department management representative.

(I) County's safety and health consultant.

(J) Employee Safety Committee Chairperson.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.065 EMPLOYEE SAFETY AND HEALTH COMMITTEE ROLES AND RESPONSIBILITIES.

(A) The Committee shall meet at least quarterly for an hour and half and not to exceed two hours at intervals separate and distinct from the Steering Committee.

(B) The Chairperson shall be responsible for generating an agenda and forwarding it to the committee members.

(C) The Committee shall review accidents and losses and make recommendations in their minutes for corrective action.

(D) The Committee shall discuss safety and health programming, training programs, and issues that impact employee safety and health.

(E) The Chairperson shall be responsible for generating minutes that document the attendance of the meeting, topics discussed, and formal recommendations of the committee.

(F) The minutes including membership of the Safety and Health Committee shall be posted in each County facility in the area where other employee rights and notices are posted. Minutes will also be sent via email to each County employee with email.

(G) The Committee shall evaluate suggestions made by employees as well as review facility safety performance and make recommendations to County management for recognition awards.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.066 EMPLOYEE SAFETY AND HEALTH COMMITTEE MEMBERSHIP.

(A) Chairperson: Deputy Insurance Administrator.

(B) County Safety Officer.

(C) County Safety and Health Consultant.

(D) Employee representative from DPW.

(E) Employee representative from Sheriff's Department.

(F) Employee representative from Human Services Building.

(G) Employee representative from Municipal Center.

(H) Employee representative from Social Services.

(I) Employee representative from Westmount.

(J) Additional at large employee representatives as assigned by County Safety Officer.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.067 SAFETY AND HEALTH HAZARD IDENTIFICATION.

An effective, pro-active safety and health program must seek to identify and abate potential hazards in all working areas and activities. To accomplish this goal, the Safety Officer will schedule inspections (utilizing Appendix 3 "Self-Inspection Checklist") of County facilities at an appropriate interval based on size and perceived safety and health exposures. The Safety Officer may have inspections conducted by the Safety and Health Consultant and/or Employee Safety and Health Committee members. Reports or audits shall be reviewed by the Safety Officer and the Risk Management Steering Committee, and items requiring additional analysis shall be forwarded to the Employee Safety and Health Committee. Hazards noted during inspections will be reported to the administration so that corrective action may be scheduled in a timely manner.
(Res. 484 of 2014, passed 10-17-2014)

§ XIII.068 SAFETY AND HEALTH SUGGESTIONS/CONCERNS.

Employees who identify a potentially hazardous condition/activity, or have a suggestion for improving safety performance shall be encouraged to complete a "Safety Suggestion/Environmental Quality Reporting Form" (Appendix 1) and submit it to the employee's supervisor or the Safety Officer. Employees may submit the form directly to the Safety Officer anonymously if they choose, The Safety Officer will review the forms with department heads to determine the status of the concern or suggestion and advise the County administration of items identified by employees and make recommendations for correction/action. The Safety Officer will review hazards and suggestions generated by inspections and "Safety Suggestions/Environmental Quality Reporting Form" and corrective actions taken, with the Safety and Health Committee. The Safety Officer shall provide a written response to the individual who noted the potential hazard if the form has been signed using Appendix 2 "Safety Suggestion Environmental Quality Reporting Response Form". The response shall include the results of the investigation and a description of any corrective action(s) taken. The Safety Officer shall also determine appropriate methods for informing employees of the proper use of the "Safety Suggestions/Environmental Quality Reporting Form".
(Res. 484 of 2014, passed 10-17-2014)

WORKPLACE VIOLENCE PREVENTION PLAN AND PROGRAM

§ XIII.080 PURPOSE.

(A) N.Y. Lab. Law § 27-b requires public employers (other than schools covered under the school safety plan requirements of the education law) to perform a workplace violence evaluation or risk evaluation at each worksite and to develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides. The Law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated by public employers and that a workplace violence protection program is implemented to prevent and minimize the hazard to public employees.

(B) The workplace evaluations must identify factors which may place the workforce at risk to occupational assaults or homicides. The results of the evaluation and the risk factors found are to be shared with employees initially and annually thereafter.
(Res. 174 of 2012, passed - -2012)

§ XIII.081 BOARD OF SUPERVISORS POLICY STATEMENT.

Warren County is committed to providing a safe workplace for our employees. We recognize that workplace violence presents a serious occupation safety hazard for workers. Therefore, Warren County has developed and shall implement this workplace violence prevention plan and program.
(Res. 174 of 2012, passed - -2012)

§ XIII.082 DEFINING WORKPLACE VIOLENCE.

(A) (1) In accordance with N.Y. Lab. Law § 27-b and for the purpose of this workplace violence prevention plan, workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting within Warren County.

(2) The workplace violence prevention plan has been developed to address three distinct types of Workplace Violence threats:

(a) Type 1 Threat: Physical assault, threatening behavior or verbal abuse by an assailant with no known legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act.

(b) Type 2 Threat: Physical assault, threatening behavior or verbal abuse by a recipient of a service provided by the County.

(c) Type 3 Threat: Physical assault, threatening behavior or verbal abuse by a current or former worker, supervisor or manager, or another person who has some employment-related involvement with the County, such as a worker's spouse or lover, a worker's relative or friend or another person who has a dispute with one of our employees.

(B) Workplace violence may include threats in the following specific situations or when made in person, in writing, by telephone or electronic communication:

(1) Non-specific threats of violence by employee.

(2) Specific threats of violence by employee.

(3) Threats of violence directed against an employee by a non-employee.

(4) Violent confrontation by a spouse or significant other with an employee over a personal/domestic dispute.

(5) Threats or threatening conduct by disgruntled or ex-employees.

(6) Violent altercations between two employees or employee and supervisor.

(7) Multiple assaults by intruder.

(C) Typical warning signs of potentially violent individuals may include: Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility, extreme agitation; making ominous threats such as: "bad things will happen" to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance, irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in County policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally.
(Res. 174 of 2012, passed - -2012)

§ XIII.083 WORKPLACE VIOLENCE PREVENTION RISK EVALUATION.

Warren County has performed "risk evaluations" of certain facilities identified in § XIII.085(F) as a means of inspection of workplaces to determine the presence of existing or potential hazards that might place employees at risk from physical assault, threatening behavior or verbal abuse. Warren County will be performing additional "risk evaluations" of the facilities so denoted in § XIII.085(F). The County employed the following techniques in developing risk evaluations for the facilities where the evaluations have been concluded and will also use the same techniques where the evaluations have not been concluded:

(A) An examination of the history of past incidents to identify patterns or trends which occurred in each workplace;

(B) A review of occupational injury and illness logs (SH 900) and incident reports to identify injuries that may have resulted from workplace violence incidents;

(C) Conducting workplace building security surveys.
(Res. 174 of 2012, passed - -2012)

§ XIII.084 RISK FACTORS IDENTIFIED IN § XIII.083.

(A) A review of the activities carried out at Warren County's facilities and by County employees, indicates that threats of violence may be initiated by any of the three types of individuals listed in

§ XIII.082 above. Many of the County's employees work closely with the public in situations at the following locations/worksites:

(1) Municipal Center which includes the County Clerk, Treasurer, Board of Supervisors, Civil Service, County Court as well as several other County departments.

(2) Human Services building which contains Social Services, Planning, Building Codes, Self-Insurance, Veterans Affairs as well as other County departments.

(3) Highway Department.

(4) Buildings and Grounds.

(5) Westmount Nursing Facility.

(6) Countryside Adult Home.

(7) Public Safety building which contains the Sheriff's Department and the correctional facility.

(B) Individual departments, within the County, who have constant contact with the public have their own Workplace Violence plans including DPW, Social Services, Health Services and Westmount Nursing Facility.

(C) The County has determined that the following are some of the factors or situations in County workplaces that might place employees at risk of physical assault, threatening behavior or verbal abuse.

(1) Duties that involve the handling or exchange of monies.

(2) Delivery of passengers, goods or services.

(3) Duties that involve mobile workplace assignments (i.e., health care, probation, social services, building inspection, criminal justice settings).

(4) Working alone or in small numbers (i.e., working late at night, during early morning hours or anytime the workplace is not fully staffed.)

(5) Duties that involve guarding valuable property or possessions.

(6) Working in community based settings.

(7) Bomb threats.

(8) Working in rural or sparsely populated areas.

(9) Working in a poorly lit environment. (Res. 174 of 2012, passed - -2012)

§ XIII.085 WORKPLACE VIOLENCE PREVENTION RESPONSIBILITIES.

(A) The County has identified the following responsibilities for implementing and maintaining the provisions of the Workplace Violence Prevention Program:

(1) The County Administrators Office is responsible for implementation of the Plan and for coordinating the delivery of required annual employee workplace violence prevention training and for ensuring that all new employees receive a copy of the Plan and required training.

(2) The County Administrators Office is also responsible for annual plan review, ensuring that its provisions are implemented and answering all employee questions relative to Workplace Violence Prevention procedures.

(3) All County employees will attend Workplace Violence Prevention training and review the contents of the plan. Training will be scheduled and announced as necessary. In addition this plan will be available from Department Heads and/or supervisors and will be posted in employee accessible areas.

(4) The County Administrators Office will periodically review this Workplace Violence Prevention Plan and annual employee training requirements.

(5) Department Heads will also conduct a formal review of any workplace violence incidents and within 30 days of the occurrence of an incident may recommend enhancements to the existing Plan and procedures.

(6) It is the responsibility of the Warren County Sheriff's Department or State Police to respond to and investigate all workplace violence incidents that occur in workplaces. The Investigating Officer will provide a preliminary report to the County Administrator within 15 days of the occurrence of a workplace violence incident.

(B) Injury and Illness Recordkeeping and Reporting Requirements for Workplace Violence Incidents:

(1) Currently, Warren County is required to record and report workplace violence incidents in accordance with N.Y. Lab. Law § 27-a (Public Employer Safety and Health Act). 12 NYCRR Part 801.

(2) Recording and Reporting Public Employees' Occupational Injuries and Illnesses, specifies conditions for employer recordkeeping and reporting requirements. Specifically, an employer is required to record an employee workplace violence injury if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid and loss of consciousness. Employers are also required to report employee workplace violence related fatalities and multiple hospitalizations to the Department's Public Employee Safety and Health (PESH) Bureau within eight hours of the incident.

(3) (Refer to 12 NYCRR Part 801 for complete information pertaining to employee recordkeeping and PESH reporting requirements.)

(C) Employee Communication: To properly maintain a safe, healthy and secure workplace the County is committed to having an open, two-way communication policy between all employees on all workplace safety, health and security issues. This communication is designed to encourage a continuous flow of safety and health information between management and employees without fear of reprisal and is readily understandable. This communication system will provide and accomplish the following:

(1) Employee orientation and training on workplace violence prevention and worksite security policies, procedures and work practices.

(2) Periodic review of the Workplace Violence Prevention Plan and Program with all personnel.

(3) Training programs designed to address specific aspects of workplace violence prevention and security that are unique to the County.

(4) Discussion of Workplace Violence Prevention at regularly scheduled safety and health meetings.

(5) Posted or distributed workplace security information.

(6) A system for employees to readily inform management about workplace security hazards or threats of violence.

(7) Procedures for protecting any employee who reports a threat from retaliation by the person making the threat.

