



FINANCE, LEGAL & SAFETY COMMITTEE

January 14, 2025

10:30 A.M.

- APPROVAL OF MINUTES: December 10, 2024

- FINANCIAL
 - Safety
 - Law

- OLD BUSINESS
 - Litigation
 - In Rem

- NEW BUSINESS
 - Ethics Board Members
 - Insurance Renewal
 - Annual Trainings
 - CDL Pre and Post Trip Inspection Training
 - Property Donation

- PERSONNEL
 - Paralegal Position

- RESOLUTIONS
 - UNFUND SECRETARY TO COUNTY ATTORNEY AND CREATE AND FILL (1) FULL-TIME PARALEGAL COUNTY ATTORNEY'S OFFICE
 - AMEND EMPLOYEE HANDBOOK: ADD NEW POLICY TO NEW SECTION XIV. ENTITLED ACCESS TO PUBLIC RECORDS
 - APPOINT PARALEGAL LAW DEPARTMENT

- PROCLAMATIONS
 - None

- EXECUTIVE SESSION

- ADJOURNMENT

Office of the County Attorney



FINANCE, LEGAL & SAFETY COMMITTEE

December 10, 2024

10:30 A.M.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Monell, Roberts, and Brown, Standinginger, Mullen

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Deputy Treasurer Chandler, Safety Officer Holbrook Personnel Officer Parke, Chief Accountant Schurter, County Administrator Bailey, Assistant Public Defender Awad, Paralegal Humes

• APPROVAL OF MINUTES:

- Legislator Ciotoli asked for a motion to approve November 12, 2024, minutes. Legislator Monell the motion seconded by Legislator Mullen and was unanimously carried.

• FINANCIAL:

- Legal and Safety: Budgets for Legal and Safety are tracking well.

• OLD BUSINESS:

- Tax Foreclosure Matters: Mr. Humes is completing closings on the properties sold at the auction and is working on the filings for next year.
- Fourth Family Defense (Child Welfare) Quality Improvement & Caseload Reduction Grant: Indigent Legal Services (ILS) received notification that they have received the grant but would like affirmation from the Legislature that they will support the budgetary requirements. A straw pole was conducted with full support of the Legislators of ILS accepting the grant.

• NEW BUSINESS:

- Shared Services-Safety: A municipality has requested Ms. Holbrook's assistance with conducting some training with their staff. Ms. Holbrook has recently been trained as an instructor for Flagging and other

municipalities would like to have her conduct this class. A charge back should be explored before moving forward.

- Contracts: Mr. DeWind has reviewed and approved over four hundred and thirty-six contracts and agreements this year.
 - Juvenile Delinquents: Juvenile delinquent filings have doubled this year with twenty-three cases prosecuted and the Office of Children and Family Services (OCFS) Special Hearings have been transferred to Assistant Attorney Ronald Lanouette Jr.
 - Winter County Attorney's Association of the State of New York (CAASNY) Conference: Mr. DeWind and Mr. Lanouette Jr. recently attended the CAASNY winter conference. One of the topic discussions was the need for juvenile delinquent secure detention. The County currently has a contract for non-secure detention with Steuben County. Harris Beach presented regarding the In Rem lawsuit and how to handle a motion for excess In Rem value.
 - Bankruptcy: A new bankruptcy claim has been received with outside counsel being utilized for the claim.
 - FOIL Appeal-Thomas Kurtz: The Freedom of Information Law (FOIL) appeal for Thomas Kurtz was heard with Legislators unanimously agreeing to uphold the original denial due to the Tioga County Sheriff's Office not having the records requested in the original FOIL.
 - Litigation: There has been a motion made on one of the cases. The County was recently served for a group action claim for constitutional rights violations. New York Municipal Insurance Reciprocal (NYMIR) has denied coverage so outside counsel will need to be explored possibly with other counties. There is currently a federal inmate lawsuit against the Jail and NYMIR has assigned counsel for this case. A Notice of Claim has migrated to a complaint and has been accepted by NYMIR with counsel assigned.
 - Relocation: The County Attorney's Office will be relocated to other offices in the building starting December 19, 2024, due to construction.
- PERSONNEL:
 - Paralegal Position: The Department of Social Services (DSS) Legal Office currently has a paralegal position open.
 - RESOLUTIONS:

- APPOINT ASSISTANT PUBLIC DEFENDER LAW DEPARTMENT; ENTER INTO CONTRACT WITH EVOLUTION CONSULTING, LLC FOR CDL DRUG AND ALCOHOL TESTING; ENTER INTO CONTRACT WITH CATAMOUNT CONSULTING FOR AUDIOGRAMS; AUTHORIZING AND APPROVING RESOLVING CLAIMS RELATED TO THE OPIOID CRISIS were moved into full Legislative Session without further questions.
- PROCLAMATIONS
 - N/A
- EXECUTIVE SESSION
 - County Attorney requested to move into Executive Session to discuss a personnel matter. Legislator Monell made the motion seconded by Legislator Brown at 11:25 A.M. Legislator Monell made the motion to exit Executive Session and was seconded by Legislator Brown at 11:57 A.M.
- ADJOURNMENT:
 - Legislator Ciotoli adjourned the Legal & Safety Committee at 11:58 A.M.

Respectfully submitted,

Christine Freyvogel

Secretary to the County Attorney



TIOGA COUNTY, NEW YORK

Tioga County 2025 LEGAL BUDGET REPORT

FOR 2025 12

	ORIGINAL APPROP	TRANFRS/ ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
A General Fund							
A1420 Law							
A1420 412706	Shared Services-At	-50,079	0	-50,079	.00	.00	-50,079.00 .0%
A1420 510010	Full Time	231,528	0	231,528	.00	.00	231,528.00 .0%
A1420 510020	Part Time/Temporar	41,641	0	41,641	.00	.00	41,641.00 .0%
A1420 520200	Office Equipment	450	0	450	.00	.00	450.00 .0%
A1420 540000	Contract Expense	500	0	500	.00	.00	500.00 .0%
A1420 540010	Advertising	635	0	635	.00	.00	635.00 .0%
A1420 540040	Books	1,500	0	1,500	.00	.00	1,500.00 .0%
A1420 540180	Dues	2,400	0	2,400	.00	448.00	1,952.00 18.7%
A1420 540330	Legal Fees	65,000	0	65,000	.00	42,300.00	22,700.00 65.1%
A1420 540331	Legal Fees-Adolesc	1,500	0	1,500	.00	.00	1,500.00 .0%
A1420 540390	Mileage Expense	300	0	300	.00	.00	300.00 .0%
A1420 540420	Office Supplies	825	0	825	.00	.00	825.00 .0%
A1420 540480	Postage	150	0	150	.00	.00	150.00 .0%
A1420 540485	Printing/Paper	400	0	400	.00	.00	400.00 .0%
A1420 540731	Training/State Req	1,000	0	1,000	.00	.00	1,000.00 .0%
A1420 581088	State Retirement F	27,207	0	27,207	.00	.00	27,207.00 .0%
A1420 583088	Social Security Fr	20,191	0	20,191	.00	.00	20,191.00 .0%
A1420 584088	Workers Compensati	4,780	0	4,780	.00	.00	4,780.00 .0%
A1420 585588	Disability Insuran	204	0	204	.00	.00	204.00 .0%
A1420 586088	Health Insurance F	94,872	0	94,872	.00	.00	94,872.00 .0%
A1420 588988	Eap Fringe	64	0	64	.00	.00	64.00 .0%
TOTAL Law		445,068	0	445,068	.00	42,748.00	402,320.00 9.6%
TOTAL General Fund		445,068	0	445,068	.00	42,748.00	402,320.00 9.6%
TOTAL REVENUES		-50,079	0	-50,079	.00	.00	-50,079.00
TOTAL EXPENSES		495,147	0	495,147	.00	42,748.00	452,399.00
GRAND TOTAL		445,068	0	445,068	.00	42,748.00	402,320.00 9.6%

