

**RESOLUTION NO.                    2010 BUDGET AND APPORTIONMENT – GENESEE  
COUNTY SELF-INSURANCE – APPROVAL OF**

Legislator Zambito offered the following resolution:

**WHEREAS,** The Executive Secretary of the Genesee County Self-Insurance Plan did submit the Budget and Apportionment of Expenses for fiscal year 2010, and

**WHEREAS,** The Committee on Ways and Means did review said budget and apportionment and does recommend approval at this time. Now, therefore, Be it

**RESOLVED,** That the Budget and Apportionment of the Genesee County Self-Insurance Plan, as submitted, is hereby adopted for the year 2010, and Be it further

**RESOLVED,** That certified copies of the Budget and Resolution be forwarded to the participants of the Plan.

**Budget Impact:** All costs are apportioned to the participants.

**RESOLUTION NO:            2009    BUDGET    AMENDMENT    &    BUDGET    ITEM  
TRANSFER – ELECTIONS - APPROVAL OF**

Legislator Upson offered the following resolution:

**WHEREAS**, In order to program the 6 new voting machines (Plan B), the Board of Elections requires installation of a Latitude 6400 Laptop Computer at a cost of \$738.00 (state contract) and a Optiplex 760 Desktop Computer at a cost of \$643.00 (state contract) prior to the September 15, 2009 primary election, and 95% of the cost will be picked up by HAVA, and

**WHEREAS**, The Commissioners of Elections were unaware of these requirements when the 2009 budget was prepared and recommends a budget amendment and budget item transfer to cover the costs of the computers, and

**WHEREAS**, The Committee on Ways and Means does concur. Now, therefore Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2009 Elections budget by increasing appropriation A.1450.2022.0001 Computers in the amount of \$1,311.00 and increasing revenue A.1000.1450.4989.1 Federal Aid in a like amount (95% of costs), and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following budget items transfer to cover the remaining 5%.  
Transfer \$70 from A.1450.4660.0000 Contractual to A.1450.2022.0001 Computers.

**Budget Impact:** An increase in expenditures of \$1381.00 of which 95% is covered by federal aid, additional county expense of \$70.00.

**RESOLUTION NO.                    MEMORIALIZATION-WESTERN REGIONAL OFF  
TRACK BETTING-SUPPORT OF**

Legislator Grasso offered the following resolution:

**WHEREAS**, It is today widely acknowledged that New York State and its municipalities, including the County of Genesee, are facing substantial financial and budgetary challenges brought on by the current recession, and

**WHEREAS**, State-wide for over the past 30 years, 43 participating counties and municipalities have received more than \$3 billion in revenues as their return on their collective investment as the “stockholders” in respective New York off-track betting corporations, and

**WHEREAS**, The Western Regional Off-Track Betting Corporation (“WESTERN”) has itself in its 34 years of existence distributed immense sums to its statutory beneficiaries in pursuit of its charge by the state legislature to support New York racing and provide reasonable revenues for state and local government.:

- ✓ \$321 million commissions to race tracks in New York; and
- ✓ \$203 million to its participating municipalities; and
- ✓ \$93 million to the State of New York; and
- ✓ \$34 million to the Breeders’ Fund; and
- ✓ \$57 million to the New York State Lottery since May, 2005, and

**WHEREAS**, Western provides over 600 full and part-time jobs for the community at its branches and the Batavia Downs complex while pumping additional millions in indirect revenue to agribusinesses in western New York, and

**WHEREAS**, Genesee County is a participating owner of Western, having **invested \$13,794 in 1974** and, not only having seen that original amount returned, with interest of \$1,265, on May 30, 1975, but realized shareholder dividends since investing in Western of **\$11,611,934 in the form of operating and surcharge profits through 2008**, and

**WHEREAS**, Genesee County employs its profits from Western to help offset the rising rate of property taxes; for special education, address the rising costs of Medicaid, retirement and health insurance; and to assist other important County-funded programs, and