(D) Preventing Workplace Violence at worksites: There is no single ingredient that will prevent or reduce violence in the workplace. Preventative measures must be based on a thorough understanding of risk factors associated with the various types of workplace violence that could occur. While understanding the factors that lead to workplace violence are not always evident, sufficient information is available which can reduce the risk. However,

strong management commitment, and the day-to-day involvement of department managers, supervisors, employees and labor unions, is required to reduce the risk of workplace violence. To that end, the County will utilize the following measures in developing and maintaining its Workplace Violence Prevention Program:

(1) *Foster a supportive harmonious work environment:* Create a culture of mutual respect to help reduce harassment and hostility in the workplace. Management will strive to communicate openly, give employees adequate control in their work and provide them with support and recognition. Conflict and stress are lower when employees feel empowered to work independently and are motivated to work cooperatively.

(2) *Train employees on how to resolve conflicts:* Conflicts on the job can be reduced by developing employee skills in negotiating, communicating effectively, team building and resolving disputes.

(3) *Develop effective policies to protect employees from harassment:* Strive to build a culture free of harassment and discrimination and advance this goal by having systems in place to address infractions. Warren County will not tolerate physical assault, threatening behavior or verbal abuse. Further, all complaints will be expeditiously and thoroughly investigated. Appropriate action will be taken to those who violate this policy.

(4) *Establish procedures for handling grievances:* Employees will follow grievance procedures for reporting complaints of unfair treatment, discrimination or harassment.

(5) *Provide personal counseling through an employee assistance program:* Employees can use County resources to address personal concerns. If a physical assault, threatening behavior or verbal abuse incident occurs at work, support services can be made available by the County to help employees cope with their fears and concerns.

(6) *Implement security programs that protect employees:* The County has a variety of methods in-place to ensure worker safety. Such methods include: access control to facilities; employee background screening; and, employee safety awareness and training.

(7) *Provide employee safety education programs:* In addition to making workers aware of safety policies and employee support services, the County will provide education on ways to maximize safety at work.

(8) *Train supervisory personnel on how to recognize signs of a troubled employee:* The County will provide periodic information and/or training to managers and supervisors on how to recognize signs and symptoms of a potentially violent employee. Also, supervisory personnel can be instructed on how to be sensitive to signs of possible abuse among employees, such as frequent absences or depression.

(E) Reporting Workplace Violence Incidents:

(1) Any employee or representative thereof who believes that a serious violation of the Workplace Violence Prevention Plan and Program has occurred or that an imminent danger exists, should bring such matter to the attention of a Supervisor or Department Head in the form of a written notice. The referral is not required where imminent danger or threat exist to the safety of a specific employee or to the general health of a specific patient and an employee reasonably believes in good faith that reporting to a Supervisor or Department Head would not result in corrective action.

(2) When a workplace violence incident results in a serious injury, emergency responders such as Police, Fire and/or Ambulance personnel will be promptly notified. The Warren County Sheriffs Department, County Administrator, Department Head and employee's supervisor will also be immediately notified. Based on the seriousness of the incident, the County Administrator may assemble a Workplace Violence Management Response Team which may

include the County Attorney, law enforcement, Employee Assistance Program Coordinator, various Department Managers, representatives from the Employee Safety and Health Committee, Employee Union representatives and other others as deemed necessary. This team will evaluate the details of the violent incident, implement required employee safety measures, coordinate with the victim's family, other employees, the media and law enforcement personnel, and refer victims to appropriate assistance and community service programs that may include crisis counseling.

(F) County Worksite Security:

(1) The County primarily provides services to County residents and visitors and its worksites must remain accessible to its clients as necessary. Therefore there is no intention to fortify facilities. The County will provide training to all employees as the primary means of reducing workplace violence. The County will utilize barriers, controlled entries, etc. where such are necessary. In addition, the following physical security measures are also employed at the various facilities as appropriate:

(a) Maintain exterior lighting, especially in areas where employees walk to their cars.

(b) As needed, prune landscaping to eliminate hiding places near entrances, walkways and parking areas.

(c) Keep all non-public entrances closed and locked. Post signs (where necessary) indicating public entrances.

(d) Post emergency numbers for police, fire and medical services.

(e) Equip vehicles with two-way radios as necessary.

(2) The following details the specific risks and control measures for each of the County's facilities:

(a) *Municipal Center:* To be completed following risk evaluations.

(b) *Human Services Building:* To be completed following risk evaluations.

(c) *Department of Public Works:* Please see the DPW's site specific plan.

(d) *Health Services:* Please see the Health Services specific plan.

(e) *Social Services:* Please see the Social Services specific plan.

(f) *Westmount Nursing Facility:* Please see the facility specific workplace violence plan.

(g) *Countryside Adult Facility:* To be completed following risk evaluations.

(h) *Public Safety Building:* To be completed following risk evaluations.
(Res. 174 of 2012, passed - -2012)

CHAPTER XIV: SHERIFF'S OFFICE

Section

General Provisions

XIV.01 Amending maximum number of sick leave days that non-union members of the sheriff's office may accrue for purposes of sick leave

Regulation 044: Use of Physical Force

XIV.15 General policy
XIV.16 Deadly force
XIV.17 N.Y. Penal Law Article 35, § 35.30
XIV.18 Continuum of force
XIV.19 Duties of member
XIV.20 Duties of patrol supervisors
XIV.21 Duties of investigator
XIV.22 Administration Office action
XIV.23 Non-violent civil rights demonstrations

GENERAL PROVISIONS

§ XIV.01 AMENDING MAXIMUM NUMBER OF SICK LEAVE DAYS THAT NON-UNION MEMBERS OF THE SHERIFF'S OFFICE MAY ACCRUE FOR PURPOSES OF SICK LEAVE.

(A) The Sheriff advises that the positions of Undersheriff, Major, Corrections Captain, Corrections Inspector and Systems Maintenance Coordinator currently are allowed to accumulate sick leave up to a maximum of 180 days to be used for sick leave purposes and the Sheriff, upon consideration of the number of days allowed to be retained under the collective bargaining agreements with the Patrol Officers, Correctional Lieutenants and Police Supervisors, has recommended that the number of days for the non union personnel also be increased to 200.

(B) The increase in the maximum number of days allowed to be accrued for sick leave purposes shall not affect the maximum amount of sick leave accruals that the County pays in retirement.

(C) That for only the positions identified in division (A) of this resolution, the maximum number of sick days that may be accumulated by any employee shall be 200 days and the same may be kept to their credit for future sick leave purposes, but shall not increase the amount to be paid in retirement for accumulated but unused sick leave.

(D) Any resolutions previously adopted concerning the maximum amounts authorized to be accrued are hereby amended accordingly.
(Res. 164 of 2014, passed - -2014)

REGULATION 044: USE OF PHYSICAL FORCE

§ XIV.15 GENERAL POLICY.

(A) Law enforcement agencies must recognize and respect the value and dignity of every person. In vesting law enforcement officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

(B) Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effectuating an arrest is where a suspect

complies with simple directions given by an officer. When officers are confronted with a situation where control is required to effect arrest or protect the public safety, officers should attempt to achieve control through advice, warnings and persuasion. Where such verbal persuasion has not been effective, is not feasible, or would appear to be ineffective, an officer may use force that is reasonably necessary.

(C) Policing requires that at times an officer must exercise control of a violent, disruptive, or resisting individual to make an arrest, or to protect the officer, other officers, or members of the general public from a risk of imminent harm. Police officers should use only an amount of force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officers and others.
(Dated May 2009)

§ XIV.16 DEADLY FORCE.

(A) Law enforcement officers are authorized to use deadly force only when it is reasonable and necessary to protect the officer or others from an imminent danger of death or serious physical injury to the officer or another person. If non-deadly force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplishes the law enforcement purpose, deadly force is not necessary.

(B) All members are charged with being familiar with N.Y. Penal Law Article 35, and for periodically reviewing N.Y. Penal Law Article 35 to ensure strict compliance with New York State law as it applies to the use of deadly physical force. N.Y. Penal Law Article 35, § 35.30 is provided below for all members review.

(C) By legal definition, ***DEADLY PHYSICAL FORCE*** means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
(Dated May 2009)

§ XIV.17 N.Y. PENAL LAW ARTICLE 35, § 35.30.

Justification; use of physical force in making an arrest or in preventing an escape:

(A) A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that:

(1) The offense committed by such person was:

(a) A felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or

(b) Kidnaping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or

(2) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefore or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or

(3) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

(B) The fact that a police officer or a peace officer is justified in using deadly physical force under circumstances prescribed in divisions (A)(1)(a) and (A)(1)(b) above does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he or she is not seeking to arrest or retain in custody.

(C) A person who has been directed by a police officer or a peace officer to assist such police officer or peace officer to effect an arrest or to prevent an escape from custody may use physical force, other than deadly physical force, when and to the extent that he or she reasonably believes such to be necessary to carry out such police officer's or peace officer's direction, unless he or she knows that the arrest or prospective arrest is not or was not authorized and may use deadly physical force under such circumstances when:

(1) He or she reasonably believes such to be necessary for self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(2) He or she is directed or authorized by such police officer or peace officer to use deadly physical force unless he or she knows that the police officer or peace officer is not authorized to use deadly physical force under the circumstances.

(D) A private person acting on his or her own account may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; and may use deadly physical force for such purpose when he or she reasonably believes such to be necessary to:

(1) Defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(2) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible rape or forcible criminal sexual act and who is in immediate flight therefrom.

(E) A guard, police officer or peace officer who is charged with the duty of guarding prisoners in a detention facility, as that term is defined in N.Y. Penal Law Article 205, § 205.00, or while in transit to or from a detention facility, may use physical force when and to the extent that he or she reasonably believes such to be necessary to prevent the escape of a prisoner from a detention facility or from custody while in transit thereto or therefrom.
(Dated May 2009)

§ XIV.18 CONTINUUM OF FORCE.

(A) When the use of force is reasonable and necessary, officers should, to the extent possible, use an escalating scale of options and not employ more forceful means unless it is determined that a lower level of force would not be, or has not been, adequate.

(B) Each situation is unique. Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up or down the force continuum.

(C) It is not the intent of this policy to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

(D) The continuum of force levels are:

(1) Verbal Commands;

(2) Use of Hands;

(3) Oleoresin Capsicum (pepper) spray;

(4) Issued Baton;

(5) Canine (when available);

(6) Deadly Force.
(Dated May 2009)

§ XIV.19 DUTIES OF MEMBER.

(A) Any member using physical force pursuant to their duties shall report or cause to be reported all facts relative to the incident on a Use of Physical Force Report.

(B) Use of restraining devices as stated in this manual will not be construed as a use of physical force. However, when the handcuffs become an appliance to exert force necessary to subdue a person, or when the person physically resists the application of handcuffs, a use of physical force has occurred and the necessary reports must be submitted.

(C) Subsequent to the use of physical force the member shall immediately evaluate the need for medical attention for that person and arrange for treatment when any person has a visible injury or complains of injury or pain and requests medical attention.

(D) Persons with a visible injury who are refusing medical treatment may be transported to a hospital where the refusal can be witnessed by hospital personnel. Any refusal must be documented on the Use of Physical Force Report.

(E) The member shall immediately notify an on duty Patrol Supervisor of any incident involving the use of physical force whether it occurs on or off duty.
(Dated May 2009)

§ XIV.20 DUTIES OF PATROL SUPERVISORS.

