

GOVERNMENT OPERATIONS COMMITTEE MEETING MINUTES
MARCH 21, 2016

GOVERNMENT OPERATIONS COMMITTEE MEMBERS PRESENT: O'Brien, Armstrong, Campbell, Gang, Shaw, Skellie, Hogan

GOVERNMENT OPERATIONS COMMITTEE MEMBERS ABSENT: None.

SUPERVISORS: Henke, Hicks, Fedler, Gang, Moore, LaPointe, Shay

Debra Prehoda, Clerk of the Board

Chris DeBolt, County Administrator

Roger Wickes, County Attorney

Al Nolette, County Treasurer

Harrison Steves, Supt. Bldgs. & Grnds

Stephanie Lemery, County Clerk

Public & Media

AGENDA AS PRESENTED IN COMMITTEE NOTICE:

- 1) Call to Order
- 2) Accept Minutes – February , 2016
- 3) Department Requests/Reports:
 - A. Buildings & Grounds – Monthly Update
 - B. County Clerk – 2016 Directory
 - C. Treasurer
 1. 2016 Proposed Auction List Possible Issues
 2. Employee Recognition Policy
 - D. County Attorney – Ethics Board
 - E. County Administration
 1. Borrego Solar – Bob Garrity and John Millet
- 4) Other Business
- 5) Adjournment

Chairman O'Brien called the meeting to order at 10:02 A.M.

A motion to accept the minutes of the February 21, 2016 meeting was moved by Mr. Gang, seconded by Mr. Armstrong and adopted.

DEPARTMENT REQUESTS/REPORTS:

BUILDINGS & GROUNDS – Harrison Steves, Superintendent, addressed the following items with the committee:

- Monthly Updates, handout on file:
 - Tested Annex 1 for mold, found small amounts in three spots, problem addressed and resolved.
 - Solved the hot water problem at the complex – when they built the building, the body of the pump was installed backward. Turned it around and the hot water is working.
 - Annex 1 – remodeling downstairs for storage, studded up outside wall, it is rotting and they are in the process of replacing.
 - Mixing valves at the Law Center not working. Pulling them apart, cleaning and replacing the worn out ones.
 - Talking with Trane Company about replacements for PTAC – air conditioner.
 - Hoses and balancing valves for VAVs in the Municipal Center are no longer available, looking for replacements.
 - New Maintenance Mechanic left position for more money. Will begin the search for another Building Maintenance Mechanic; can backfill because the vacancy occurred during probationary period.
 - Alternative Sentencing helping out with lawns and construction project.
 - Building Management project down to water balancing and insulation in spots.
 - Working with Paul Martin on damper motors for smoke dampers at the Law Center.

- Water line for PVI, Stevenson land has been marked.
- Replacing doors to County Clerk next Tuesday.

COUNTY CLERK – Stephanie Lemery, County Clerk, addressed the following items with the committee:

- 2016 Directory – The County Clerk is ready to go ahead with the directory of county, town and village officials and advised the committee the fee has increased. Previously ordered 400 directories printed at a cost of \$500 and the price now to print 200 directories is \$600. The committee feels there is value in the directory and that it should be printed. It was suggested possibly printing the directory in house and also obtaining additional quotes. They reduced the number of directories to print because they had too many left over. The department also sells these directories to recoup some of the expense. The committee feels the information provided is important and the County Clerk mentioned that the information is also available on the county's website. This is a budgeted expense. Chairman O'Brien likes the size of the directory, pocket size, and would have to find out if this can be printed in house. A motion to print the 200 directories and then look to see what can be done in two years was moved by Mr. Gang, seconded by Mr. Campbell and adopted. Mr. Shaw opposed.

COUNTY TREASURER - Al Nolette, County Treasurer, addressed the following items with the committee:

- Reported on the bid results for the ACC (SUNY Adirondack) borrowing. The interest rate is .75% on \$2.2M BAN. Mr. Shaw asked if some time would the towns be able to borrow through the County and it was stated that by law is prohibited.
- 2016 Proposed Auction List – Possible Issues: Discussed five parcels to see if there was any interest in pulling them from the enforcement before he proceeds further.
 - 117.14-8-43 - Scott Reed, Town of Granville – Alleyway – pick up parcel, Former Owner Village of Granville – This is an alleyway between two businesses. A section of law, 1138, allows a parcel to come off the tax roll and not be taxed, owner continues to own the property but it is tax exempt, and that procedure is used for roadways. These pick up parcels in theory never should have been created and the desire is to address these as they come up. The Treasurer stated the realistic options are pull it and do nothing or pull it and 1138 the parcel; the County has no responsibility with those options. The taxes on the parcel are minimal. A motion to leave it on the tax roll and do not enforce on it was moved by Mr. Hogan, seconded by Mr. Skellie and adopted.
 - Two parcels in the Town of Greenwich – 228.-1-1 & 228.-1-2 owned by Bullrushes, LTD – Contamination Issues – The Treasurer recommends postponing until Supervisor Idleman is present for the discussion. This is commercial property with a spill that is being clean up. There is a Phase II report out on the property. The Treasurer stated this parcel was previous put in 1138 status and at the request of Supervisor Idleman put back on the roll because the owner was actively cleaning up the property, contamination being dealt with and a remediation in progress. There are still potential contamination issues. A motion to table was moved by Mr. Skellie, seconded by Mr. Gang and adopted. This was referred to the Finance Committee.
 - 154.18-3-39.1 – Mary L. Inglee Estate LKO – Town of Kingsbury - Manning adjoiner – Pick up parcel as the result of a survey that was done from a sale from an estate. The Treasurer suggested enforce and then offer as a parcel combination because the person that brought the property thought they owned it and did not realize until the survey was done that they did not own it. This parcel is 15 x 35. The Treasurer recommends letting him enforce on it;

