

RESOLUTION REGARDING THE 2019 CAYUGA COUNTY SHARED SERVICES PLAN

BY: Joseph DeForest, Chair, Government Operations Committee

WHEREAS, in 2017, New York State introduced the County-Wide Shared Services Initiative ("CWSSI") with the intent of generating property tax savings by facilitating operational collaboration between local governments; and

WHEREAS, the CWSSI has been extended through December 31, 2021, per the State Fiscal Year 2019 Enacted Budget of Article 12-I of the General Municipal Law; and

WHEREAS, municipalities throughout Cayuga County have, for many years, worked with their neighboring localities to expand collaboration and increase operational efficiencies to reduce and/or stabilize service costs and local tax rates; and

WHEREAS, the Cayuga County Shared Services Panel ("Panel") comprised of the Chief Elected Official of every municipality in the County, as well as a Board Member of the Auburn Enlarged City School District, the Southern Cayuga School District, and the County Water and Sewer Authority has devoted considerable time and effort to identify additional efficiencies among partner municipalities that will, over time, result in recurring tax savings for Cayuga County residents and has incorporated these into the proposed 2019 Cayuga County Shared Services Plan ("Plan"); and

WHEREAS, the Cayuga County leadership and staff, and many municipalities on the Shared Services Panel donated time and resources to the drafting and development of the Cayuga County Shared Services Plan; and

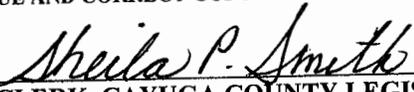
WHEREAS, the Cayuga County Legislature was provided with copies of the proposed Cayuga County Shared Services Plan and the Plan was presented to the full Cayuga County Legislature at the September 24, 2019 meeting of the Cayuga County Legislature; and

WHEREAS, General Municipal Law § 239-6b requires that the Cayuga County Legislature review and consider the Cayuga County Shared Services Plan; now, therefore be it

RESOLVED, that the Cayuga County Legislature, having reviewed the proposed Cayuga County Shared Services Plan, hereby accepts the Plan and recommends that the Cayuga County Shared Services Panel approve the Plan; and be it further

RESOLVED, that the Cayuga County Legislature hereby thanks the members of the Shared Services Panel and the numerous county and municipal staff members who contributed their time, effort and thoughtful collaboration in drafting and finalizing the Cayuga County Shared Services Plan.

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 22nd DAY OF OCTOBER 2019 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.


CLERK, CAYUGA COUNTY LEGISLATURE

RESOLUTION TO AUTHORIZE THE CHAIRMAN TO SIGN A SHARED SERVICES AGREEMENT

BY: Joseph Bennett, Chair, Public Works Committee
Patrick Mahunik, Chair, Ways and Means Committee

WHEREAS, the Cayuga County Legislature has reviewed and accepted the proposed 2019 Cayuga County Shared Services Plan ("2019 Plan") at the October 22, 2019 meeting of the Cayuga County Legislature; and

WHEREAS, the 2019 Plan contains projects involving the County Highway Department sharing equipment and services with other local government entities; and

WHEREAS, shared services projects included in the 2019 Plan and implemented in 2020 require written agreements to be eligible for a State match of documented net savings; and

WHEREAS, local governments are eligible for FEMA reimbursements for disaster-related shared services if written agreements are in place between the local government entities prior to the disaster event; and

WHEREAS, all municipalities, including the County of Cayuga, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities, including the County of Cayuga, have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the County of Cayuga and other municipalities have machinery and equipment which is not used during certain periods, and

WHEREAS, it is determined that the County of Cayuga and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Cayuga and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of the County of Cayuga to give the head of the highway department the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the County governing board prior to the making of each individual arrangements, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the head of the highway department, the authority to make similar arrangements, and

WHEREAS, it is hereby determined that it will be in the best interests of the County of Cayuga to be a party to such shared services arrangements; now, therefore be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign on behalf of the County of Cayuga the following contract:

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 22nd DAY OF OCTOBER 2019 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

Sheila P. Smith
CLERK, CAYUGA COUNTY LEGISLATURE

CONTRACT FOR SHARED HIGHWAY SERVICES

1. For purposes of this contract, the following terms shall be defined as follows:
 - a. “Municipality” shall mean any city, county, town or village which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with the clerk of the undersigned city/county/town or village.
 - b. “Contract” shall mean the text of this agreement which is similar in terms and effect with comparable agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.
 - c. “Shared Service” shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but not be limited to:
 - i. the renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators;
 - ii. the providing of a specific service;
 - iii. the maintenance of machinery or equipment.
 - d. “Superintendent” shall mean, in the case of a city, the head of the department of public works; in the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, the town superintendent of highways and/or superintendent of public works; in the case of a village, the superintendent of public works.
2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the clerk of the undersigned municipality. The undersigned municipality by this agreement grants unto the superintendent, the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:

- a. The County of Cayuga agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the County of Cayuga. The determination as to whether such machinery, with or without operators, is needed by the County of Cayuga, shall be made by the superintendent. The value of the materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective superintendents.
- b. The County of Cayuga agrees to rent, exchange or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the superintendent. In the event the superintendent determines that it will be in the best interests of the County of Cayuga to lend to another municipality, the superintendent is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the County of Cayuga, by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by the respective superintendents.
- c. The County of Cayuga agrees to repair or maintain machinery or equipment for any city/county/town/village under terms that may be agreed upon by the superintendent, upon such terms as may be determined by the superintendent.
- d. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.
- e. When receiving the services of an operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.

- f. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator.
 - g. Each municipality shall remain fully responsible for its own employees, including but not limited to, salary, benefits and workers compensation.
- 3. The renting, borrowing or leasing, repairing or maintaining of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the superintendent. Such memorandum may be delivered to the other party via mail, personal delivery, facsimile machine, or any other method of transmission agreed upon.
- 4. In the event any shared services arrangement is made without a memorandum at the time of receipt of the shared service, the superintendent receiving the shared service shall within five days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the repair or maintenance shared service. In the event such shared service related to or included any materials or supplies, such memorandum shall identify such materials or supplies and time and place of delivery.
- 5. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for the purposes of exchanging shared services or a comparable value, it is agreed that the value of the shared service shall be set forth in the memorandum.
- 6. In the event machinery or equipment being operated by an employee or the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.
- 7. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings, repair or maintenance and other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.
- 8. In the event a dispute arises relating to any repair, maintenance or shared service, and such dispute cannot be resolved between the parties, such dispute may be resolved through

mediation or arbitration.

9. Any municipality which is a party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be submitted within thirty days of such revocation.
10. Any action taken by the superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the City/County/ Town/Village budget for highway purposes.
11. The record of all transactions that have taken place as a result of the County of Cayuga participating in the services afforded by this contract shall be kept by the superintendent and a statement thereof, in a manner satisfactory to the County governing board, shall be submitted to the County board semiannually on or before the first day of June and on or before the first day of December of each year following the filing of the contract, unless the County board requests the submission of records at different times and dates.
12. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part may be modified by the municipalities which are a party to this contract to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portion so modified or eliminated.
13. This contract shall be reviewed each year by the County of Cayuga and shall expire five years from the date of its signing by the chief executive officer. The County of Cayuga may extend or renew this contract at the termination thereof for another five year period.
14. Copies of this contract shall be sent to the clerk and the Superintendent of each municipality with which the superintendent anticipates engaging in shared services. No shared services shall be conducted by the superintendent except with the Superintendent of a municipality that has completed a shared services contract and has sent a copy thereof to the clerk of his or her municipality and the superintendent.

IN WITNESS THEREOF, the said County of Cayuga has by order of the County Legislature, caused these presents to be subscribed by the Chair thereof, and the seal of the County to be affixed and attested by the Clerk thereof, this _____ day of _____, _____ (year).

County of Cayuga

By:

Tucker M. Whitman, Chair
Cayuga County Legislature

The Clerk of the Legislature is authorized and directed to file a copy of the contract set forth in this resolution with the chief executive officer of the each and every town and village within Cayuga County.

**Memorandum relating to Shared
Highway Services**

County/Town/Village of: _____ County/Town/Village of: _____

From:

County/Town/Village Highway Superintendent, County/Town/Village of _____

To:

County/Town/Village Highway Superintendent, County/Town/Village of _____

[Include Lease of Equipment, Lending of Material, and/or Maintenance or Repair information here]

Lease of Equipment

Request of the County/Town/Village Highway Superintendent, County/Town/Village of

_____ for the use of such Town's _____

with/without operator to be used for an estimated _____ days/hours

commencing at _____ a.m./p.m./month/day/ year

It is agreed that the rent of such equipment is \$ _____ per hour/day

County/Town/Village Highway Superintendent
County/Town/Village of _____

County/Town/Village Highway Superintendent
County/Town/Village of _____

Lending of Material

Request of the County/Town/Village of _____ for the borrowing of (identify material and amount)

to be returned on or before _____ a.m./p.m./month/day/year.

County/Town/Village Highway Superintendent
County/Town/Village of _____

County/Town/Village Highway Superintendent
County/Town/Village of _____

Maintenance or Repair

Request of the County/Town/Village of _____ for the maintenance or repair of the following machinery or equipment:

Services to be provided include the following:

County/Town/Village Highway Superintendent
County/Town/Village of _____

County/Town/Village Highway Superintendent
County/Town/Village of _____