(A) Ensure all members and other persons receive necessary assistance, including medical treatment and that all injuries are properly documented.

(B) Determine if an investigator should be called to the scene.

(C) Ensure a complete investigation is conducted and a report is prepared and submitted.

(D) Make an Administrative Notification if a defendant or third party is physically injured or requires any type of medical treatment as a result of the use of physical force.
(Dated May 2009)

§ XIV.21 DUTIES OF INVESTIGATOR.

(A) Respond as directed by a member holding the rank of Lieutenant or higher.

(B) Obtain written statements from all involved parties and witnesses of the incident.
(Dated May 2009)

§ XIV.22 ADMINISTRATION OFFICE ACTION.

(A) Review all reports, photos and documents of all Use of Force Incidents.

(B) Ensure a file is maintained, including all reports submitted in connection with the incident.
(Dated May 2009)

§ XIV.23 NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.

(A) Members shall not use excessive force against any individuals engaged in non-violent civil rights demonstrations.

(B) Members shall enforce applicable State and Local Laws against physically barring entrance to or exits from a facility or location which is the subject of such non-violent civil rights demonstrations.
(Dated May 2009)

CHAPTER XV: SOCIAL SERVICES

Section

Sexual Offender Homeless Housing Policy

XV.01 Policy
XV.02 Purpose
XV.03 Procedure

SEXUAL OFFENDER HOMELESS HOUSING POLICY

§ XV.01 POLICY.

It is the policy of the Warren County Department of Social Services to ensure that all individuals coming to our Department for housing assistance are provided with safe accommodations for lodging.
(Res. 328 of 2010, passed - -2010)

§ XV.02 PURPOSE.

To maintain compliance and safety for all applicants and recipients when ever possible.
(Res. 328 of 2010, passed - -2010)

§ XV.03 PROCEDURE.

(A) If an eligible homeless individual identifies himself/herself as a Sexual offender to a Department employee during normal business hours or after hours, they will be placed in a hotel/motel. Staff will run a computer sexual offender check for all persons identifying themselves as homeless. Staff will advise the hotel/motel if the person is a sexual offender.

(B) If we receive a lodging/housing request of a homeless family, with children under the age of 18, we will not place them at any other facility where we have knowingly placed sexual offenders.

(C) If we have any homeless single female or a family with children under the age of 18 which request information regarding sexual offenders, we will advise them of the website to access, which will inform them of the location of the sexual offenders so that they can see who offenders are should they desire to do so. If they do not have access to a computer and express an interest to view the site we will access the site to show them who the sexual offenders are.
(Res. 328 of 2010, passed - -2010)

CHAPTER XVI: TOURISM/OCCUPANCY TAX

Section

General Provisions

XVI.01 Occupancy tax scoring system guidelines
XVI.02 Setting minimum amount of $500,000 for unappropriated fund balance designated for occupancy tax

Warren County Tourism Policy Concerning the Publication of Advertisements

XVI.15 Introduction
XVI.16 General
XVI.17 Advertisement/acceptance; generally
XVI.18 Advertisements deadlines
XVI.19 Advertising fees
XVI.20 Advertising space allocation
XVI.21 Use of Warren County tourism advertising materials
XVI.22 Committee/department authority

Warren County Tourist and Convention Development Application and Contract

XVI.35 Application
XVI.36 Agreement

GENERAL PROVISIONS

§ XVI.01 OCCUPANCY TAX SCORING SYSTEM GUIDELINES.

(A) The Occupancy Tax Committee has developed certain Scoring System Guidelines (Res. 261 of 2006 and amended by Res. 81 of 2008, Res. 600 of 2010 and Res. 179 of 2011) as a mechanism to evaluate Occupancy Tax funding applications.

(B) The Occupancy Tax Committee has recommended amending the Scoring System Guidelines.

(C) The Warren County Board of Supervisors amend the above-mentioned Occupancy Tax Scoring System Guidelines developed by the Occupancy Tax Committee (see division (D) below), to be used as a mechanism to evaluate Occupancy Tax funding applications.

(D) Scoring system guidelines - occupancy tax.

Bed Nights - one room, one night	***Points***
20,000+	30
15,000–19,999	25
10,000–14,999	20
5,000–9,999	10
3,000–4,999	8
1,000–2,999	6
1–999	3
Economic Impact (Based on $100 per Day for Day-Tripper and $200 per Day for Overnight Visitor)	***Points***
20 million +	20
15–19 million	16
10–14 million	12
5–9 million	8

Economic Impact (Based on $100 per Day for Day-Tripper and $200 per Day for Overnight Visitor)	*Points*
2–4 million	5
1–3 million	3
Under 1 million	2
Length of Event	***Points***
6 + days	10
4–5 days	8
2–3 days	5
Month of Event	***Points***
January, February, March, April, November, December	10
September and June	6
October and May	6
July and August	2
New Event	***Points***
New Event–First Year	6–15
Second and Third Year	4
Fourth Year +	2
Funding is to Encourage New Events	
For 2014 funding, event requests will be organized alphabetically and by Town where event is being held. Workshop applicants wishing to make a presentation will speak in alphabetical order by name of organization, starting with the letter A. For 2015, applicants wishing to make a presentation will speak in reverse alphabetical order starting with the letter Z.	
Scoring	
Up to 15 points	$500 max
15 points	Minimum
16–19 points	$1,000–$4,000 max
20–24 points	$5,000–$7,000 max
Scoring	
25–29 points	$8,000–$11,000 max
30–34 points	$12,000–$19,000 max
35–39 points	$20,000–$24,000 max
40–45 points	$25,000 - $34,000 max
46 + points	$35,000–$50,000 max
** Events scoring 40 or more points will be considered a "super event" and will not be subjected to an incremental reduction.	
Variables	
Economic Impact to Individual Communities (ex. $300,000 to Stony Creek versus $300,000 to Lake George)	
Potential for Future Growth of Event	

(Res. 179 of 2011, passed - -2011; Res. 238 of 2014, passed - -2014)

§ XVI.02 SETTING MINIMUM AMOUNT OF $500,000 FOR UNAPPROPRIATED FUND BALANCE DESIGNATED FOR OCCUPANCY TAX.

(A) The Occupancy Tax Coordination Committee has recommended that the unappropriated fund balance for Occupancy Tax not be less than $500,000 at any point in time to allow the County to address unexpected contingencies.

(B) The County should at all times, maintain a minimum unappropriated fund balance of $500,000 for Occupancy Tax to be able to address unexpected contingencies and County Officials are hereby directed to assist the Board in maintaining this minimum balance by, from time to time, taking such action as providing reports and/or rendering advice to assist the Board.
(Res. 178 of 2011, passed - -2011)

WARREN COUNTY TOURISM POLICY CONCERNING THE PUBLICATION OF ADVERTISEMENTS

§ XVI.15 INTRODUCTION.

(A) For the purpose of promoting and publicizing the County and/or Region, Warren County publishes, publicizes and distributes various tourism publications in the nature of guides, event notices and/or other consumer/trade type publications or advertisements (such as restaurant place mats and calendars). In addition and in furtherance of the aforesaid purposes, Warren County also sponsors and/or participates in other advertising ventures such as cooperative advertising.

(B) In an effort to preserve the nature, character and purpose of Warren County's advertisements and/or promotions, this policy is adopted. This policy has been developed from an existing informal policy, and Res. 76 of 1986, the same being refined and, in some instances added to and/or revised, with the most recent revision having been done in 2013.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

Editor's note:

Advertisements include: print ads, television advertisements and videos, electronic ads, banner ads, electronic newsletters and contests, social media, mobile, public relations and OOH (out of house) advertising.

§ XVI.16 GENERAL.

(A) *Tourism publications.*

(1) With regard to the various tourism publications, Warren County shall accept and include paid advertisements for the purposes of offsetting costs associated with such publications.

(2) The nature or type of advertisements to be accepted for publication shall be consistent with the overall theme of promoting and publicizing the County and Region and particular publication(s). Classification or type of advertisement to be accepted for publications and other promotional ventures, as well as requirements concerning acceptance and procedures for accepting advertisements as more specifically set forth herein, shall be used to accomplish this purpose and make processing and consideration of advertisements more manageable.

(B) *Other sponsored advertising and promotional ventures - special rule.* With regard to other sponsored advertising and promotional ventures, Warren County's sponsorship and/or participation shall be designed to achieve the purpose of promoting and/or publicizing the advantages of Warren County and/or the Region at the lowest reasonable cost.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

§ XVI.17 ADVERTISEMENT/ACCEPTANCE; GENERALLY.

(A) *Acceptance of advertising - generally for publications - other sponsored advertisements and promotional events.*

(1) Advertisements in compliance with classification and other requirements of this policy will be accepted for publication in the Warren County tourism publications and/or other sponsored advertisements and promotional ventures, in the format and content provided, except that the Tourism Director and/or designee and the Tourism Committee shall, as set forth herein, reject any advertisement determined to:

(a) Not be consistent with the overall theme of promoting and publicizing the County or Region;

(b) Not fall within the classification/types of ads to be included in the particular publication;

(c) Set forth, depict and/or invite comparisons of the advertiser or the advertiser's product or service adverse to the County, Region or other businesses;

(d) Not be in good taste; and/or

(e) Be otherwise inappropriate.

(2) The Tourism Department and/or any other board or officer or employee of the County will not edit or otherwise modify the same except to the extent that it may be necessary to adjust the size of the ad or make other accommodations usually made for placement of the ad in a magazine, guide, or other means of communication such as television, newspapers, etc.

(B) *Classification/types of advertisements for tourism publications and/or other sponsored advertising and promotional ventures.*

(1) Advertisements accepted for tourism publications and/or other sponsored advertising and promotional ventures will be limited to the following classifications or types of commercial activity:

(a) Lodging facilities/accommodations. (This category includes hotels, motels, resorts, ranches, inns, multiple cottage/cabin business establishments, bed and breakfast establishments, tourism accommodations with multiple units, condominium establishments, internet lodging websites and lodges. This category also includes advertising and listing opportunities for vacation rental properties listed by all Warren County Realtors who are located within Warren County.)

(b) Campgrounds, including, but not limited to internet campground lodging websites, restaurants, Chambers of Commerce, CVB's, tourism trade professionals, attractions. (This category includes fun/water parks, rodeo/horseback riding, airplanes/hot air balloons, helicopters, billiards, bowling, carriage rides, cinemas, go-carts, mini-golf, roller skating, indoor amusement centers, trolleys, scenic train rides, museums, exhibits and galleries, comedy clubs/dinner theaters, golf courses, cruises, water sports activities and events such as sailing, diving, kayaking, boat rentals, wake boarding, jet skiing, canoeing, stand-up paddling, parasailing, waterskiing, downhill and cross-country ski centers, dog sledding, snowmobile rentals, outdoor guides not on fishing or hunting lists, (i.e., hiking, canoeing, snowshoeing guides, bicycle touring,) factory outlet centers (main offices only), Aviation Mall, antique centers, galleries, downtown business alliances, Glens Falls Civic Center.)

(c) Performance arts venues, sport/entertainment venues, charter/guide services. (such as fishing, hunting, rafting, tubing or ballooning).

(d) Shopping malls/plazas (advertisements for clusters or a number of stores). Profit/nonprofit organizations assisting with promoting travel, vacations, accommodations, etc., to the Warren County area.