- withdraw no. A motion to enforce on parcel was moved by Mr. Campbell, seconded by Mr. Gang and adopted.
- 139.-1-14 – Kenneth Sullivan – Town of Kingsbury - Old barn along railroad tracks; former tax sale - Previously you could cross the railroad tracks to access the property but you can no longer cross to get into this property; landlocked. State land borders this property. The Treasurer stated this is property that is only going to be good to an adjacent landowner. The County Administrator stated the only adjoining landowners that can access the property are the D&H (Canadian Pacific) and the Canal Corporation. The bike trail will be going right behind this parcel. No way out except across the tracks. If the County takes the parcel, the potential liability is the structure on the property. A motion to withdraw and leave on the tax roll (do not enforce) was moved by Mr. Skellie, seconded by Mr. Armstrong and adopted.
 - Employee Recognition Policy – Employee Recognition policy distributed, attached. The Treasurer stated a Sheriff Deputy retired last week and a conversation ensued about a retirement plaque and it came to his attention that we are not allowed to do that per the Employee Recognition policy. The Clerk of the Board provided him with some history on how the County came to have an Employee Recognition policy; departments doing their own thing and spending what they wanted. The policy originated in the Government Operations Committee and the Treasurer wanted to know if there was any appetite to amending the Employee Recognition policy to let the Personnel Department upon someone's retirement issue something like a framed proclamation from the Chairman. He is proposing an amendment to the policy to allow Personnel to develop a policy to allow something done for our outgoing retirees and thanking them for their service. He is talking something as small as a \$5 frame that you put a proclamation from the Chairman in. He wanted to know if there was an interest in having that discussion. He stated the Personnel Department does the service pins and he would like to add some type of thank you for your service recognition upon retirement. A motion to approve some type of service recognition (plaque) upon retirement was moved by Mr. Shaw and seconded by Mr. Hogan. Discussion. Mr. Henke suggested giving Personnel a budget amount up to \$300 to \$500 to spend upon retirement. The County Administrator stated the County Law sets the amount of an acceptable gift at \$75 and that may even be higher than the Board is comfortable with. He stated a plaque with the County seal in stone has also been suggested. The Treasurer still wants it to be a uniform policy. At retirement receive X no matter how many years. The outgoing gift should be consistent and done through the Personnel Department. He stated at retirement you will receive X (to be determined) from the County. Mr. Campbell stated we want Personnel to set the policy but feels it might be customized somewhat. Chairman O'Brien stated the point of doing this and moving it to Personnel is to get it standardized so the same thing is done for everyone. The Treasurer stated what he needs out of this committee is are you willing to amend the policy and send it to Personnel for what the policy is going to be. That is what he is looking for today. Chairman O'Brien stated whatever Personnel recommends would have to go to Finance (costs involved) and then to the full Board for approval. Mr. Shaw stated he though we were approving a plaque. Mr. Hogan stated it should go to Personnel for review and withdrew his second. A motion to move this request to Personnel was moved by Mr. Gang and seconded by Mr. Hogan. Discussion. Chairman O'Brien stated the recommendation is that Personnel come up with a recommendation which would then move to Finance and then to the full Board. The motion to move this request to Personnel was moved by Mr. Gang, seconded by Mr. Hogan and adopted. Mr. Shaw opposed.

COUNTY ATTORNEY – Roger Wickes, County Attorney, addressed the following item with the

committee:

- Ethics Board – He provided to all Supervisors the Ethics Law information requested at the last meeting. He prefers to call this a conflict of interest board because ethics is not what it governs; it governs conflict of interest disclosure. Ethics disclosures have not been done since 2014. He stated many people have found the disclosure forms to intrusive and have refused to serve on various boards because they do not want to disclose that level of information. The information he provided included a list of employee required to complete disclosures. By local law, we are required to have an Ethics Board. Recusal means you take absolutely no part in the discussion, anything leading up to it and the actual vote. Chairman O'Brien feels the Ethics Policy and application needs some modifications. He recommends sending this back to the County Attorney for recommendations on changes. The County Attorney would like one or two Supervisors to participate in this process and Messrs. Hogan and O'Brien volunteered.

COUNTY ADMINISTRATION – Chris DeBolt, Director, addressed the following items with the committee:

- Borrego Solar – Rob Garrity, Borrego Solar, and John Millet – property owner, who leases two parcels to Borrego Solar, addressed the committee regarding a project going on in Whitehall and a potential power purchase proposal for the County. Mr. Millet stated Borrego Solar is constructing two separate solar facilities on his property. All power generated by these two sites has already been sold to the Olympic Regional Development Agency, who runs Gore, Whiteface Mountains, etc. They will get all the net metered credits; remote off site net metering and do that through a power purchase agreement. He stated Borrego Solar came through with everything they promised him. Rob Garrity of Borrego Solar addressed the committee and distributed the attached handout. He stated they go out and redevelop sites, build solar electric projects and offer power purchase agreements to entities for savings on your electric bill. He knows the County has looked at power purchase agreements in the past from other entities and noted that they have the most market share in New York State because they offer real projects that are ready for construction at this time. The handout includes the proposed savings the County could realize from a long term power purchase agreement. They have sites for projects that would meet up with the timeline for moving ahead with a project for Washington County if interested. Over a twenty five years agreement, the County cumulative savings would be just shy of \$5M on electricity. They have been grandfathered in to monetary metering; a much higher revenue than the typical solar development going forward. The County has looked at other solar proposals and a provision that when there is a change in law that there was no provision for that in the contract which was a stumbling block and the County could be left holding the bag. The County also looked at hydroelectric with the same stumbling blocks. Today's proposal would commit the County to buying electricity produced by the system at a given rate. The credit value based on government regulations does fluctuate over time. Three power purchase agreement variables: PPA starting rate, PPA annual escalation rate and PPA agreement term. Chairman O'Brien expressed concern that if some of the figures changed not favorable to the County, the County could end up being under water and have to pay for years under this agreement. Mr. Garrity stated right now the County has the risk that electricity rates will increase or the risk of signing up with a power purchase agreement. Chairman O'Brien stated or the potential that electric rates go down. Mr. Garrity stated there is a massive list of other entities doing this monetary grandfathering. Mr. Hicks asked why they don't make these agreements with private companies; offered to them. Mr. Garrity stated they do and some have taken it up with them. He stated that the County is an entity that can tax so the credit is better. Mr. Hicks stated the County can tax; always pay our bills. Mr. Garrity stated they focus on municipal entities because the credit is good. Mr. Millet extended an invitation to anyone who would like to a tour of the solar project on his property.