**WHEREAS**, Western is a public benefit corporation created by statute in 1974 that is unique in off-track betting corporations in that it not only operates a retail branch business with over 30 branches facilities spread over its 15 county area but owns and operates Batavia Downs racetrack with live racing, inter-track wagering, and since 2005, video lottery gaming, and

**WHEREAS**, We are well satisfied, and our confidence is justified by a the preliminary findings of a recent audit of Western by the New York State Comptroller’s Office, that Western’s Board of Directors and the corporation’s experienced management have taken the necessary steps to

reduce expenses and implement other economies to react appropriately to the nationwide trend of the decline of betting handle; the recent downturn in the country's economy and by state legislation's steady drain of Western's gross revenues to other segments of the New York racing industry and the state's bureaucratic oversight of racing and wagering, and

**WHEREAS**, The state's governor has appointed a commission, "The Task Force on the Future of Off-Track Betting in New York State", to investigate and make recommendations as to the efficiency of these regional corporations and consider their consolidation under one authority; and

**WHEREAS**, The state law that created this Task Force obligates it to consult with, among others, local governments regarding this matter and indeed the Task Force in communications with Genesee County officials has stated that:

"The emphasis of the Task Force is focused on the off-track betting system's ability to raise revenues for state and local governments as well as strengthen the racing and breeding industries in New York. Your input in this matter is therefore requested.", and

**WHEREAS**, Industry pundits have openly speculated that the Task Force's recommendations are pre-ordained and, if adopted, will ultimately result in these regional corporations like Western being effectively dissolved and their franchise, and most importantly their revenue-generating assets, given to the New York Racing Association or taken by the state itself, neither of which have shown any recent success in their own business management in or out of racing or, in the latter case, operating a pari-mutuel off-track betting system, and

**WHEREAS**, Such predictions portend the loss to Genesee County of not only the annual revenues generated by Western but the stripping it of its ownership interest in Western's real property, that represents our county's reinvestment in Western, and that has been professionally appraised at over Fifty Eight Million (\$58,000,000) Dollars, of which Genesee County's shareholder interest is 2.16% or \$1,265,223.18, and

**WHEREAS**, Because of this ownership interest, counties and municipalities who are participating members in Western are more than just disinterested observers of any recommendation by the Task Force which affects the structure of Off-Track Betting and horse racing in New York State, and

**WHEREAS**, Any such negative impact on the financial and operational relationship that Genesee County has with Western Regional Off-Track Betting Corporation would negatively effect Genesee County. Now, therefore, Be it

**RESOLVED**, That Genesee County supports Western Regional Off-Track Betting Corporation and its continued efforts to increase revenue for its participating member, and Be it further

**RESOLVED**, That Genesee County, a member of Western Regional Off-Track Betting Corporation, could not and will not support any recommendation by the Task Force on the Future of Off-Track Betting or the State of New York that would change the current structure of Off-Track Betting in New York State and put in jeopardy the financial and operational relationship between Genesee County and Western Regional Off-Track Betting Corporation, and Be it further

**RESOLVED**, That Genesee County supports and will continue to support the legislative efforts of Western to see enacted the proposed 2009 OTB Omnibus Bill Legislation to preserve and protect the financial integrity of Western by changing the current statutes that govern the operation and distribution of revenues of Western, and Be it further

**RESOLVED**, That those changes would permit Western to return greater revenues to Genesee County allowing Western to continue to provide a reasonable support for the government of Genesee County while continuing to operate in a manner compatible with the well being of horse racing and breeding in New York State, and Be it further

**RESOLVED**, That Genesee County's stake in the future of horseracing and Off-Track Betting Corporations in New York State be protected; and Be it further

**RESOLVED**, That certified copies of this resolution will be sent to Senator Michael Ranzenhofer, Assemblymen Stephen Hawley and Daniel Burling, NYSAC and InterCounty Association of Western New York urging each and every one of them to honor our resolve to protect Genesee County's investment.