(e) Special events taking place in Warren County and open to the public (including, but not limited to, sporting events, festivals, carnivals, Community Garage sales, fishing tournaments, cultural/performance events, conventions, races, educational and agricultural events and programs).

(f) Advertising, paid or otherwise, for sale, rental or lease of single family homes, single unit condominiums, or single unit cottages/cabins and/or single timeshare units, except vacation rentals (single or multiple), will not be accepted. Advertising, paid or otherwise, will not be accepted where the words "For Sale", "Sale" or "Sales" appear except in those instances where sale words are used in a legally necessary disclaimer.

(2) Paid advertisements for any publication will only be accepted for facilities located in Warren County or services offered in Warren County.

(C) *Rejection of advertisements and procedures.*

(1) *Rejection of advertisements.* The Tourism Director and/or the Director's designee shall reject any advertisement, for reasons set forth in division (A), which in whole or part are deemed not appropriate for insertion in any tourism publication and/or other sponsored advertisement or promotional ventures. The potential advertisers shall be notified of the rejection of the advertisement by either letter, fax and/or telephone call not later than five business days after the deadline date established for acceptance of

advertisements for the particular publication. The date of notification shall be documented by the Tourism Department. Notification shall be deemed to have occurred upon the occurrence of any of the following: mailing of the said letter or memo, faxing of a letter or memo, speaking with the potential advertiser by telephone, and/or by leaving a message for the potential advertiser with a person or answering machine at the advertiser's place of business or home address.

(2) *Appeals and other procedures.*

(a) Any potential advertiser whose ad is rejected by the Tourism Director and/or designee shall have the right to appeal such determination to the Warren County Tourism Committee and/or submit a new or revised advertisement to the Committee in lieu of the appeal as hereinafter provided. Consideration of a new or revised advertisement shall be reviewed and handled by the Tourism Committee in the same fashion as an appeal. The potential advertiser, however, by submitting only a revised or new advertisement shall be deemed to have waived the right to appeal the previously submitted advertisement as well as the new and revised advertisement.

(b) Any appeal must be made in writing by letter or memo (requesting an appeal) delivered to the Tourism Department within five business days of the date the Tourism Director or designee notifies the advertiser of the rejection. The Committee shall, subject to the provisions set forth below, meet to decide the appeal within five business days of receipt of the letter or memo requesting the appeal. Notice to the advertiser of said meeting shall be provided. Said notification may be made and shall be deemed to have occurred by way of any methods provided for the initial notice of rejection. The Committee shall hear from the potential advertiser (if the advertiser desires to be heard) and the Director or designee as well as accept all written and/or other documentation of the party's desire to present. If the potential advertiser is not able to attend a hearing or meeting set by the Committee, the Committee shall not be obligated to establish adjourn dates or provide any further opportunity to the potential advertiser. If the potential advertiser is unable to attend any meetings or hearings, written submissions may be made.

(c) In the event that a quorum of the Committee should not be available to meet within five business days, or if a quorum is not present on the scheduled meeting date, the meeting shall be scheduled or rescheduled as the case may be to such date as a quorum can be available for purposes of determining the appeal. Any determination made at any scheduled or rescheduled meeting of the Committee shall have full force and effect and be considered binding for all purposes regardless of whether the same is made within five business days of receipt of the appeal.

(d) At or after the scheduled meeting, the Warren County Tourism Committee shall make a determination as to whether the advertisement should be included in the tourism publication and/or other sponsored advertising and/or promotional ventures. The Tourism Committee's decision shall be final. The Committee shall promptly notify the potential advertiser of its decision. Said notification may be made and shall be deemed to have occurred by way of any method provided for the initial notice of rejection.

(e) Upon receiving notification that the Committee rejected the advertisement submitted, the potential advertiser shall have the right to submit a new or revised advertisement to the Tourism Department. A new or revised advertisement shall be submitted to the Tourism Department within five business days of notification of the Committee rejection. The new or revised advertisement shall be reviewed and a determination made as to whether the same is acceptable within five business days of receipt of the new or revised advertisement. A formal hearing or meeting shall not be required but the Tourism Director and Chairman of the said Committee with counsel from the County Attorney or attorney designated by the County Attorney, shall consider the terms and provisions of this policy as well as the Committee decision, if any, rejecting the initial advertisement submitted by the potential advertiser. The said Tourism Director and Chairman shall also

consider any additional submissions made by the potential advertiser at the time the new and/or revised advertisement is considered. The determination by the Tourism Director and Chairman shall be final and the Tourism Director shall promptly notify the potential advertiser of the decision. Said notification may be made and shall be deemed to have occurred by way of any of the methods provided for initial notice of rejection. Finally, in the event that the Tourism Director and/or the Chairman of the Tourism Committee should not be available and/or able, for any reason, to consider the new and/or revised advertisement as set forth herein, the County officer and/or employee designated by the Tourism Director and/or Vice Chairman of the Committee shall serve, respectively, for the County officer and/or employee unavailable or not able to participate in the determination process.

(D) *No warranties or endorsements concerning advertisements*. Warren County shall make no warranties or endorsements concerning any companies, services, or products or other information appearing in any advertisement. The sum and substance of this statement shall be publicized in a manner determined appropriate by the Tourism Director in all tourism publications and to the extent possible in all other sponsored advertisements and promotional ventures.

(E) *Special tourism publication rules*. Warren County tourism related businesses and chambers of commerce in Warren County and surrounding counties within the Adirondack Region may, when appropriate, be entitled to be listed free of charge in the Warren County tourism publications. The business listings shall be restricted to facilities located in or services offered in Warren County and the Adirondack Region. The nature and extent of any listing shall generally consist of the name, address and phone number, and inclusion in any available grids or other offered formats and under such headings or categories as deemed appropriate by the Tourism Department and Committee.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

§ XVI.18 ADVERTISEMENTS DEADLINES.

In order to timely publish tourism publications or sponsor advertisements and promotional ventures, it is, of course, imperative that dates be set by which advertisements must be received for inclusion in the same. The Warren County Tourism Director shall at such time as may be deemed appropriate, determine an appropriate date by which advertisements must be received for each tourism publication and/or sponsored advertisement and promotional venture, and submit the same for review and approval by the Warren County Tourism Committee. Unless changed by the majority vote of said Committee, all advertisements must be received by the Tourism Department by 5:00 p.m. or the time of closing of the Tourism Department on the date selected. Advertisements received after the established date and time shall be placed on a waiting list, in the order received, for further consideration by the Warren County Tourism Committee which may, depending upon whether the Committee finds it financially and/or otherwise feasible or in the best interest of the County, accept or reject the advertisements in a manner consistent with the terms and provisions of this policy.
(Res. 331 of 1998, passed - -1998; Res. 542 of 1998, passed - -1998; Res. 414 of 2002, passed - -2002; Res. 365 of 2003, passed - -2003; Res. 728 of 2003, passed - -2003; Res. 770 of 2004, passed - -2004; Res. 196 of 2014, passed - -2014)

§ XVI.19 ADVERTISING FEES.

(A) *Generally*. Advertising fees shall be established by the Warren County Tourism Committee taking into consideration the advice and recommendations of the Warren County Tourism Director. An advertisement shall not be published unless payment of the full fee owed is received prior to the deadline date. Advertisements shall not be considered as received for deadline or priority purposes until such time as the fee is paid.

(B) *Tourism publications*. In the case of tourism publications, such fees shall not be established in an amount greater than necessary to offset the cost of the Warren County Travel Guide. Costs associated with publication shall include not only the printing cost of the same, but any cost incurred in connection with development, layout, photographs, etc., including the value of time spent by Warren County Tourism Department personnel.

(C) *Other sponsored advertisements/ promotionals*. In the case of sponsored advertisements and promotional ventures, the fee shall be based on the cost of the advertisement or promotional medium and be developed to keep Warren County's share of the cost reasonable, fair and equitable taking into consideration the nature of the sponsored activity and extent of private participation.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

§ XVI.20 ADVERTISING SPACE ALLOCATION.

(A) *Generally*.

(1) The amount of paid advertising space allocated in each Warren County tourism publication and/or sponsored advertisement and promotional venture, shall be determined by the Warren County Tourism Director subject to review and approval by the Warren County Tourism Committee.

(2) The amount of total advertising space that will be made available to any single advertiser desiring to purchase space for one or more advertisements in any one tourism publication, shall be limited to one full page (on a first come, first serve basis, as more fully set forth below), except that an opportunity to purchase additional space is available after all other persons, companies, businesses or other entities desiring to purchase advertising space (on a first come first serve basis and complying with the other requirements of this policy), have had an opportunity to do so.

(3) In the event that the County shall receive more paid advertisements than may be included in any tourism publication and/or sponsored advertisement and promotional venture, advertisements will be accepted on a first come, first serve basis. In the event that the size of the last advertisement allowed under this policy will not fit into the space available, the Director shall contact the advertiser and provide the advertiser with the opportunity to reduce the size of the ad before proceeding to offer space to the advertiser for the advertisement next received. Finally, in the event that insufficient advertisements are received, the Director subject to modification of the Tourism Committee, may use any legal, reasonable and fair method to advise of the availability of such advertising space to interested businesses. All notices of the availability of advertising space shall make reference to and indicate this policy so that all potential advertisers are aware of the same.

(B) *Tourism publications*. With regard to tourism publications, in determining the amount of space to allocate, the Director and Committee shall take into consideration, the fact that the paid advertisements are to be incidental to the primary purpose of the tourism publications, as indicated herein. Further, costs associated therewith and practicalities associated with distribution and use by members of the general public of the Travel Guide shall also be considered.
(Res. 331 of 1998, passed - -1998; Res. 684 of 2001, passed - -2001; Res. 743 of 2006, passed - -2006; Res. 196 of 2014, passed - -2014)

§ XVI.21 USE OF WARREN COUNTY TOURISM ADVERTISING MATERIALS.

(A) *Images, photographs, pictures, videos*. Specific permission must be granted for any use of images, photographs, pictures, videos, etc. from any of the Warren County Tourism websites, publications, print advertisements and any and all material used must be credited to www.visitlakegeorge.com.

(B) *Text or written material.* Specific permission must be requested in writing for use of any or a part of Warren County Advertising text. In the event permission is granted, any use or part of text is to be credited to www.visitlakegeorge.com. Without first obtaining the aforementioned permission, there is to be absolutely no use of text or other written documentation from that text created and existing on any of the Warren County Tourism websites, publications, print advertisement, etc. at any time. Noncompliance with these requirements may result in Warren County Tourism refusing or otherwise restricting future advertisements or other legal remedies.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

§ XVI.22 COMMITTEE/DEPARTMENT AUTHORITY.

All administrative/administerial duties and responsibilities in the carrying out of the terms and conditions of this policy, shall be vested with the Warren County Tourism Committee and the Warren County Tourism Director, as is more specifically set forth herein.
(Res. 331 of 1998, passed - -1998; Res. 196 of 2014, passed - -2014)

WARREN COUNTY TOURIST AND CONVENTION DEVELOPMENT APPLICATION AND CONTRACT

§ XVI.35 APPLICATION.