Mr. Henke stated the two stumbling blocks have been with the length of the contract and Mr. Garrity stated there is no savings if less than 20 years and regarding an out in the contract, he stated there is not an out to the contract. Mr. Campbell stated there is just no flavor on this board to go down this road at all. Chairman O'Brien asked if anyone was willing to make a motion to go out for RFPs to consider solar/electrical rate and received no response.

OTHER BUSINESS: Chairman O'Brien followed up with the County Administrator on the following items:

- Security Study – Conducted an initial assessment and another is planned for this month. No comprehensive recommendations for the committee yet.
- RFP for Managed Print Solutions – Memo is out to departments to confirm inventory of equipment, printer/scanners/copiers, in service and once he has that documentation back hopes to have the RFP ready in about a week.

A motion to adjourn was moved by Mr. Shaw, seconded by Mr. Skellie and adopted. The meeting adjourned at 11:41 A.M.

Respectfully submitted,

Debra Prehoda, Clerk
Washington County Board of Supervisors



**WASHINGTON COUNTY
REAL PROPERTY TAX SERVICES**
WASHINGTON COUNTY MUNICIPAL CENTER
383 BROADWAY, FORT EDWARD, NEW YORK 12828
TELEPHONE: (518) 746-2130
FAX: (518) 746-2132 TDD: (518) 746-2146
e-mail : Lchadwick@co.washington.ny.us

Laura B. Chadwick, CCD

**GOVERNMENT OPERATIONS COMMITTEE MEETING
March 21, 2016**

2016 Proposed Auction List – Possible Issues

<u>Town</u>	<u>Page</u>	<u>Parcel ID</u>	<u>Owner Name</u>	<u>Issue</u>	<u>Status: Withdraw yes/no</u>	
Granville	8	117.14-8-43	Scott Reed	Alleyway P/U Parcel Former Owner Village of Granville	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Greenwich	11	228.-1-1	Bullrushes, LTD	Contamination	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	11	228.-1-2	Bullrushes, LTD	Contamination	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Kingsbury	15	154.18-3-39.1	Mary L. Inglee Estate LKO	Manning adjoinder Parcel Pick-up - Estate	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	16	139.-1-14	Kenneth Sullivan	Old barn along railroad tracks Former tax sale	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Submitted,

Laura Chadwick

Laura Chadwick
Director Real Property Tax Serv.

*EMPLOYEE RECOGNITION
ADOPTED RES 156 OF 6.20.03*

Resolution No. 156 June 20, 2003

By Supervisors LaPointe, Williamson, Shaw, Gallinari, Scribner

TITLE: To Establish Employee Recognition Policy for Washington County

WHEREAS, various department have established employee recognition procedures, and

WHEREAS, the Audit Committee has questioned the various expenditures for these programs, and

WHEREAS, the Government Operations committee directed the County Administrator to develop a county wide policy for employee recognition, and

WHEREAS, the following was developed by the Administrator and approved by the Government Operations Committee:

POLICY:

Policy governing the expenditures related to service recognition items by the various departments of Washington County.

PURPOSE:

The County would like to standardize employee recognition and limit what is acceptable expenditures for County Departments.

PROCEDURE:

The Personnel Department will be authorized to purchase years of service pins and will make them available to any interested department. There will be pins available for 5, 10, 15, 20, 25, 30, 35 and 40 years of service. An employee will be eligible once each milestone is reached.

The other acceptable method of recognition will be certificates of appreciation which may be purchased by the department directly.

No other forms of recognition will be considered an approved expenditure. Forms of recognition not considered approved expenditures will be the responsibility of the department head.

;now therefore be it

RESOLVED, that the Washington County Board of Supervisors hereby adopts the Employee Recognition Policy as contained herein effective July 1, 2003 to govern such procedures within the County of Washington.

BUDGET IMPACT STATEMENT: Costs of awards to be included in Personnel Dept. budget.

WASHINGTON COUNTY ETHICS LAW

I. PURPOSE

The purpose of this law is to create the Washington County Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. The citizenry of Washington County are entitled to the expectation of exemplary ethical behavior from their county officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degree of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of General Municipal Law Article 18.

II. DEFINITIONS

Unless otherwise indicated, the following terms shall be defined such for the purpose of the Washington County Ethics Law:

- (a) "Agency" means any of the divisions of County government, referred to in subdivision (d) of this section except the legislature.
- (b) "Appropriate body" pursuant to Article 18 of General Municipal Law means the Board of Ethics of the County of Washington.
- (c) "Child" means any son, daughter, step-son or step-daughter of a County Officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code Section 152 (a) (1) and (2) and any amendment thereto.
- (d) "County" means the County of Washington or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
- (e) "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer, employee or appointed official, his or her spouse, or child whether as the result of a contract with the County or otherwise. For the purpose of this chapter, a County Officer, employee or appointed official shall be deemed to have an interest in the contract of (i) his/her spouse and children, except a contract of employment with the County, (ii) a firm, partnership or association of which such officer, employee or appointed official or his/her spouse or child is a member or employee, (iii) a corporation of which such officer, employee or appointed

official, or his/her spouse or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his/her spouse or child.

- (f) "Legislation" means a matter which appears upon the calendar or agenda of the Board of Supervisors of Washington County or upon a committee thereof which any official action has been taken and shall include adopted acts, local laws, ordinances or resolutions.
- (g) "Officer" or "employee" means any officer or employee of the County of Washington and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board of bureau of the County of Washington whether paid or unpaid.
- (h) "County elected official" means a member of the County Board of Supervisors, the County Clerk, the District Attorney, the County Coroner, the County Treasurer or the Sheriff.
- (i) "Appointed official" means any individual who is appointed by the Board of Supervisors to any agency, institution, department, office, branch, division, council, commission, board or bureau whether unpaid or paid.
- (j) "Relative" means a spouse or child of a County officer, employee or appointed official.
- (k) "Reporting officer, employee or appointed official" means an officer, employee or appointed official or a candidate for county elected office who is required to complete and file an annual statement of financial disclosure pursuant to this Resolution.
- (l) "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this Resolution unless legally separated from such officer, employee or appointed official.
- (m) "Jurisdiction" shall mean having authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel for the county agency (as defined above at II (3) (a) in which she/he is an officer, employee or appointed official (as defined above at II (1) (g).