**RESOLUTION NO.                    2009 SALARY SCHEDULE AMENDMENT - COMMUNITY  
MENTAL HEALTH SERVICES/MENTAL HEALTH  
CLINICAL SOCIAL WORKER-APPROVAL OF**

Legislator Lawrence offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2009 CSEA Salary Schedule to eliminate one (1) Part-Time Mental Health Clinical Therapist Grade 19 and create one (1) Full-Time Mental Health Clinical Social Worker Grade 19 to the Community Mental Health Department, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2009 Salary Schedule by eliminating one (1) Part-Time position of Mental Health Clinical Therapist and to create one (1) Full-Time position of Mental Health Clinical Social Worker to Community Mental Health Services Department, in CSEA Employee Salary Schedule Grade 19 effective September 10, 2009.

**Budget Impact Statement:** No budget impact at this time.

**RESOLUTION NO.                    2009 SALARY SCHEDULE AMENDMENT - COMMUNITY  
MENTAL HEALTH SERVICES/COMMUNITY MENTAL  
HEALTH NURSE-APPROVAL OF**

Legislator Lawrence offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2009 CSEA Salary Schedule to eliminate one (1) Less than Full Time Community Mental Health Nurse Grade 18N and create one (1) Full-Time Community Mental Health Nurse Grade 18N to the Community Mental Health Department, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2009 Salary Schedule by eliminating one (1) Less than Full Time position of Community Mental Health Nurse and to create one (1) Full-Time position of Community Mental Health Nurse to Community Mental Health Services Department, in CSEA Employee Salary Schedule Grade 18N effective September 14, 2009.

**Budget Impact Statement:** No budget impact at this time.

**RESOLUTION NO.                    2009 BUDGET AMENDMENT – DSS/BACK TO SCHOOL  
PROGRAM - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Commissioner of Social Services did request an amendment to the 2009 Budget to allow for an increase in the costs of Family Assistance/TANF caused by the State's issuance of a previously unanticipated Back-to-School benefit, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2009 Budget by:

Increasing Appropriation A6109 4800-0000 DSS Program Expense (Family Assistance/TANF) by \$345,800, and

Increasing revenue account A1000 6109 4609 Federal Aid-Family Assistance/TANF by \$276,640, and

Increasing revenue account A1000 6109 3609 State Aid-Family Assistance/TANF by \$69,160.

**Budget Impact:** There is no increase to the overall local share of the 2009 budget as the increase in appropriation is entirely off-set by Federal and State aid.



**RESOLUTION NO.                    2010 - 2012 RATES FOR BURIALS OF VETERANS AND  
INDIGENT COUNTY RESIDENTS/CORONER  
REQUESTED REMOVALS – DSS/VETERAN’S/HEALTH -  
APPROVAL OF**

Legislator Hodgins offered the following resolution:

**WHEREAS**, The Committee on Human Services did review the current charges paid for funeral and burial services provided to indigent individuals, pursuant to Section 148 of the General Municipal Law, and the rates for Coroner requested removals, and does recommend that the current fee schedule be adjusted for 2010 through 2012. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve of the following rate schedule that would provide for funeral and burial services provided to indigent individuals, and for Coroner requested removals, for a three year period commencing January 1, 2010:

<u>SERVICE/MERCHANDISE</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Basic fee 6 years thru adult:	\$ 1,634	1,716	1,802
Ancillary services:			
Vault:	425	425	425
Cemetery/crematory expense:	500	500	500
Children’s services:			
6 months to 5 years:	852	895	940
Stillborn to 6 months:	400	420	441
Maximum private contribution:	850	850	850
Coroner requested removal:	175	175	175
Mileage:	1.00/mile	1.00/mile	1.00/mile

**Budget Impact Statement:** The County 2009 budget is not affected, as these rates will take effect on 1/1/2010. The Department of Social Services anticipates a burial expense of \$66,313 with revenue of \$16,200 in 2010. Veteran’s Services has budgeted \$8,000 for burial expense in 2010, with \$2,000 in revenue claimed through Social Services. The Health Department has budgeted \$12,800 for Coroner requested removals in 2010. The net County costs for 2010 will be \$68,913 and are included in the Departments’ budgets being submitted for 2010.