APPLICATION FOR CONTRACT FUNDING WITH WARREN COUNTY UNDER THE TOURIST AND CONVENTION DEVELOPMENT AGREEMENT

I. ORGANIZATION AND CONTACT INFORMATION

1. A. Please set forth your complete corporate, association or group name.

_____

B. Please set forth the name of the event for which you wish to contract with Warren County.

_____

C. Please set forth the contract amount you propose to be paid by the County toward the event.

_____

2. Is the above name the only name you conduct business or fund raising under?

☐ Yes ☐ No. If No, please provide all other names you use for business and fund raising purposes.

3. If your organization is incorporated, please provide the state of incorporation and the complete corporate name, if different than set forth above.

4. Please set forth your organization's principal business address.

5. Please set forth your organization's contact person and that person's address, email address and telephone number (this should be the person County representatives may contact for contract information or if there is a need for presentations before County Committees or other questions).

   Name _____
   Address_____
   Email _____ Telephone _____

II. EVENT BACKGROUND INFORMATION

6. Please state the dates on which your event is planned to occur and for which you wish to contract with Warren County. (Please note: Warren County generally does not fund one day events, and it is expected that one day events will be addressed at the local Town, City, or Village level - the Board of Supervisors will, however, consider exceptions to this rule in the instance of special circumstances.)

   _____

7. Please set forth the planned location of your event.

   _____

8. Please provide a general description of your event i.e., the nature and type of event and why it is held. Include an agenda of activities during the event if possible.

   _____
   _____
   _____

9. Please describe what licenses, contracts and/or infrastructure have been or will be arranged to support the event.

   _____
   _____

10. Please state whether this is a one-time event in Warren County or whether you plan future events.

    _____

11. Please set forth the number of attendees projected to attend the event.

    a. _____

    b. How did you determine this number of attendees?

    _____

12. Please set forth the number of hotel, motel, inn, bed and breakfast or other overnight accommodations anticipated or projected and the length of stay anticipated.

    No. Of Rooms anticipated _____ Length of Stay (per party) _____
    How did you determine this number of rooms? _____

13. If your organization has previously received funding from the County, please attach the previous year's performance report and zip code list.

    What was the estimated number of rooms that were utilized? _____
    How did you determine this number? _____
    If you expect this to change this year, please indicate your reasons below.
    _____
    _____

14. What funding did your organization receive last year, if any? _____

15. How many years has Warren County funded this event? _____

16. Please set forth the marketing and advertising that is planned to occur. Please state, particularly the planned marketing and advertising areas (specify local, regional, state, national etc).
    _____
    _____
    _____

III. EVENT FINANCING INFORMATION

17. Please set forth the total cost anticipated to be borne by your organization as sponsor for the event.
    _____

18. Please set forth the funding that has been obtained or is expected to be obtained from the businesses, persons, governmental or non-profit agencies listed (an attachment may be provided instead of listing the same):
    _____
    _____

19. Please set forth how much you expect to raise from admission charges or fees earned from participating vendors.
    _____

20. Please set forth any other governmental or non-profit group financial assistance you have applied for (if this is already stated in response to paragraph 18, you need only to state this).
    _____
    _____

21. Please set forth the total amount that your organization has calculated that needs to be raised to fund the event that is currently not available or expected to be available.
    $_____

22. Please attach your proposed budget for the event, showing anticipated income and expenditures.

23. Please set forth a description of any end product that will be generated as a result of this funding, and whether it is intended that such end product, or copy thereof will be furnished to Warren County.
    _____
    _____

IV. WARREN COUNTY AGREEMENT INFORMATION

24. Please state whether you will agree to use the Warren County Tourism Logo with website provided by the Tourism Department in all advertisements, promotions and marketing materials distributed for the EVENT where reimbursement is requested and to secure prior approval by Tourism Department for the use and placement of the logo or if use is limited to certain promotional material, please describe where and when the logo will be used.

    _____

    Please note: Any advertising, promoting and marketing for the EVENT must include the Warren County Tourism logo with website to be reimbursed. Additionally, the sponsor shall provide, at no cost, up to one full page of advertising as shall be required by the County Tourism Department for County promotion and/or advertising in the primary program, directory, magazine or other publication used by the sponsor during the event.

25. Please state whether you have read the standard form County Tourist and Development Agreement which includes insurance requirements naming Warren County as additional insured ninety (90) days before the event takes place with the Sponsor as the named insured on the certificate, and whether you are willing to be bound and execute the same, should the County determine to contract with your organization.

    _____

I hereby certify that the above statements are true, complete and correct to the best of my knowledge and belief.

_____
TYPE OR PRINT NAME

_____
SIGNATURE

_____
TITLE

_____
DATE

(Res. 322 of 2013, passed - -2013)

§ XVI.36 AGREEMENT.

WARREN COUNTY TOURIST AND CONVENTION DEVELOPMENT AGREEMENT

THIS AGREEMENT made by and between the COUNTY OF WARREN, a municipal corporation and political subdivision established under the Laws of the State of New York, having its principal offices and place of business located at the Warren County Municipal Center with a mailing address of 1340 State Route 9, Lake George, New York 12845 (the "COUNTY"), and _____, an organization formed under the laws of the State of New York, having its principal office and place of business located at _____, New York _____, (hereinafter called the " SPONSOR").

RECITALS

1. SPONSOR desires to hold the _____ in Warren County, New York, during ____ _____ of 2014, (hereinafter called the " EVENT").

2. The COUNTY has established a tourist and convention development program whereby the COUNTY will provide funding for certain qualifying conventions, events, trade shows and other directly related and supporting activities.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL REPRESENTATIONS AND COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. EVENT

SPONSOR represents and agrees that it shall hold the _____ in Warren County, New York, commencing the _____ day of _____, 2014 and continuing thereafter for a period of _____ day(s)week(s) in _____.

2. EVENT ARRANGEMENTS

The SPONSOR represents and warrants that:

A. The following licenses, contracts and/or infrastructure has been or will be arranged for to support the EVENT (include other governmental or nonprofit group commitments):
_____

B. As of the time the application was filed for funding under this contract, the following funding had been obtained from the businesses, persons or governmental or non-profit agencies listed:
_____

C. The number of attendees is projected to be _____;

D. The number of hotel, motel, inn, bed and breakfast or other overnight accommodations is anticipated or projected to be _____, and the length of stay is anticipated to be _____ days;

E. The following marketing and advertising is planned to occur in the following markets and areas (specify local, regional, state, national etc):
_____
_____

F. The total cost to be borne by SPONSOR for the EVENT is $_____;

G. The total amount that SPONSOR has calculated that needs to be raised to fund the EVENT that is currently not available or expected to be available is $_____.

H. As a result of the funding, an end product, if any, and/or copy thereof, will be generated.

3. PROMOTIONAL AND MARKETING CONSIDERATION FOR COUNTY

A. The SPONSOR shall use the Warren County Tourism Logo with website provided by the Tourism Department in all promotional and marketing distributed for the EVENT where reimbursement is requested. The use and placement of the logo shall be first approved by the Tourism Department. Any advertising, promoting and marketing for the EVENT must include the Warren County Tourism logo with website to be reimbursed. Radio and television advertising must mention Warren County as Sponsor or show Warren County logo on television advertisements.

B. When the Sponsor utilizes the Warren County Tourism Logo online, a hyperlink must be created to link to the URL www.visitlakegeorge.com.

C. The Sponsor shall provide, at no cost, up to one full page of advertising as shall be required by the County Tourism Department for County promotion and/or advertising in the primary program, directory, magazine or other publication used by the Sponsor during the event.

4. PERFORMANCE REPORT

The Sponsor shall use reasonable efforts to collect home zip codes from those in attendance at the event funded hereunder. The Sponsor shall provide to the County a written report which provides an estimate of the number of attendees with a listing of the number of people from each zip code. Reasonable efforts to collect the information requested hereunder shall be deemed to have been made if the Sponsor has at least one person at each entrance to the event attempting to collect zip codes. The Sponsor will also attempt to collect information substantiating the number of rooms used by attendees during the event.

5. COUNTY FUNDING

In consideration of the:

A. marketing and promotional opportunities;

B. the benefit to be derived by the communities, businesses and residents of Warren County;

C. the terms of this agreement;

D. to provide an incentive to the SPONSOR to hold the EVENT in Warren County; and

E. the performance report.

the COUNTY shall pay the sum of $_____ to SPONSOR for use in offsetting expenses for the EVENT. Such sum shall be payable, as follows:

(i) Upon submission of paid receipts and the appropriate voucher, the County will reimburse SPONSOR up to fifty percent (50%) for each promotional item purchased by the Sponsor prior to this event. [See 7. G. Below] In no event shall the monies advanced exceed the amount allocated by the County. If the event does not happen, the County is to be immediately and fully reimbursed for any monies expended;

(ii) provided the event has occurred and concluded, within twenty-seven (27) days of the time of SPONSOR furnishes to the COUNTY:

(a) a completed and properly executed COUNTY Voucher;

(iii) proof (copies of ads, invoices etc- not paid receipts or canceled checks) that the marketing and promotional opportunities were furnished to the COUNTY as required under this agreement other than those previously submitted and paid;

(iv) the performance report; and

(v) a final budget for the event or special consideration as approved by the Occupancy Tax Committee.

6. COUNTY LIMITATION OF RESPONSIBILITY

A. SPONSOR acknowledges and agrees that the COUNTY other than providing the funding herein above described does not make any representations concerning: the adequacy, availability or suitability of the area, hotels, restaurants, attractions, entertainment venues, recreational opportunities, environment, roads, utilities, weather or any other matter of any kind or nature with regard to SPONSORS' EVENT. It is understood and agreed that these are matters that SPONSOR must undertake to examine and determine whether such is suitable, adequate, available or otherwise acceptable to SPONSOR. SPONSOR acknowledges that by execution of this agreement that it has made or has through the use of third party contractors have made such study, review, inspections and/or inquiries as it deemed necessary and is satisfied with regard to these issues.

B. The COUNTY shall not be required to furnish any services or do any work under this agreement.

C. Any and all other costs associated with the EVENT or SPONSOR'S members in attending the EVENT shall, accordingly, be the responsibility of SPONSOR and/or its members. The COUNTY shall not be responsible for the payment of any and all consultant, broker or other services that may have been requested and agreed to by the SPONSOR.

D. Nothing contained herein shall be deemed to change or limit the COUNTY'S governmental responsibilities or obligations that are furnished to the general public.

E. The provisions of this agreement shall not be construed to create a joint venture or partnership between the parties.

7. SPONSOR OBLIGATIONS

A. The SPONSOR shall be responsible for the payment of any and all consultant, broker or other services that may have been requested and agreed to by the SPONSOR in connection with the selection of Warren County as the EVENT site.

B. The SPONSOR shall coordinate the issuance of all licenses and permits required and ensure that all applicable licenses and permits and insurance certificates have been issued and acquired. The SPONSOR shall further ensure that all licenses or permittees have obtained required insurance

coverage and submitted proof of such coverage at least ninety (90) days prior to the EVENT. The SPONSOR shall have the obligation of compliance with Federal, State and Local Laws in connection with the EVENT and activities occurring in connection therewith.

C. In the event the SPONSOR or any guest or member of the public shall cause any damage to municipal property, the SPONSOR shall at its own expense and cost repair the premises and restore to the same condition as existed prior to the damage. Such repair and restoration shall be subject to approval and direction of the COUNTY or if applicable, such other governmental body or agency with control or ownership of the infrastructure so damaged.