- (n) "Reporting Category" for the purpose of completing the financial disclosure reports (Forms A, B and C; pursuant to Article IV, sections 3, 4 and 5 of this law) means the category of interest, income, value or worth of said reported items. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated using the following categories:

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

"Chief Elected Official" means, for the purposes of interpreting this Resolution only, the Chairman of the Board of Supervisors of Washington County, or his or her designee.

III. CODE OF ETHICS

A. Prohibited Activities

It is the policy of the County Board of Supervisors that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relative as defined above in II (1) (j) has an interest, direct or indirect, which conflicts with their duty to the County or which could adversely affect an individual's judgment in the discharge of his or her responsibilities. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or awarding of any contract or in any business or professional dealings with the County of Washington or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gift, or receive or accept any gift having the value of Seventy-five (\$75.00) Dollars, or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise; or in any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.

5. Take action on a matter before the County or any instrumentality thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself for herself.

IV. DISCLOSURE ON INTEREST

1. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the Board of Supervisors of the County of Washington or by any other official, Board, Agency, officer or employee of the County of Washington, and who participates in the discussion before or who gives an opinion or gives advice to any Board, Agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.
2. Any officer or employee of the County of Washington or their relative, who has knowledge of any matter being considered by any Board, Agency, officer or employee of the County of Washington in which matter he or she has will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such Board, Agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice any potential conflict of interest.
3. On or before January 31 of each year for which the employment is in effect, the "Chief Elected Official" shall promulgate two lists, to be known as "Level A" and "Level B", of all positions required to provide financial disclosure. Said lists are discretionary in nature, subject to the law as determined by this Resolution and to be construed within Article 18 of the New York State General Municipal Law.
4. "Level A" financial disclosure shall be accomplished by the completion of a form substantially similar to that of the "Level A" form attached to this law, which is incorporated in substance by reference herein. "Level A" financial disclosure shall be required through the discretionary designation of the "Chief Elected Official", as state din (IV) (3) above, and is applicable to those designated in Article II, sections g, h, and i, above. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.
5. "Level B" financial disclosure shall be accomplished by the completion of a form substantially similar to that of the "Level B" form attached to this law, which is incorporated in substance by reference herein. "Level B" financial disclosure shall be required through the discretionary designation of the "Chief Elected Official", as stated in (IV) (3) above, and is applicable to those who may not fall within the specific purview of (IV) (4), above, but are with proper discretion, deemed to be "policymaking" within the construction of Article 18 of the New

York State General Municipal Law. This statement shall be completed and returned to the Ethics Board on or before May 15 of the year for which the employment is in effect.

6. A person who is subject to the filing requirements of this Resolution from more than one county may satisfy the requirement by filing only one annual statement of financial disclosure, and filing with the other(s) a notice that such filing has been made, inclusive of the date and place of the filing.
7. Any person who is subject to the reporting requirement of this Resolution and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his/her individual income tax return for the immediately preceding calendar or fiscal year which would extend filing with the IRS beyond May 15 of that year shall be required to submit notice of said application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portion stated within the application for automatic extension, on or before May 15 of the year for which the employment is in effect, and a supplementary statement is filed within fifteen (15) days of the expiration of the automatic extension.
8. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the Board of Ethics, with approval based upon substantiation of justifiable cause or undue hardship. The Board of Ethics may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
9. Any person required to file an annual statement of financial disclosure who become so required, or experiences a change in reporting levels, or becomes a candidate for county elected office, after March 15 of the year for which the employment is in effect, shall file the appropriate annual statement within thirty (30) days.

V. ANNUAL CODE OF ETHICS REVIEW

1. Every official and employee is required to attest on an annual basis that he or she has reviewed the Code of Ethics of the County of Washington, to be made on or before March 31 of the year for which the employment is in effect. Said attestation is to be filed with the Washington County Ethics Board.

VI. ETHICS BOARD

(Note: The creation of a Board of Ethics is optional under Chapter 813 of the Laws of 1987. At implementing discretion, these requirements may also be fulfilled by filing with the Temporary State Commission on Local Government Ethics, pursuant to Article 18 of the General Municipal Law. Counties which must file need only to designate one or the other; no duplicate filing is necessary.)

1. Establishment

The Legislature of the County of Washington, pursuant to Article 18 of the New York General Municipal Law, hereby establishes the Washington County Board of Ethics, responsible for ensuring full compliance with this code of ethics and disclosure. The Ethics Board shall consist of five (5) members, a majority of whom shall not be officers or employee of Washington County and at least one of whom shall be an elected or appointed officer or employee of Washington County. Each member shall be approved by majority vote of the entire Board of Supervisors. Three (3) member of the Ethics Board shall constitute a quorum. Any action of the Board requires three affirmative votes.

2. Membership

Members of the Ethics Board shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses and for mileage, in accordance with rules established by the Board of Supervisors. Members of the Ethics Board shall be construed under this Local Law as policymaking officials, and thus be subject to all of the appropriate ethic and disclosure requirements.

The members of the Ethic Boards shall serve at the pleasure of the Board of Supervisors. Members of the Ethics Board shall not serve more than four (4) consecutive years.

3. Removal

In addition to penalties defined specifically for violation of the Washington County Ethics Law, and other pertinent Sections of local, state and federal law, members of the Ethics Board may be removed for cause by the Chairman of the Board of Supervisors with the concurrence of the Board of Supervisors. Prior to removal, the Ethics Board member shall be given written notice of the grounds for removal and an opportunity to reply.

4. Powers and Duties

- a) The Board of Ethics shall possess all powers and duties authorized by Section 808 of General Municipal Law.
- b) The Board of Ethics shall be the repository for completed annual statements of financial disclosure, pursuant to section 808 (5) of the General Municipal Law and Article IV herein and such written instrument, affidavits, and disclosures as required under this Resolution.
- c) The Board of Ethics shall possess, exercise and enjoy all rights, powers and privileges necessary and proper to the enforcement of the Code of Ethics and completion and filing by reporting officers, employees and appointed officials of the County of annual statements of financial disclosure required by this act.
- d) The Board of Ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. The Board of Supervisors may empower the Board of Ethics to subpoena any individual, whether or not a County officer, employee or appointed official, and any document or thing the Board of Ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.
- e) The Board of Ethics shall render advisory opinions in writing regarding specific matters pertaining to filing and reporting categories, to officers, employees and appointed officials of the County with respect to this Resolution and Article Eighteen of the General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.
- f) Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (Public Officers Law Article 6) or required for use in a disciplinary proceeding or proceeding under Article VI of this Resolution involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within forty-eight (48) hours of the receipt of the request. Under no circumstances shall the "Reporting Categories" be disclosed to the public, as stated in New York State General Municipal Law Section 813.18(a)(1).

g) The Chairman of the Board of Supervisors shall designate an attorney admitted to practice in the State of New York to serve as counsel to the Board of Ethics, who may be the County Attorney, and to fix his compensation for services which shall be payable to him in addition to his official compensation. The Ethics Board shall be empowered to:

1) Retain and employ support staff within the limits of the amounts appropriated by the Board of Supervisors for the use of the Ethics Board, and

2) with the consent of the Chairman of the Board of Supervisors to use agents, employees and facilities of Washington County.