**RESOLUTION NO.                    APPOINTMENT -DEFERRED COMPENSATION  
PLAN/SUCCESSOR TRUSTEE - APPROVAL OF**

Legislator Zambito offered the following resolution:

**WHEREAS**, Genesee County NY has established a deferred compensation plan (the “Plan”) for the benefit of its eligible employees, and

**WHEREAS**, The Genesee County has been notified that the State Street Bank and Trust Company (successor by merger with Investors Bank & Trust Company) has resigned as trustee of the Plan effective as of January 1, 2009, and

**WHEREAS**, Genesee County desires to appoint the VantageTrust Company to serve as successor trustee of the Plan, currently with ICMA RC Plan# 30035 effective as of January 1, 2009, and

**WHEREAS**, The Committee on Ways and Means concurs. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature hereby appoints VantageTrust Company to serve as successor trustee of the Plan, effective as of January 1, 2009, and Be it further,

**RESOLVED**, That the Genesee County Legislature hereby authorizes the Chair of the Legislature to take any and all actions required to implement the foregoing resolution.

**Budget Impact:** None

**RESOLUTION NO.                    CONTRACT-NURSING HOME/ ACCOUNTING SERVICES  
– APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home did authorize the Purchasing Department to send out an RFP for Accounting Services, and

**WHEREAS**, After an evaluation of qualification criteria, the Committee on Human Services does recommend the award of bid at this time to the low bidder, Toski, Schaefer & Co., 555 International Drive, Williamsville, New York 14221. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to contract with Toski, Schaefer & Co., 555 International Drive, Williamsville, New York 14221 at a total cost of \$22,800 for audits to be performed for years 2009 and 2010. The contract also has the option for years 2011 and 2012.

**RESOLUTION NO.                    INTERMUNICIPAL AGREEMENT –  
SHERIFF/CONSOLIDATED DISPATCH – APPROVAL OF**

Legislator Grasso offered the following resolution:

**WHEREAS**, The Genesee County Legislature and the Village of LeRoy have recognized that it is in the best interest of the residents of Genesee County and the Village of LeRoy that their residents be served by a Central Emergency Communications Center, Computer Aided Dispatch and Records Management System, and

**WHEREAS**, An Intermunicipal Agreement has been negotiated by the parties, and

**WHEREAS**, After careful review by the Sheriff, Director of Emergency Communications, and County Attorney, it is recommended that the County enter into an Intermunicipal Agreement with the Village of LeRoy. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and Sheriff are hereby authorized and directed to execute the Intermunicipal Agreement between the County of Genesee and the Village of LeRoy.

**Budget Impact:** Costs associated with the consolidation of the Village of LeRoy dispatching services is funded with a local government efficiency grant.

**RESOLUTION NO.                      PROFESSIONAL SERVICES – SHERIFF /800 MHZ  
RECONFIGURATION – APPROVAL OF**

Legislator Grasso offered the following resolution:

**WHEREAS**, The Federal Communications Commission did issue a Report and Order for the reconfiguration of the 800 MHz frequency band on August 6, 2004 and a Supplemental to the Order on December 22, 2004, and

**WHEREAS**, Genesee County desires to retain a legal expert to represent Genesee County public safety interests during the 800 MHz reconfiguration process, and

**WHEREAS**, Shulman, Rogers, Gandal, Porody & Ecker P.A. are recognized as national experts on 800 MHz reconfiguration where all services rendered by them shall be directly reimbursable expenses authorized by the 800 MHz Transition Authority and paid directly by Sprint / Nextel, and

**WHEREAS**, After careful review by the County Budget Officer, Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, it is recommended the County approve the retention of Shulman, Rogers, Gandal, Porody & Ecker P.A. for 800 MHz reconfiguration legal representation, and

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

**RESOLVED**, That the Genesee County Chair and the Sheriff are authorized to retain Shulman, Rogers, Gandal, Porody & Ecker P.A., 12505 Potomac Ave, 6<sup>th</sup> Floor, Potomac, MD 20854, for legal representation associated with the 800 MHz frequency reconfiguration.

**BUDGET IMPACT**: The legal representation costs associated with the 800 MHz frequency reconfiguration will be directly reimbursed by the Sprint Nextel Corporation.