** END OF REPORT - Generated by Freyvogel, Christine **



TIOGA COUNTY, NEW YORK

Tioga County 2025 SAFETY BUDGET REPORT

FOR 2025 12

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USE/COL
CI Liability Insurance Fund							
CI8042 504 Coordinator/Safety							
CI8042 510010 Fulltime	60,568	0	60,568	.00	.00	60,568.00	.0%
CI8042 540070 Car Maintenance	1,000	0	1,000	.00	.00	1,000.00	.0%
CI8042 540140 Contracting Servi	4,500	0	4,500	.00	.00	4,500.00	.0%
CI8042 540140 M7674 Contracting	160,000	0	160,000	.00	.00	160,000.00	.0%
CI8042 540220 Automobile Fuel	200	0	200	.00	.00	200.00	.0%
CI8042 540340 Literature	50	0	50	.00	.00	50.00	.0%
CI8042 540410 Nursing Supplies	2,000	0	2,000	.00	.00	2,000.00	.0%
CI8042 540420 Office Supplies	400	0	400	.00	.00	400.00	.0%
CI8042 540480 Postage	75	0	75	.00	.00	75.00	.0%
CI8042 540640 Supplies (Not Off	600	0	600	.00	.00	600.00	.0%
CI8042 540733 Training/All Othe	2,500	0	2,500	.00	.00	2,500.00	.0%
CI8042 581088 State Retirement	7,113	0	7,113	.00	.00	7,113.00	.0%
CI8042 583088 Social Security F	4,477	0	4,477	.00	.00	4,477.00	.0%
CI8042 584088 Workers Compensat	1,195	0	1,195	.00	.00	1,195.00	.0%
CI8042 585588 Disability Insura	68	0	68	.00	.00	68.00	.0%
CI8042 586088 Health Insurance	28,133	0	28,133	.00	.00	28,133.00	.0%
CI8042 588988 Eap Fringe	16	0	16	.00	.00	16.00	.0%
TOTAL 504 Coordinator/Safety	272,895	0	272,895	.00	.00	272,895.00	.0%
TOTAL Liability Insurance Fund	272,895	0	272,895	.00	.00	272,895.00	.0%
TOTAL EXPENSES	272,895	0	272,895	.00	.00	272,895.00	
GRAND TOTAL	272,895	0	272,895	.00	.00	272,895.00	.0%

** END OF REPORT - Generated by Freyvogel, Christine **

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -25

UNFUND SECRETARY TO COUNTY ATTORNEY
AND CREATE AND FILL (1) FULL-TIME PARALEGAL
COUNTY ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required to abolish and create any position within a Tioga County department or office; and

WHEREAS: One (1) full-time Secretary to County Attorney position is occupied by Christine Freyvogel; and

WHEREAS: Upon review of the department needs, the County Attorney in conjunction with the Personnel Officer has determined that he can better address the workload by unfunding one (1) full-time Secretary to County Attorney position and creating one (1) full-time Management/Confidential (M/C) Paralegal position; therefore be it

RESOLVED: That one (1) full-time M/C position of Paralegal (M/C \$56,487 – \$66,487) be created effective January 13, 2025, in accordance with payroll requirements; and be it further

RESOLVED: That one (1) full-time Secretary to County Attorney be unfunded effective January 13, 2025; and be it further

RESOLVED: That the County Attorney is authorized to provisionally appoint Christine Freyvogel to the full-time Paralegal position at an annual salary of \$56,487, effective January 13, 2025, pending successful completion of civil service examinations requirements.

REFERRED TO:

FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -25

AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO NEW SECTION XIV
ENTITLED ACCESS TO PUBLIC RECORDS

WHEREAS: Tioga County follows New York's Freedom of Information Law (FOIL) which is the state version of the federal Freedom of Information Act, commonly referred to as FOIA; and

WHEREAS: New York State has amended FOIL to require that Agencies subject to the law must develop a policy regarding providing a notification to public employees in the event that the employee's disciplinary records are requested; and

WHEREAS: Tioga County does not have its own Access to Public Records policy; and

WHEREAS: The County Attorney's Office and the Tioga County Sheriff's Office have written and proposed a new policy entitled Access to Public Records; and

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Access to Public Records Policy for Tioga County; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to new Section XIV entitled Access to Public Records.

Access to Public Records

Introduction

The Freedom of Information Law (FOIL) provides a right of access to "records" of "Agencies." The law defines "agency" to include all units of state and local government, including state agencies, public corporations and authorities, as well as any other governmental entities performing a governmental function for the state or for one or more units of local government in the state.

Definitions

FOIL - The Freedom of Information Law (FOIL) gives the public the right to access, with certain exceptions, documents and information about the functions, procedures, policies, decisions and operations of government department and agencies.

Record - Any information kept, held, filed, produced, or reproduced by, with, or for an official County agency, board, or committee, and/or for the County Legislature, in any physical form whatsoever. Under the law, all records are accessible, except records or portions of records that fall within one of defined categories of deniable records as stated in §87(2) of the Public Officer's Law. Access refers to existing records, and therefore no record need be created in response to a request.

Records Access Officer - The County designee to receive FOIL requests, determine how to respond, and ensure timely responses.