VII. APPEAL OF DESIGNATION OF POLICY MAKING POSITION

Appeal may be taken by the filing of written petition in opposition to such designation within thirty (30) days from the date that the designation was filed with the Washington County Board of Ethics. Upon receipt of the petition, the Board of Ethics shall make a determination upon the merits of the application within thirty (30) days.

VIII. PENALTIES

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information with such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the Washington County Board of Ethics. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the Washington County Board of Ethics may, in lieu of civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Upon an appropriate determination and vote, the Washington County Ethics Board may file a written recommendation with the Chief Elected Official or other disciplinary body, establishing grounds for removal for cause, in accordance with other provisions of the Washington County Law pertaining to officers, officials and employees and rules governing conduct. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The Washington County Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall

7

be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Washington County Board of Ethics pursuant to Article seventy-eight of the Civil Practice Law and Rules.

IX. ANNUAL STATEMENT OF FINANCIAL DISCLOSURE

The Washington County Board of Supervisors hereby designates Forms "Level A" and "Level B", as attached, as substantially incorporated by reference, as the annual statement of financial disclosure for the purpose of fulfilling the requirements of Article IV, sections 3, 4, and 5, respectively, of the Washington County Ethics and Disclosure Law.

X. SEVERABILITY

The various elements of the Washington County Ethics Law are explicitly intended to be construed within the application of Article 18 of the New York State General Municipal Law. Should any portion of this law be determined to be unconstitutional or improper, said determination shall be no baring on the severable remainder of this Resolution.



COUNTY OF WASHINGTON

**ANNUAL STATEMENT OF FINANCIAL DISCLOSURE
LEVEL "A"
FOR YEAR 2012**

1. Name and Address:

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 Interest:

a. "Reporting Category" for the purpose of completing the financial disclosure reports. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated 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

b. Business Positions. List any office, trusteeship, directorship, partnership

or other position in any business, association, proprietary, or not-for-profit organization for you, your spouse, and your dependent children, if any, and indicate whether these businesses are involved with the County of Washington in any manner.

Family Member	Position	Organization	County Department or Agency and Nature of Involvement	Reporting Category
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		

c. **Outside Employment.** Described any outside occupation, employment, trade, business, or profession held by you, your spouse, and your dependent children, if any, and indicate whether such activities are regulated by any State or local agency, as well as any contract, promise or agreement for future employment with respect to your present employment with Washington County.

Family Member	Position	Organization	County Department or Agency and Nature of Involvement	Reporting Category
_____	_____	_____		
_____	_____	_____		
_____	_____	_____		

d. **Investments.** Itemize and describe all investments or capital stock above a 5% share or ownership in any business, corporation or partnership, for you, your spouse, and your dependent children, if any. List the location of all real estate within the County, or within five (5) miles of the County, in which you, your spouse, or your dependent children, personally own or have an interest through those holdings listed above.

Family Member Category	Name & Address of Business	Description of Investment	Reporting Category
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	

e. **Other Income.** Identify the source and nature of any other income from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or income which you continue to receive from past employment, or other income of any nature, for you, your spouse, and your dependent

children, if any.

Family Member	Name & Address of Income Source	Nature of Income	Reporting Category
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Third-Party Reimbursements, Gifts and Honoraria

Identify and described the source of any third-party reimbursement for travel-related expenditures in excess of \$250.00 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, conference, or fact finding events that relate to your official duties. List the source of all gifts aggregating in excess of \$250.00 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. Gifts include cash, property, personal items, honoraria, forgiveness of debt and any other payments not reportable as income.

Source	Description
_____	_____
_____	_____
_____	_____
_____	_____

5. Interest in Contracts.

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

Family Member	Contract Description	Reporting Category
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Debts.

Describe all debts of you, your spouse and dependent children in excess of \$5,000.00.

Name of Debtor

Name of Creditor

Category of Amount

_____	_____	_____
_____	_____	_____
_____	_____	_____

7. 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.

I hereby certify, under penalty of perjury, that I have read and understand the Washington County Ethics Law and the information disclosed on this form is true and complete.

Signature

Date



COUNTY OF WASHINGTON

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE LEVEL "B" FOR YEAR 2012

1. Name and Address:

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 Interest:

- a. "Reporting Category" for the purpose of completing the financial disclosure reports. No exact dollar amounts are to be included in the completion of the statements of financial disclosure; rather all amounts are to be indicated 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

- b. **Business Positions.** List any office, trusteeship, directorship, partnership or other position in any business, association, proprietary, or not-for-profit organization for you, your spouse, and your dependent children, if any, and indicate whether these businesses are involved with the County of Washington in any manner.

Family Member	Position	Organization	County Department or Agency and Nature of Involvement	Reporting Category
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- c. **Outside Employment.** Describe any outside occupation, employment, trade, business, or profession held by you, your spouse, and your dependent children, if any, and indicate whether such activities are regulated by any State or local agency, as well as any contract, promise or agreement for future employment with respect to your present employment with Washington County.

Family Member	Position	Organization	County Department or Agency and Nature of Involvement	Reporting Category
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- d. **Investments.** Itemize and describe all investments or capital stock above a 5% share or ownership in any business, corporation or partnership, for you, your spouse, and your dependent children, if any. List the location of all real estate within the County, or within five (5) miles of the County, in which you, your spouse, or your dependent children, personally own or have an interest through those holdings listed above.