**RESOLUTION NO.                    INTERMUNICIPAL AGREEMENT – SHERIFF’S OFFICE /  
MONROE COUNTY – PUBLIC SAFETY INTEROPERABLE  
COMMUNICATION GRANT – APPROVAL OF**

Legislator Zambito offered the following resolution:

**WHEREAS**, Monroe County has received federal funding under the Public Safety Interoperable Communications (PSIC) Grant program for the establishment of a six-county interoperable network, and.

**WHEREAS**, Genesee County desires to participate in the PSIC program for the enhancement of public safety interoperable communications, and

**WHEREAS**, After careful review by the Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, it is recommended the County approve the Intermunicipal Agreement with Monroe County, and

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

**RESOLVED**, That the Genesee County Chair and the Sheriff are authorized to enter into an Intermunicipal Agreement with Monroe County, 39 West Main Street, Rochester, NY 14614, for participation in the Public Safety Interoperable Communications Grant Program.

**BUDGET IMPACT:** The costs associated with the implementation of the Intermunicipal Agreement shall be offset by funds from the Public Safety Interoperable Communications Grant Program.

**RESOLUTION NO.                    AGREEMENT-SHERIFF/SWBR ARCHITECTS-  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The City of Batavia received a State Legislative Initiative grant for alterations and renovations to the Genesee County Jail to enhance central booking, and

**WHEREAS**, SWBR Architects has submitted a proposal for architectural design services for the Visitation Room and Booking Area at the Genesee County Jail, and

**WHEREAS**, After a careful review of the proposal by the Sheriff, County Manager, Purchasing Director, County Attorney and Supervisor of Facilities Management, it is recommended the County accept the proposal from SWBR Architects. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and Sheriff is authorized and directed to sign the proposal with SWBR Architects, 387 Main Street, Rochester, New York 14604 for architectural design services at the Genesee County Jail at a cost not to exceed \$8,500, plus reimbursement expenses not to exceed \$500.00 for Phase 1 and at a cost based upon a percentage fee of 12% of construction cost for Phase 2, with funds being appropriated from a State Legislative Initiative grant obtained by the City of Batavia, New York.

**Budget Impact:** Costs associated with this service is funded by a State Legislative Initiative grant obtained by the City of Batavia, New York

**RESOLUTION NO. GRANT AWARD/BUDGET AMENDMENT  
GENESEE JUSTICE/NYS OFFICE OF CHILDREN  
AND FAMILY SERVICES – APPROVAL OF**

Legislator Upson offered the following resolution:

**WHEREAS,** The Director of Genesee Justice did receive notification of the award of grant funding from the New York State Office of Children and Family Services that Genesee County’s application for the Justice for Children Advocacy Center and Justice for Children Multi-Disciplinary Team has been awarded in the amount of \$142,830, and

**WHEREAS,** The Director of Genesee Justice has requested the County accept this funding which stipulates that this revenue will be used for the continuation of the Justice for Children Advocacy Center and Justice for Children Multi-Disciplinary Team, and

**WHEREAS,** The Committee on Ways and Means did review this request and does recommend acceptance of the grant funding at this time. Now, therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the NYS Office of Children and Family Services for the acceptance of funds for the period of October 1, 2009 through September 30, 2010 in the amount of \$142,830, and to execute any and all other documentation related to this funding, and Be it further

**RESOLVED,** That the Genesee County Treasurer is hereby authorized and directed to amend the 2009 Genesee Justice Budget by increasing the following line items:

A 3151 4110 0000 Supplies	\$750	A 3151 4290 0000 Telephone	\$750
A 3151 4140 0000 Postage	\$125	A 3151 4410 0055 Copier Maintenance	\$328
A 3151 4160 0000 Publications	\$200	A 3151 4540 0000 Mileage	\$200
A 3151 4230 0000 Facility Electric	\$750	A 3151 4660 0000 Contracted Other	\$6,408
A 3151 4230 0000 Facility Gas	\$1,000	A 3151 4800 0000 Program Expense	\$189
A 3151 4250 0000 Facility Water/Sewer	\$200		

to be offset by an increase in Genesee Justice Revenue A1000.3151.3323, State Aid in the amount of \$10,900.