Appeals Officer — The County designee to receive, determine action, and respond to appeals for denial of access to records.

Subject Matter List - A reasonably detailed, current list, organized by subject matter, of all records in County possession, and whether or not records are available to the public.

Designation of records officer

Tioga County has two designated Records Access Officers, The County Attorney is responsible for insuring compliance with the regulations herein and can designate a new Records Access Officer when it is necessary.

Records Access Officers

Kevin Humes (All Except Sheriff's Records) FOIL Officer 56 Main Street, Owego, NY 13827 607.687.8253 foil@tiogacountyny.gov	- AND -	Lt. Adam Bessey (Sheriff's Records) Tioga County Sheriff's Office 103 Corporate Drive, Owego, NY 13827 607.687.1010
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The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records

access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. The records access officer shall insure that County Personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (a) Make a copy available upon payment
 - (b) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (a) Tioga County is not the custodian for such records; or
 - (b) The records of which Tioga County is a custodian cannot be found after diligent search.

Hours and Locations for Public access to records

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. The Sheriff's Office Hours are 8:00 a.m. to 4:00 p.m., Monday through Friday. Record Officers are located at the County Office Building at 56 Main Street Owego, NY, and at the Tioga County Sheriff's Office at 103 Corporate Drive, Owego, NY 13827.

Requests for Public Access to Records

1. A written request is required for both offices
2. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
3. A response shall be given within five business days of receipt of a request by:
 - a. Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - b. Granting or denying access to records in whole or in part;
 - c. Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request, when the request will be granted in whole or in part; or
 - d. If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
4. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

Subject matter list

1. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
2. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
3. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Denial of access to records

In the event that your FOIL request is denied, you have the right to appeal. Appeals are handled by the Tioga County Legislature and must be in writing. A review of the denial will be conducted by the Legislature at their next meeting, which is open to the public.

To submit an appeal, write to:

Tioga County Legislature
Attn: Legislative Chairperson
56 Main Street
Owego, NY 13827

Questions about the appeals process may be directed to the Office of the County Attorney at 607.687.8253.

Any person denied access to records may appeal within thirty days of a denial. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- the date and location of requests for records;
- a description, to the extent possible, of the records that were denied; and
- the name and return address of the person denied access.

A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
Department of State
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, NY 12231

The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal.

Fees

1. There shall be no fee charged for:
 - a. Inspections of records;
 - b. Searches for records; or
 - c. Any certification pursuant to this part.

2. Fees for copies may be charged, provided that:
 - a. The fee for copying records shall not exceed \$0.25 per copy for photocopies not exceeding nine inches by 14 inches and \$5 for a provided CD\DVD.
 - b. For Processing of Body worn camera footage, the Sheriff's Office will charge an hourly rate equal to the lowest rate of an employee qualified to process said footage. Fees will be charged beginning at hour three.

Public notice

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen, or copies shall be posted in a conspicuous location wherever records are kept and published on our website.

Notice to Employees Regarding Disclosure of Disciplinary Records

Purpose

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all government agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

Notification Requirement

Tioga County will provide notice to current if their employment records are subject to a FOIL request. Notification shall occur when the request for their disciplinary is received.

Content of the Notification

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the County will provide any records released to the employee. As well as a description of the records requested, the identity of the requester, if known and the expected date of disclosure, if applicable.

Delivery of Notification

The notice should be delivered in writing, either via regular mail or employee's County email address or, where there is no active County email address, to the last known contact information on file. Such notification efforts shall be the responsibility of the County Records Access Officers.

Disciplinary Records

Tioga County will use the definition of "disciplinary records" under Public Officers Law (POL) §86(6) for law enforcement, applying it to non-law enforcement employees.

Severability

If any provision 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 or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -25

APPOINT PARALEGAL LAW DEPARTMENT

WHEREAS: Legislative approval is required for any appointments made to a Management/Confidential position; and

WHEREAS: Due to the announced resignation of the current Paralegal as of December 4, 2024, there is a vacancy in the DSS Law Division; and

WHEREAS: The 1st Assistant County Attorney has recruited for a replacement and after interviewing a satisfactory candidate has been identified; therefore be it

RESOLVED: That the County Attorney is hereby authorized to provisionally appoint Alissa Benjamin to the title of Paralegal effective February 10, 2025, pending successful completion of the civil service requirements at an annual Management/Confidential salary of \$56,487.