Family Member	Name & Address of Business	Description of Investment	Reporting Category
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- e. **Other Income.** Identify the source and nature of any other income from any source not described above, including teaching income, lecture fees, consultant fees, contractual income, or income which you continue to receive from past employment, or other income of any nature, for you, your spouse, and your dependent children, if any.

Family Member	Name & Address of Income Source	Nature of Income	Reporting Category
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. **Third-Party Reimbursements, Gifts and Honoraria**

Identify and described the source of any third-party reimbursement for travel-related expenditures in excess of \$250.00 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, conference, or fact finding events that relate to your official duties. List the source of all gifts aggregating in excess of \$250.00 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. Gifts include cash, property, personal items, honoraria, forgiveness of debt and any other payments not reportable as income.

Source	Description
_____	_____
_____	_____
_____	_____
_____	_____

5. **Interest in Contracts.**

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

Family Member	Contract Description	Reporting Category
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. 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.

I hereby certify, under penalty of perjury, that I have read and understand the Washington County Ethics Law and the information disclosed on this form is true and complete.

Signature

Date

FINANCIAL DISCLOSURE DESIGNATIONS FOR FISCAL YEAR ENDED 2012

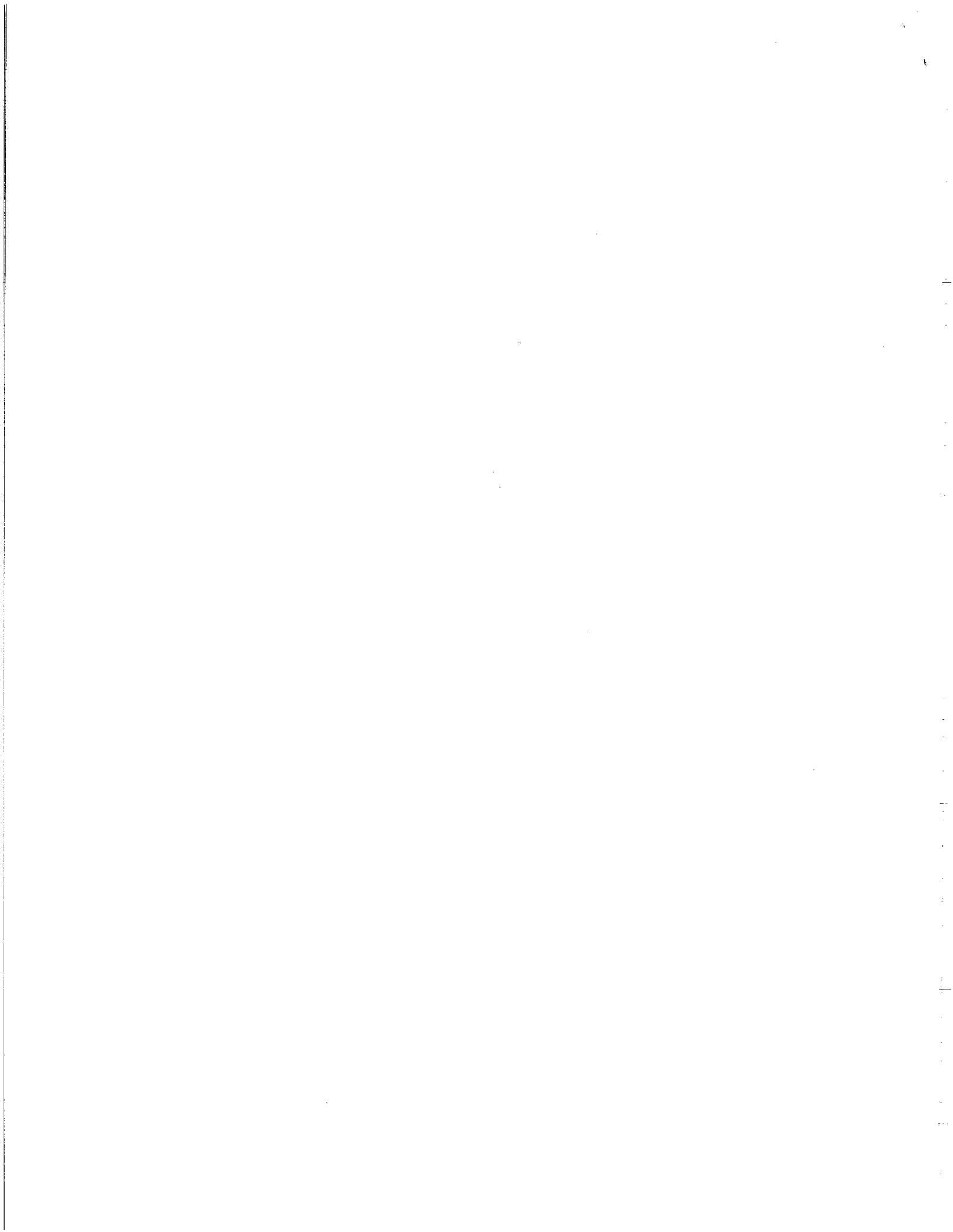
The following is a list of positions designated as level "A", which are required to provide financial disclosure under the Washington County Ethics Law:

Information Technology ♦ Director ♦ Assistant Director	District Attorney ♦ District Attorney ♦ Asst. District Attorney (4)	Industrial Development Agency Representatives (5)
Board of Elections ♦ Commissioners ♦ Deputy Commissioners	Public Safety ♦ Director ♦ Asst. Director	Emergency Medical Services ♦ Coordinator
Board of Supervisors ♦ Town Supervisors ♦ Clerk of the Board ♦ Deputy Clerk of the Board	Department of Public Works ♦ Superintendent	Youth Bureau/Alternative Sentencing ♦ Director ♦ Assistant Director
Buildings & Grounds ♦ Superintendent	Personnel ♦ Personnel Officer	Weights & Measures ♦ Director
Bureau of Fire ♦ Coordinator	Pleasant Valley Infirmary ♦ Administrator ♦ Director of Nursing ♦ Transition Coordinator	Social Services ♦ Commissioner ♦ Director of Administrative Services ♦ Director of Services
Code Enforcement ♦ Administrator	Probation ♦ Director	Veterans Service Agency ♦ Director ♦ Deputy Director
Community Services ♦ Director ♦ Asst. Director	Public Defender ♦ Public Defender ♦ Asst. Public Defender	County Treasurer ♦ Treasurer ♦ Deputy Treasurer
Office for the Aging ♦ Director	Public Health ♦ Director ♦ Asst. Director	County Clerk ♦ County Clerk ♦ Deputy County Clerk
Coroners (4)	Real Property Tax Service ♦ Director	Washington County TASC ♦ Board Members (5) ♦ Independent Member
County Administrator ♦ Administrator ♦ Purchasing Coordinator	Sewer District No. 2 ♦ Executive Director	
County Attorney ♦ Attorney ♦ Deputy County Attorney ♦ Assistant County Attorney	Sheriff's Department ♦ Sheriff ♦ Undersheriff	