**Budget Impact:** An increase in State Revenue Line 3323 of \$12,465 for fiscal year 2009 with increases as noted to above line items and \$1,565 to be utilized towards Personal Services and Fringe Benefits already calculated in 2009 department budget. The balance will be placed in fiscal year 2010.



**RESOLUTION NO.                      MEMORIALIZATION-DAIRY FISCAL CRISIS**

Legislator Zambito offered the following resolution:

**WHEREAS**, New York's vast farming industry contributes to Genesee County, the state and the nation's health and economic wellbeing every day, and

**WHEREAS**, Dairy farming is the backbone of this the largest industry in New York State, and

**WHEREAS**, The current state of the dairy industry is dire as dairy producers struggle to meet their financial commitments due to historically low milk prices couples with erratically high energy, feed and fertilizer costs, and

**WHEREAS**, The bleak economic climate has softened demand for dairy products in both the domestic and foreign markets, creating a surplus of dairy products and driving the price of the commodity to historic lows, and

**WHEREAS**, In Genesee County and many areas of the state, even well-run dairy farms will not be able to continue in business in the current fiscal climate unless immediate, decisive and meaningful action is taken similar to actions taken to shore up other industries as part of the American Recovery and Reinvestment Act. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature urges both the State and federal government to take immediate action to relieve the current dairy fiscal crisis and help maintain economic engine that is the dairy industry, and Be it further

**RESOLVED**, The Genesee County Legislature recommends the following measures as a first step toward recovery for both the state and national dairy industry:

- Congress must provide an immediate increase in funding for increased payments to the dairy farmers under the Milk Income Loss Contract (MILC)
- The United State Department of Agriculture (USDA) to move dairy commodities off the domestic market as quickly as possible to fully utilize the Dairy Export Incentive Program (DEIP),
- The USDA should take additional administrative action to issue another temporarily increase to the product price levels of the Dairy Product Price support Program (DPPSP),
- The USDA and the State of New York should immediately increase dairy product purchases for government sponsored nutritional programs,

- Passage of S.1722 sponsored by US Senators Arlen Specter and William Casey of Pennsylvania, known as the Federal Milk Marketing Improvement Act of 2007 which will require the Secretary of Agriculture to determine the price for all milk used for manufacturing purposes using the national average cost of production, thereby increasing the price per hundred weight, and Be it further

**RESOLVED**, That copies of this resolution will be sent to President Barack Obama, New York State Governor David A. Paterson, Congressman Christopher Lee, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley and Daniel Burling, NYSAC, InterCounty Association of Western New York and Genesee Association of Municipalities.

**RESOLUTION NO. LOCAL LAW INTRODUCTORY NO. ONE, YEAR 2009 A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE-ADOPTION OF**

Legislator Zambito offered the following resolution:

**WHEREAS, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: LOCAL LAW INTRODUCTORY NO. ONE, YEAR 2009 AMEDNING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE**

Be it enacted, by the Legislature of the County of Genesee, State of New York as follows:

Section 1. Section 1 of Local Law No. 2 of the year 2007 is hereby amended to read as follows:

**Section 1. Imposition of Tax**

Pursuant to Chapter 579 of the Laws of 2004, for the period beginning January 1, 2005 and ending October 31, 2011, there is hereby imposed, in the County of Genesee, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage or real property situated within the County of Genesee and recorded on or after January 1, 2005 and a tax of \$0.25 on such Mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

**Section 2. Effective Date**

This local law shall take effect on November 1, 2009, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted. And,

**WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and**

**WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local Law Introductory Number One of the Year 2009, and**

**WHEREAS, The Public Hearing was held at 7PM on the 9<sup>th</sup> day of September, 2009 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it**

**RESOLVED**, That LOCAL LAW INTRODUCTORY NO. ONE, YEAR 2009 A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE **to be known as Local Law Number Two, 2009 for the County of Genesee is hereby adopted.**