D. All garbage, refuse and debris resulting from the EVENT and other activities authorized by the SPONSOR shall be removed and properly disposed of by SPONSOR or the Vendors or SPONSORS of the other activities.

E. The SPONSOR shall supply any necessary employees, workers and agents as may be necessary to support EVENT and activities in connection therewith.

F. Any and all services, facilities, infrastructures and other costs associated with the EVENT or SPONSOR'S members in attending the EVENT shall be the responsibility of SPONSOR and/or its members.

G. If applicable, the Sponsor shall submit to any other municipality or municipalities (Town, Village or City) a request for reimbursement of costs associated with the event funded under this agreement. (Note: that you may not submit the same receipts to the County and another municipality for reimbursement.) Documentation shall be provided upon request.

H. In accordance with paragraph 2. H. herein, sponsor shall provide the end product, if any, or copy thereof, to the County at the time of request for payment in paragraph 5. hereof. Reasonable compliance with the terms and conditions of this paragraph is acceptable.

8. <u>RULES/REGULATIONS</u>

SPONSOR acknowledges and agrees that it will abide by and advise its members to abide by applicable local laws, rules and/or regulations of any local municipality or property owner with jurisdiction where the EVENT is held.

9. <u>DEFEND, INDEMNIFY AND HOLD HARMLESS</u>

The SPONSOR and all participating organizations authorized or organized by Sponsor shall defend, indemnify and hold the COUNTY harmless from and against any and all liability, damage, causes of action, claims, suits, penalties or judgments arising from injury to persons or property or from loss of life or property sustained by anyone whosoever arising as a result of the EVENT activities of SPONSOR or the EVENT activities of Third party vendors, clubs or invitees of SPONSOR or authorized by SPONSOR which shall occur by reason of the negligent acts or wrongful acts, errors, omissions, negligence, incompetence, malfeasance and misfeasance of the SPONSOR and/or its authorized third party vendors, clubs or invitees.

10. INSURANCE

The SPONSOR shall, during the term of this Agreement, provide and maintain or cause to be provided and maintained a comprehensive general liability EVENT insurance naming the COUNTY as additional insured in the amount of not less than One Million Dollars ($1,000,000) per occurrence for personal injury/$2,000,000 aggregate, death or property damage arising out of the EVENT or EVENT activities or SPONSOR acts or omissions. The SPONSOR shall further require all participating organizations, clubs, and other entities to likewise provide insurance coverage naming SPONSOR and the COUNTY as additional insureds. The failure of the COUNTY or its Boards, officers and/or employees to object to the contents of any certificate of insurance or absence of the same shall not be deemed a waiver of any and all rights held by the COUNTY. Concessions selling alcoholic beverages shall provide an insurance policy specifically including coverage for liquor law liability in an amount of not less than Five Hundred Thousand Dollars ($500,000). Said certificate of insurance for liquor law liability shall be required only in the event that liquor is to be sold or otherwise dispensed during the EVENT. Certificates and/or other evidence of such insurance, as may be required by the COUNTY, shall be delivered to the County Attorney's Office ninety (90) days prior to the commencement of the EVENT, except that certificates and/or other evidence of insurance for third-party vendors or concession shall be delivered to the County Attorney three (3) days prior to the commencement of the EVENT.

All insurance policies issued hereunder shall name the COUNTY as an additional insured under such policy as its interest may appear, be an insurance policy from an A.M. Best rated secured New York State licensed insurer and contain not less than a ten (10) day notice of cancellation clause.

The SPONSOR shall secure compensation insurance and disability insurance for the benefit of such employees engaged under this Agreement as are by law required to be insured by SPONSOR under the provisions of the Workers' Compensation Law and New York State Disability Law. Proof of compensation and disability insurance shall be in the form(s) approved by the Workers' Compensation Board.

11. CANCELLATION OF EVENT - FORCE MAJEURE

The performance of this agreement is subject to acts of God, war, civil disorder, government regulation, disaster (including, but not limited to, fire, flood, severe weather and earthquake), strikes or work stoppages, labor disputes or threat thereof, terrorism or threat of terrorism: curtailment of transportation facilities which prevent or unreasonably delay at least 40% of the meeting attendees or any other situation making it commercially inadvisable, illegal, or impossible to provide the facilities or hold the EVENT. For the reasons aforesaid the SPONSOR may, upon such written notice as is practical, cancel the holding of the EVENT for the year when the reason arises which affects the holding of the EVENT as scheduled. In no event will the COUNTY be liable for any costs or other losses sustained by the SPONSOR for a cancellation of the EVENT the reasons set forth herein. The mere lack of or adequacy of hotels, restaurants, or like facilities shall not be a basis upon which SPONSOR may exercise this cancellation clause. In the event that SPONSOR cancels the EVENT for the reasons allowed under this paragraph, the COUNTY shall pay up to fifty percent (50%) of the amount payable under paragraph five (5) of this agreement provided that SPONSOR provides the documentation required under said paragraph five (5).

12. TERMINATION

This Agreement shall remain in force and in effect unless amended by mutual agreement of the parties or until terminated by either party with or without cause. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

13. NO THIRD PARTY BENEFIT

No person or entity other than the parties to this Agreement shall be entitled to rely on this Agreement, and this Agreement is not made for the benefit of any person or entity not a party hereto.

14. AUTHORITY TO BIND

SPONSOR represents that it has followed organizational procedures necessary and has the requisite authority to bind SPONSOR to this agreement.

15. GUARANTEE OF PERFORMANCE

The SPONSOR by the execution of this Agreement, guarantees complete performance of the terms and conditions of this Agreement, including any reasonable cost of any repair or restoration of the premises, removal of any garbage, refuse and debris and maintenance of the premises in a reasonable manner. Repair or restoration required hereunder is that defined as necessary or occasioned by damage or wear and tear beyond normal and reasonably expected wear and tear. With respect to SPONSOR, it is agreed by the parties that its officers, members, employees, agents and directors shall have no personal liability under this Agreement. Nothing contained herein shall be deemed to release the SPONSOR from liability arising as a result of this Agreement, or liability of any officer, member, employee, agent or director by reason of their own intentional or negligent act or omission.

16. ENTIRE AGREEMENT/AMENDMENT OR ALTERATION

The terms of this Agreement constitute the entire agreement between the parties and neither party shall be bound by oral representations not contained apart hereof. This agreement shall not be altered, amended or changed except by written Agreement signed and executed by the parties through their authorized officers.

17. GOVERNING LAW

This Agreement shall be governed by the Laws of the State of New York except where the Federal Supremacy Clause requires otherwise.

18. NON-ASSIGNMENT

The Agency agrees not to assign, transfer, sublet or otherwise dispose of this agreement or any party thereof, or of any of its right, title or interest therein, or its power to execute this agreement without the prior written consent of the Warren County Board of Supervisors.

19. CAPTIONS

The captions used in this document are for reference purposes only and shall not be deemed a term or condition of the Agreement.

20. NOTICES

Any notice, demand, request or other communication required or permitted by this Agreement, to be given by either party to the other, may be either personally delivered or sent by certified mail, properly addressed and prepaid, or by Federal Express or other nationally recognized overnight delivery service providing for receipt against delivery to the addresses of the parties set forth below:

If to the COUNTY:
Leisa Grant, Principal Account Clerk
Tourism Department
Warren County Municipal Center
1340 State Route 9
Lake George, New York 12845

If to SPONSOR:

with a copy
(which shall not constitute notice) to:

Warren County Attorney
Warren County Municipal Center
1340 State Route 9
Lake George, New York 12845
Attention: Martin D. Auffredou, Esquire

or to such other person as shall be designated in writing by any such party or person; and such notice or communication shall be deemed to have been given as of the date so delivered in person, three days after the date so mailed and the next business day after deposit with such overnight delivery service; provided, however, that all notices of any change of address shall be effective only upon actual receipt thereof.

IN WITNESS WHEREOF, this Agreement has been executed by the duly authorized officers of the respective parties.

Approved as to Form:

_____
1st Asst. Warren County Attorney

COUNTY OF WARREN
By _____
KEVIN B. GERAGHTY, CHAIRMAN
Board of Supervisors
Date: _____
SPONSOR
By _____
Date _____

STATE OF NEW YORK)
) ss.:
COUNTY OF WARREN)

On the _____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for said state, personally appeared Kevin B. Geraghty, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF WARREN)

On the _____ day of _____, in the year 20_____, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

(Res. 322 of 2013, passed - -2013; Res. 239 of 2014, passed - -2014)

CHAPTER XVII: TREASURER

Section

General Provisions

XVII.01 Investment policies and guidelines
XVII.02 Issuance of county pay checks policy

Fund Balance Policy in Accordance with GASB Statement No. 54

XVII.15 Purpose
XVII.16 Fund type definitions
XVII.17 Fund balance reporting in governmental funds
XVII.18 Operational guidelines

GENERAL PROVISIONS

§ XVII.01 INVESTMENT POLICIES AND GUIDELINES.

(A) The objectives of the Investment Policy of the County of Warren are to minimize risk; to ensure that investments mature when the cash is required to finance operations; and to ensure a competitive rate of return. In accordance with this policy, the Warren County Treasurer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

(1) Certificates of Deposit issued by a bank or trust company authorized to do business in New York State;

(2) Time Deposit Accounts in a bank or trust company authorized to do business in New York State;

(3) Obligations of New York State;

(4) Obligations of the United States Government; and

(5) Money market accounts.

(B) All investments made pursuant to this Investment Policy shall comply with the following conditions:

(1) *Collateral*. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be delivered to the Warren County Treasurer or a custodial bank with which the County has entered into a custodial agreement. The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit. Collateral shall be monitored on a regular basis.

(2) *Delivery of securities*. All transactions shall be confirmed in writing.

(3) *Written contracts*.

(a) Written contracts are required for certificates of deposit and custodial undertakings. With respect to the purchase of obligations of the United States, New York State, or other governmental entities, in which monies may be invested, the interests of Warren. County will be adequately protected by conditioning payment on the physical

delivery of purchased securities to the Warren County Treasurer or custodian, or in the case of book-entry transactions, on the crediting of purchased securities to the custodian's federal reserve system account. All purchases will be confirmed in writing to the Warren County Treasurer.

(b) It is therefore, the Policy of the Warren County Treasurer to require written contracts as follows:

1. Written contracts shall be required for the purchase of all certificates of deposit.

2. A written contract shall be required with the custodial bank.

(4) *Financial strength of institutions.*

(a) All trading partners must be credit worthy. Their financial statements must be reviewed at least annually by the County Treasurer to determine satisfactory financial strength or the County Treasurer may use credit rating agencies to determine credit worthiness of trading partners. Concentration of investments in financial institutions should be avoided. The general rule shall be not to place more than $1,000,000 in overnight investments with any one institution.

(b) Investments in time deposits and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the County Treasurer to determine satisfactory financial strength.

(c) When purchasing eligible securities, the seller shall be required to deliver the securities to our custodial bank.

(d) The County Treasurer or the Deputy County Treasurer shall authorize the purchase and sale, of all securities and execute contracts for certificates of deposit on behalf of the County of Warren. Oral directions concerning the purchase or sale of securities shall be confirmed in writing. The County of Warren shall pay for purchased securities upon the delivery of book-entry thereof.

(e) The County of Warren shall encourage the purchase and sale of securities and certificates of deposit through a competitive or negotiated process involving telephone solicitation of at least two bids for each transaction.