FINANCIAL DISCLOSURE DESIGNATIONS FOR FISCAL YEAR ENDED 2012

The following is a list of positions designated as level "B", which are required to provide financial disclosure under the Washington County Ethics Law:

Adirondack Community College ♦ Trustees appointed by Washington County	Sewer District No. 2 ♦ Board of Commissioners	Work Force Investment Board ♦ Members appointed by Washington County
Community Services ♦ Board Members appointed by Washington County	Department of Public Works ♦ Automotive Mechanic Supervisor	Soil & Water Conservation Board ♦ District Members
Board of Ethics	IONY ♦ TPA	Planning Board Members



Borrego Solar Systems Inc.



BORREGO SOLAR

Washington County
Monday, March 21, 2016

Rob Garrity
Project Development
rgarrity@borregosolar.com
607.227.9759

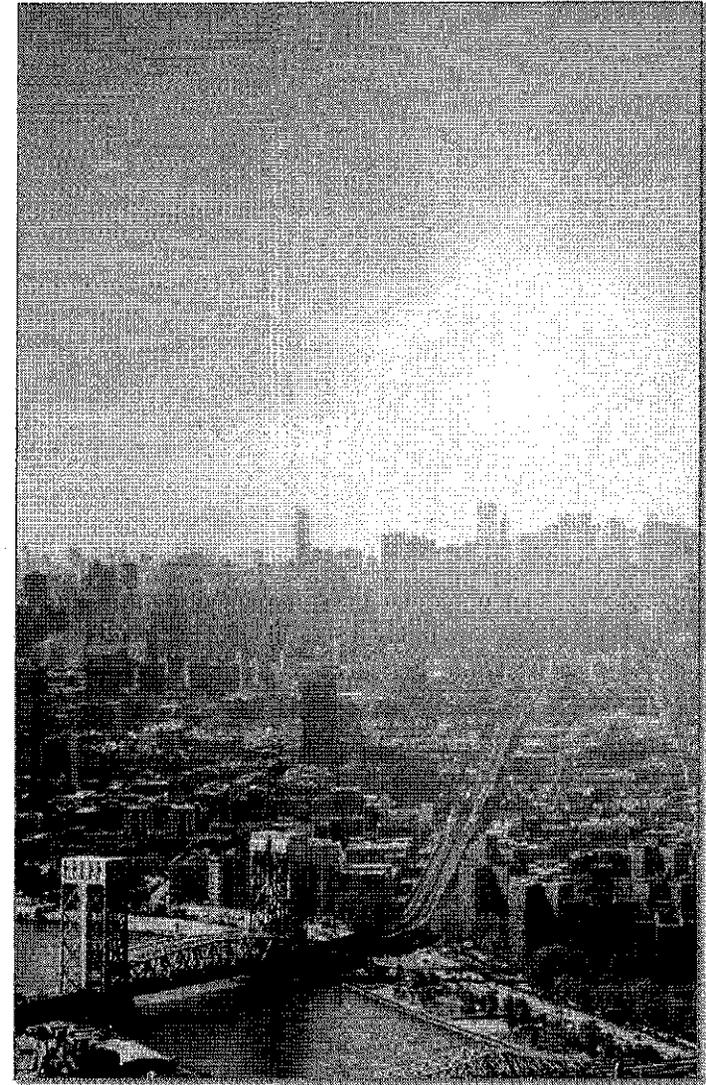
New York Track Record

Borrego Solar - New York

Projects Under Contract & Construction

City of Utica	6.6 MW	National Grid
City of Amsterdam	4.4 MW	National Grid
Houghton College	2.6 MW	Rochester G&E
Ithaca College	2.9 MW	NYSEG
Leavenworth	14.2 MW	PSEG-LI
New York State Olympic Regional Development Authority	10.2 MW	National Grid NYSEG
Oneida County	5.2 MW	National Grid
Oneida County Sheriff	3.6 MW	National Grid
Sutter & Sterlington	9.5 MW	PSEG-LI
STR	3.9 MW	PSEG-LI
Town of Bethlehem	3.8 MW	National Grid
Tompkins Cortland Community College	2.6 MW	NYSEG

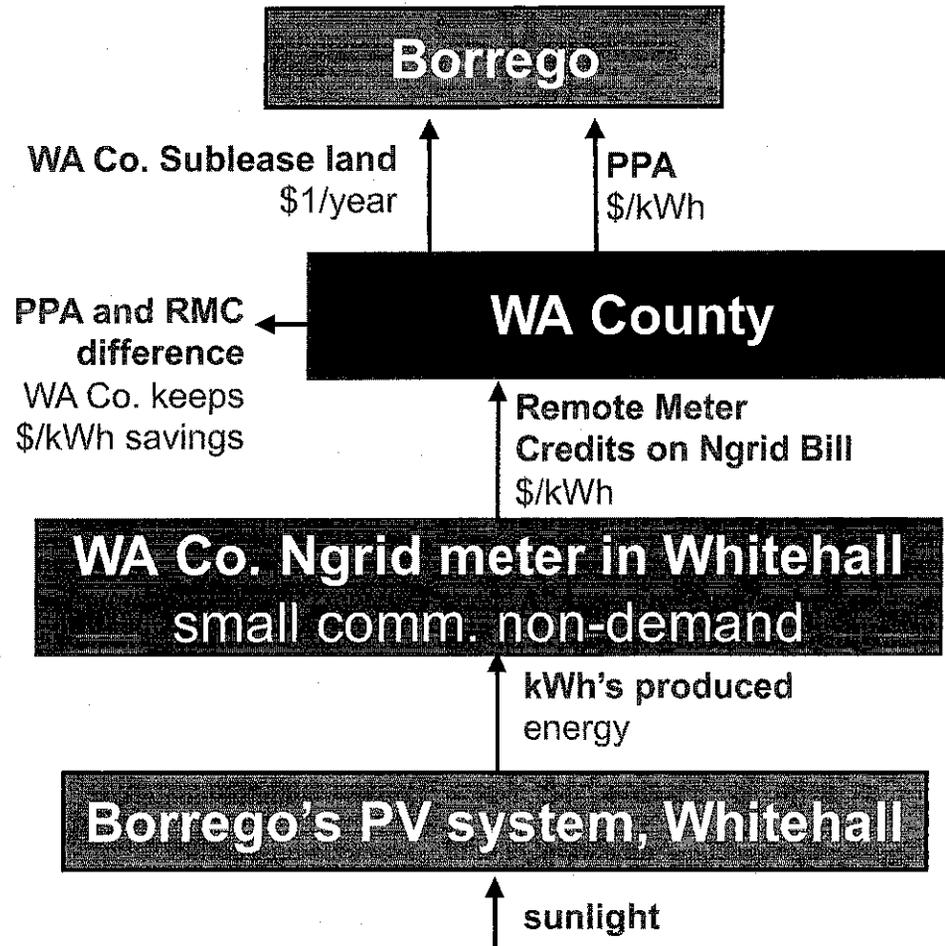
*Projects in bold are complete.



Remote Meter Credit PPA Transaction Structure

Monetary Remote Net-Metering :

- ▶ Borrego contracts with Washington County for remote metering “power purchase agreement” [PPA].
- ▶ WA Co. pays Borrego for kWh’s produced at off-site facility, e.g. Whitehall solar farm
- ▶ WA County receives a monetary credit WA Co. Ngrid bill for each kWh produced
- ▶ Borrego sub leases land to WA Co. (nominal rate) so we can install a new Ngrid meter in WA Co.’s name at the project site, e.g. Whitehall.



$$\text{Monthly Savings} = \text{Remote Meter Credits} - \text{PPA}$$

Update on NY Solar Market & Incentives

Changes in regulations and incentives are putting significant time pressure on projects

- ◆ In April 2015, the NY Public Service Commission issued an order reducing the value of remote net metering credits
 - Borrego's Ngrid F interconnection applications grandfathered, completed applications before June 1st.
- ◆ New NY-Sun Megawatt Block program is first come, best served due to declining incentive structure, declines more quickly for Monetary Metering (above)
 - Significant pent up demand for this program
- ◆ ~~Federal investment tax credit (ITC) steps down from 30% to 10% for projects placed in service after December 31, 2016~~
 - ~~Critical piece of PPA deals, as third party investors depend upon these credits~~
 - ~~We are already seeing projects put on hold due to long interconnection schedules~~

Cash-flow



BORREGO SOLAR

CONFIDENTIAL

ANNUAL CASHFLOW - National Grid NYISO F 2.8MWdc Monetary Metering Solar Project
 POWER PURCHASE AGREEMENT (PPA) SCENARIO, MWB2
 Washington County, March 3rd, 2016

Customer Assumptions

Annual Utility Bill	\$ 675,500.00
Max Portion N Grid Costl Offset, Year 1	70.00%

System Assumptions

Total System Size (kWdc):	2,800
Specific Yield (kWh/kWdc)	1,250
Year 1 Production (kWh)	3,500,000
Annual System Degradation Factor	0.50%

Utility Assumptions

Utility Remote Net Metering Credit Value, NGrid SC2	\$0.135	past 12 average as of Feb '16
Annual Utility Escalation Rate	2.94%	

PPA Terms

PPA Starting Rate	\$0.1050
Avg 1st Year Savings per kWh produced:	\$0.0301
PPA Annual Escalation Rate	2.00%
PPA Agreement Term	25 Years

Financial Return

First Year Savings	\$105,350
25-Year Net Present Value of Investment at 5%	\$2,497,308
25-Year Cumulative Cash Flow	\$4,961,874

All numbers are for discussion purposes only. This is not a guarantee in regards to system performance, PPA rate, utility price escalation or incentive amounts.

Year	PPA Electricity Payments	Avoided Utility Bills	Annual Cash Flow	Cumulative Cash Flow
1	(\$367,500)	\$472,850	\$105,350	\$105,350
2	(\$372,976)	\$484,318	\$111,342	\$216,692
3	(\$378,533)	\$496,064	\$117,531	\$334,223
4	(\$384,173)	\$508,095	\$123,922	\$458,145
5	(\$389,897)	\$520,418	\$130,521	\$588,666
6	(\$395,707)	\$533,040	\$137,333	\$725,999
7	(\$401,603)	\$545,968	\$144,365	\$870,364
8	(\$407,587)	\$559,209	\$151,622	\$1,021,986
9	(\$413,660)	\$572,771	\$159,112	\$1,181,097
10	(\$419,823)	\$586,663	\$166,839	\$1,347,937
11	(\$426,079)	\$600,891	\$174,812	\$1,522,749
12	(\$432,427)	\$615,465	\$183,037	\$1,705,787
13	(\$438,870)	\$630,391	\$191,521	\$1,897,308
14	(\$445,410)	\$645,680	\$200,271	\$2,097,578
15	(\$452,046)	\$661,340	\$209,294	\$2,306,872
16	(\$458,782)	\$677,380	\$218,598	\$2,525,470
17	(\$465,618)	\$693,808	\$228,190	\$2,753,660
18	(\$472,555)	\$710,635	\$238,080	\$2,991,740
19	(\$479,596)	\$727,870	\$248,274	\$3,240,013
20	(\$486,742)	\$745,523	\$258,781	\$3,498,794
21	(\$493,995)	\$763,604	\$269,609	\$3,768,403
22	(\$501,355)	\$782,124	\$280,769	\$4,049,172
23	(\$508,826)	\$801,093	\$292,267	\$4,341,439
24	(\$516,407)	\$820,522	\$304,115	\$4,645,554
25	(\$524,102)	\$840,422	\$316,320	\$4,961,874
Totals	(\$11,034,269)	\$15,996,143	\$4,961,874	\$4,961,874