(f) At the time independent auditors conduct the annual audit of the accounts and financial affairs of the County of Warren, the independent auditors shall audit the investments of the County of Warren for compliance with the provisions of these Investment Guidelines.
(Res. 508 of 1989, passed - -1989; Res. 711 of 2001, passed - -2001)

§ XVII.02 ISSUANCE OF COUNTY PAY CHECKS POLICY.

(A) Pay day for all Warren County employees will be every other Friday.

(B) Pay checks will be dated the day of issuance for pay period ending the preceding Sunday and shall be available for pick up after 9:00 a.m. in the Treasurer's Office by the Department Head or other agency representative.

(C) All pay checks (except in an emergency) will be processed by the Data Processing Department.
(Res. 198 of 1981, passed - -1981)

FUND BALANCE POLICY IN ACCORDANCE WITH GASB STATEMENT NO. 54

§ XVII.15 PURPOSE.

The following policy has been adopted by the Board of Supervisors in order to comply with the requirements of Governmental Accounting Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions (GASB 54). Fund balance is the difference between the total assets and total liabilities in each fund and measures the net

financial resources available to finance expenditures of future periods.
(Res. 741 of 2011, passed - -2011)

§ XVII.16 FUND TYPE DEFINITIONS.

The following definitions will be used in reporting activity in governmental funds across the County. The County may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

(A) The ***GENERAL FUND*** is used to account for all financial resources not accounted for and reported in another fund.

(B) ***SPECIAL REVENUE FUNDS*** are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

(C) ***DEBT SERVICE FUNDS*** are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

(D) ***CAPITAL PROJECTS FUNDS*** are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.
(Res. 741 of 2011, passed - -2011)

§ XVII.17 FUND BALANCE REPORTING IN GOVERNMENTAL FUNDS.

Fund balance should be classified based on the constraints that control the purposes for which specific amounts can be spent. It is the responsibility of the County Treasurer to appropriately categorize fund balance in the County's financial statements. Beginning with the most binding constraints, fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB 54:

(A) *Nonspendable fund balance*. Nonspendable fund balance consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

(B) *Restricted fund balance*. Restricted fund balance includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

(C) *Committed fund balance*. Committed fund balance consists of amounts that are subject to a purpose constraint imposed by a formal action of the Board of Supervisors before the end of the fiscal year, and that require the same level of formal action to remove the constraint.

(D) *Assigned fund balance*.

(1) Assigned fund balance includes amounts intended to be used by the County for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the General Fund, assigned fund balance represents the remaining amount that is not restricted or committed.

(2) The Board of Supervisors has the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund. The Board of Supervisors has the authority to remove or change the assignment of the funds.

(E) *Unassigned fund balance*. Unassigned fund balance represents the residual classification for the government's General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.
(Res. 741 of 2011, passed - -2011)

§ XVII.18 OPERATIONAL GUIDELINES.

The following guidelines address the classification and use of fund balance in governmental funds:

(A) *Classifying fund balance amounts*. Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The General Fund may also include an unassigned amount.

(B) *Encumbrance reporting*. Encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB 54.

(C) *Prioritization of fund balance use*. When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, expenditures are to be spent from restricted fund balance first and then unrestricted. Expenditures incurred in the unrestricted fund balances shall be reduced first from the committed fund balance, then from the assigned fund balance and finally, the unassigned fund balance.
(Res. 741 of 2011, passed - -2011)

CHAPTER XVIII: VOLUNTEER POLICY AND PROCEDURE

Section

XVIII.01	Introduction
XVIII.02	Principles
XVIII.03	Scope of volunteer policy and definition of Volunteer
XVIII.04	Service at the discretion of the County and Volunteer
XVIII.05	Recruitment, screening and physical requirements
XVIII.06	Introduction, training and support
XVIII.07	Conduct
XVIII.08	Health and safety
XVIII.09	Volunteer drivers
XVIII.10	Expenses
XVIII.11	Emergency closings and volunteers inability to perform service
XVIII.12	Equal opportunities
XVIII.13	Monitoring and recordkeeping
XVIII.14	Implementation
XVIII.15	Appendix A: Volunteer Registration Form
XVIII.16	Appendix B: Local Law 4 of 2005
XVIII.17	Appendix C: Non-employee, visitor, volunteer injury report forms
XVIII.18	Appendix D: Warren County DMV release
XVIII.19	Appendix E: Specific Department materials

§ XVIII.01 INTRODUCTION.

(A) Warren County desires to involve more people in volunteering to enhance the services that are provided by the County and to enrich the lives of people in our communities.

(B) Warren County is committed to involving volunteers directly within the organization to:

(1) Contribute to the delivery of our services;

(2) Assist on various boards;

(3) Make sure we are responsive to the needs of those who use our services;

(4) Provide different skills and perspectives;

(5) Offer opportunities for participation by people who might otherwise be excluded; and

(6) Increase our contact with the local communities we serve.

(C) This policy sets out the principles and practice by which we involve volunteers.
(Res. 415 of 2015, passed - -2015)

§ XVIII.02 PRINCIPLES.

Warren County:

(A) Recognizes that voluntary work brings benefits to volunteers themselves, to clients and to paid staff;

(B) Will ensure that volunteers are properly integrated into the organization structure and that mechanisms are in place for them to contribute to the services that Warren County provides;

(C) Will not introduce volunteers to replace paid staff;

(D) Expects that staff at all levels will work positively with volunteers and, where appropriate, will actively seek to involve them in their work; and

(E) Recognizes that volunteers require satisfying work and personal development and will seek to help volunteers meet these needs, as well as providing the training for them to do their work effectively.
(Res. 415 of 2015, passed - -2015)

§ XVIII.03 SCOPE OF VOLUNTEER POLICY AND DEFINITION OF VOLUNTEER.

(A) Unless specifically stated, these policies apply to all non-elected volunteers in all programs and projects undertaken on or on behalf of the County, and to all departments and sites of operation of the County.

(B) The County also accepts as volunteers those participating in student community service activities (e.g. Youth Court), student interns (e.g. from schools, colleges), alternative sentencing or diversion programs, and other similar volunteer referral programs. In each of these cases, however, a special agreement must be in effect with the organization, schools, or program from which the special case volunteers originate and must be responsible for management and care of the volunteers.

(C) A ***VOLUNTEER*** as that word is used in this policy is anyone who, without compensation or expectation of compensation beyond reimbursement, performs a task at the direction of and on behalf of the County. A volunteer must be officially accepted and enrolled by the County Department prior to performance of the task. Unless specifically stated, ***VOLUNTEERS*** shall not be considered as "employees" of the County.
(Res. 415 of 2015, passed - -2015)

§ XVIII.04 SERVICE AT THE DISCRETION OF THE COUNTY AND VOLUNTEER.

(A) Before a Department of the County may accept the services of a volunteer, the Department Head shall request and receive approval from the County Administrator, whose approval shall be based on whether the volunteer will positively impact the work of the department and County as a whole. The County Administrator shall consider the tasks to be performed by the volunteer, staff supervision time, impact on department workload and space needs as well as overall County impacts, if any.

(B) The County accepts the services of all volunteers with the understanding that such service is at the sole discretion of the County. Volunteers by accepting a volunteer position with the County agree that the County may at any time, for whatever reason, decide to terminate the volunteer's relationship with the County.

(C) The volunteer may anytime, for whatever reason, decide to sever the volunteer's relationship with the County. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.
(Res. 415 of 2015, passed - -2015)

§ XVIII.05 RECRUITMENT, SCREENING AND PHYSICAL REQUIREMENTS.

(A) Recruitment of volunteers will generally be from all sections of the community, and will be in line with Warren County's Equal Opportunities Policy. The sole qualification for volunteer recruitment shall be suitability to perform a task on behalf of the County. Persons interested in becoming volunteers for Warren County should contact a Warren County Department. The Department Head will provide information about the Department in general and information about the specific volunteer opportunities available. If the person is still interested in becoming a volunteer the Department Head will request the person complete the "Volunteer Registration Form" (Appendix A). The Department Head will review the request and advise the Volunteer if accepted.

(B) In certain cases and as appropriate for the protection of clients, volunteers in certain assignments may be asked to submit to a background criminal

check. Volunteers who do not agree to the background check may be refused assignment.

(C) In cases where volunteers will be working with clients with health difficulties, a health screening procedure may be required. In addition if there are physical requirements necessary for performance of the task, health screening or testing procedures may be required to ascertain the ability of the volunteer to safely perform the tasks.

(D) A volunteer is a person who offers services to Warren County, without pay, and whose offer is accepted by the Department Head on behalf of the County. Volunteers are not employees, nor are they unpaid employees.

(E) Volunteers must be at least 16 years of age with working papers. Volunteers aged 16 to 17 are subject to pertinent labor laws. Volunteers under the age of 16, fulfilling requirements for community service, must be accompanied by a parent, guardian or teacher.
(Res. 415 of 2015, passed - -2015)

§ XVIII.06 INTRODUCTION, TRAINING AND SUPPORT.

Every volunteer will receive information from the department as to what their role is. Training appropriate to the role will be provided by the County. All volunteers will have a named person as their main point of contact.
(Res. 415 of 2015, passed - -2015)

§ XVIII.07 CONDUCT.

(A) Volunteers are expected to follow rules of conduct that will protect the interest and safety of all volunteers, staff and the County. If applicable, volunteers will also be required to comply with NYS Department of Health Regulations.

(B) Volunteers are expected to comply with the Warren County Ethics and Disclosure Law.

(C) Each volunteer must act in all matters in a manner that will safeguard the reputation and integrity of Warren County and will preserve and strengthen public confidence in Warren County activities. Likewise, volunteers must refrain from engaging in any activity in which personal interests conflict, potentially conflict or appear to conflict with those of Warren County. If a Department Head has concerns regarding conflicts of interest they shall meet with the volunteer to review the situation and take action as appropriate.

(D) Volunteers will be bound by the same requirement for confidentiality as paid staff. Department Heads concerned with confidentiality issues shall discuss the situation with the volunteer and take action as appropriate.

(E) Volunteers shall refrain from providing their personal contact information to the clients that they serve.
(Res. 415 of 2015, passed - -2015)

§ XVIII.08 HEALTH AND SAFETY.

(A) Warren County will take all reasonable and practicable steps to ensure the volunteers' health, safety and welfare while volunteering for Warren County. The Department supervisor will provide Volunteers with information about the County's various policies as applicable to their type of volunteer service i.e. Warren County Safety and Health Program Policy, Warren County Smoking and Tobacco Use Policy, Warren County Plan and Program on Workplace Harassment, Workplace Violence Prevention Plan and Program, Warren County Emergency Action and Response Plans.

(B) Volunteers are additional insureds on Warren County's liability insurance policy while they are working within the scope of duties for the County.

(C) The County does not carry or maintain health, medical or disability insurance for any

volunteer. However, Warren County Local Law No. 4 of 2005 (Appendix B) may provide limited assistance with the payment of medical bills incurred by Volunteers as a result of injuries sustained by reason of accidents while volunteers are working within the scope of duties.

(D) If a volunteer is injured during the course of their services to Warren County they should immediately notify their supervisor and also complete the "Non-employee, Visitor, Volunteer Injury Report" form in the packet of forms under Appendix C. The volunteer should forward the completed form to their supervisor as soon as possible. The supervisor and Department Head should complete the appropriate forms under Appendix C within three business days.
(Res. 415 of 2015, passed - -2015)

§ XVIII.09 VOLUNTEER DRIVERS.

(A) Volunteers, clients, members of volunteer's family, etc. are not authorized to operate County owned vehicles, except county volunteers who hold a valid New York State driver's license and are requested by a Department Head shall be authorized to operate County owned vehicles for:

(1) Programs offered by Veteran's Services under N.Y. Exec. Law § 358 of Veteran's Affairs;

(2) Programs offered to Westmount Health Facility residents or persons participating in Countryside Adult Home programs whether such is directly sponsored by Westmount Health Facility or Countryside Adult Home or some other governmental or non-governmental entity; and

(3) Unpaid interns working at the Department of Social Services.

(B) All volunteers allowed to operate County vehicles must also comply with the County's Travel and Vehicle Use Policy.

(C) All volunteers that agree to drive their own personal motor vehicles or a County vehicle as part of their volunteer service will be required to complete the "Warren County Volunteer DMV release" (Appendix D) attached to this policy. Volunteering to drive will be dependent upon a satisfactory driver record. The volunteers will become part of the NYS DMV License Event Notification Service utilized by Warren County. Departments that utilize volunteer drivers should contact the Warren County Self-Insurance Department to determine if the volunteer has a satisfactory driver record prior to allowing the volunteer to drive as part of their service to the County.

(D) All volunteers that are using their own personal automobile while volunteering for Warren County must provide their own automobile insurance at their own expense. If the volunteer should suffer a loss while volunteering for Warren County their personal automobile insurance will be the primary coverage. Volunteer will provide for towing and recovery if needed at their own expense. Volunteers involved in an accident resulting in personal injury or vehicle damage shall promptly report the incident to their supervisor who will complete the volunteer injury report (Appendix C).
(Res. 415 of 2015, passed - -2015)

§ XVIII.10 EXPENSES.

Warren County will ensure that there is a clear and accessible system to enable volunteers to claim out of pocket expenses that are pre-authorized by the County Department for which they volunteer.
(Res. 415 of 2015, passed - -2015)

§ XVIII.11 EMERGENCY CLOSINGS AND VOLUNTEERS INABILITY TO PERFORM SERVICE.

The County strives to ensure the safety of all volunteers. In the event of inclement weather or the volunteers inability to perform services, volunteers will be responsible for contacting the volunteer department to inform their supervisor that they will not be performing their scheduled service. If the County should close, the sponsoring Department will

use a previously established system to inform their volunteers of the closing.
(Res. 415 of 2015, passed - -2015)

§ XVIII.12 EQUAL OPPORTUNITIES.

All volunteers and staff will work in accordance with Warren County's equal opportunities policy and Warren County's ADA/Section 504 Policy and will prevent discrimination on any grounds.
(Res. 415 of 2015, passed - -2015)

§ XVIII.13 MONITORING AND RECORDKEEPING.

Each Department may evaluate an individual volunteer service as needed. In addition, County Departments should continually monitor and evaluate their use of volunteers with reference to this Volunteer Policy. Departments that find concerns with this policy should forward the concern to the Warren County Risk Management Steering Committee for review. Each Department will keep various records and forms in association with this policy on file within their department.
(Res. 415 of 2015, passed - -2015)

§ XVIII.14 IMPLEMENTATION.

This policy will be effective upon approval by the Warren County Board of Supervisors. All current volunteers will be advised of the new policy by their assigned supervisor. All current volunteers should complete the Volunteer Registration Form (Appendix A).
(Res. 415 of 2015, passed - -2015)

§ XVIII.15 APPENDIX A: VOLUNTEER REGISTRATION FORM.

(See next page)

VOLUNTEER REGISTRATION FORM (Page 1 of 2)

Department Completes:

Department: _____
Volunteer Will Report to: _____
Responsibilities: _____
Anticipated Start Date _____ Anticipated End Date _____
Anticipated Days/Hours _____

Volunteer Applicant Completes:

Name: _____

Address: _____

Telephone: _____

Emergency Contact Name: _____ Telephone: _____

Can you perform the required duties with or without reasonable accommodation? Warren County is an equal opportunity/affirmative action employer. If necessary, please explain.

_____
_____

Have you ever been convicted of any crime (felony or misdemeanor), accused of sexual abuse or similar miss-conduct? Yes _____ No _____
If yes, please explain. (Note: This will not automatically bar you from the position as each case is considered on its merits.)

_____
_____

Do you know any foreign languages? Yes _____ No _____
Language:_____ Speak _____ Read _____ Write _____
Language:_____ Speak _____ Read _____ Write _____
References:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

Continued next page…

Volunteer Registration Form continued (Page 2 of 2):

By signing below, the Volunteer Applicant acknowledges the following:

- Volunteer has received a copy of the Warren County Volunteer Policy and Procedure, and agrees to adhere to the standards contained therein while serving in the capacity of a Volunteer.
- Warren County does not provide compensation or financial assistance for volunteer services.
- Volunteers must conduct themselves to protect the interest and safety of all other volunteers, staff and the County.
- Volunteers are an additional insured on the County's liability policy while they are within the scope of their services.
- The County does not carry health, medical, or disability insurance for any volunteer. However, very limited medical expense reimbursement may be available per Local Law No. 4 of 2005.
- Warren County does not provide automobile insurance for any volunteer utilizing a private automobile during their service.
- Volunteers must act in all matters in a manner that will safeguard the reputation and integrity of Warren County and strengthen public confidence in Warren County activities.
- The Volunteer understands that the Activities include work that may be hazardous and releases Warren County from all liability for injury, illness, death, or property damage arising out of or resulting from the Volunteer's activities.
- Volunteer acknowledges that a background check may be done and agrees to provide additional information as requested by Warren County to complete the background check.
- Volunteer's assignment or activities for Warren County may be terminated by Warren County at any time for any reason.

Volunteer Applicant Signature _____ Date _____

Parent Signature (if under 18) _____ Date _____

Volunteer Applicant date of birth (if under 18) _____

Department Head Completes:

Volunteer Approved? _____Yes _____ No

Department Head Signature: _____ Date _____
(Res. 415 of 2015, passed - -2015)

§ XVIII.16 APPENDIX B: LOCAL LAW 4 OF 2005.

Editor's Note: *Local Law 4 of 2005 is codified at §§ 33.30 through 33.35 of the code of ordinances. Please refer to those sections for further information.*
(Res. 415 of 2015, passed - -2015)

§ XVIII.17 APPENDIX C: NON-EMPLOYEE, VISITOR, VOLUNTEER INJURY REPORT FORMS.

WARREN COUNTY
NON-EMPLOYEE, VISITOR, VOLUNTEER INJURY REPORT

INJURED PERSON COMPLETES:

DATE OF INCIDENT:_____ TIME:_____

LOCATION OF INCIDENT:_____

INJURED NAME:_____ AGE:_____ PHONE:_____

ADDRESS: _____

DESCRIBE WHAT YOU WERE DOING JUST BEFORE THE INCIDENT AND WHAT HAPPENED:
_____
_____
_____
_____

DESCRIBE YOUR INJURIES: _____
_____
_____

TAKEN TO HOSPITAL? _____ DOCTOR?_____

SIGNATURE: _____ DATE:_____

If this form was completed by someone other than the injured person please complete:

Name of person completing report: _____ Phone:_____

Relationship to injured: _____

Signature:_____ Date: _____

Provide this form to your supervisor or the supervisor of the physical area where you were injured.

Supervisor make sure to obtain "Witness Statements" and complete the "Supervisors Report of Investigation" form that follows this page.

Accident Investigation Witness Statement

Personal Information (make additional copies of this form as needed)

Name of Witness		
Address		
City, State, Zip		
Phone		

Accident Information

Injured Persons Name:		Date and Time of Accident	
Location of accident		Weather Conditions at time of Accident	

In your words, give a brief description of the accident:

How did the Injury Occur?

How Could the Accident Have Been Prevented?

Signed:

Witness Name		Date

Supervisor's Report of Accident Investigation
Supplement to Non-employee, Visitor, Volunteer Injury Report Form

Date of Investigation:	Investigator:
Injured Person:	

Describe the accident in detail (include physical surroundings equipment in use)

SPECIFY THE UNSAFE ACTS AND CONDITIONS WHICH LED TO THE ACCIDENT (Please circle all that apply):

Unsafe Acts:

- Improper lifting, carrying, handling
- Improper use of tools or equipment
- Operating without authority
- Failure to wear personal protective equipment
- Failure to use safety devices
- Failure to use proper tools/equipment
- Failure to obey rules/procedures
- Failure to secure ladders
- Lack of adequate training
- Transitioning to/from ladder
- Misstep on ladder
- Over-reaching on ladder
- Using defective equipment
- Overriding safety devices
- Horseplay
- Taking shortcuts or hurrying
- Action of others
- Other: _____

Supervisor's Report of Accident Investigation
Supplement to Non-employee, Visitor, Volunteer Injury Report Form - Page 2

Unsafe Conditions:

• Wet and/or slippery working surface • Defective floor and/or walking area • Congested work area • Poor housekeeping • Inadequate lighting • Inadequate guards • Inadequate design or maintenance	• Lack of available personal protective equip • Lack of proper tools or equipment • Defective tools or equipment • Inadequate warning system • Projection hazards • Hazardous atmosphere • Other: _____

Personal Factors:

• Improper work habits • Unaware of work hazard • Improper motivation	• Improper attire • Improper attitude • Unwilling to follow work rules • Other:_____

Was there an infraction of a Safety/Health Rule, Regulation, Procedure or Specific Instruction?

Was the injured Properly Instructed and/or Trained (Please describe):

What corrective measures are being taken to prevent similar accidents?

Signed:

Supervisor:	Phone:	Date:
Supervisor Email address:		
Department Head:	Phone:	Date:
Department Head email address:		
Department Head should immediately fax this form to the County Attorney at 761-6377 and Self-Insurance at 761-6249 and mail the original to the County Attorney.		

(Res. 415 of 2015, passed - -2015)

§ XVIII.18 APPENDIX D: WARREN COUNTY DMV RELEASE.

Warren County Volunteer DMV Release

Federal Drivers Privacy Protection Act
Authorization to Obtain Motor Vehicle Report

For the sole purpose of the determination and evaluation of my motor vehicle operating record and pursuant to the State and Federal regulations of compliance,
I (Name of Volunteer) _____
authorize Warren County to obtain my Motor Vehicle Record. I understand that this record may contain personal information* in addition to any/all driver violations and/or accidents, which may be on record through the New York State Department of Motor Vehicles.

I also authorize release of this information to Warren County and its agents.

_____
Signature of Volunteer

Address: _____ City: _____ State _____ ZIP _____

_____ _____ _____
Drivers License Number State Date of Birth

_____
Street Address & Mailing Address

City_____ State _____ Zip _____

Date signed: _____

*Personal information means information that identifies an individual including an individual's photograph, social security number, driver identification number, name, address and telephone number.
It does not include information on vehicular accidents, driving violations and driver status.

(Res. 415 of 2015, passed - -2015)

§ XVIII.19 APPENDIX E: SPECIFIC DEPARTMENT MATERIALS.

Editor's Note:

This appendix is reserved for any specific department materials that may be enacted in the future.

(Res. 415 of 2015, passed - -2015)