

*Monroe County
Clerk of the Legislature*

David Grant
Clerk



Frank Keophetlasy
Deputy Clerk

Ian Watkins
2nd Assistant Dep. Clerk

MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: David Grant, Clerk of the Legislature *DG*
DATE: June 22, 2022
RE: Cancellation and Rescheduling of Committee Meetings and Matters of Importance
File Nos. 22-0219 – 22-0221

Cancellation:

The Recreation and Education Committee meeting scheduled for Monday, June 27, 2022 at 6:00 p.m. has been cancelled per Chairman Frank X. Allkofer as there are no referrals to come before it this cycle.

Rescheduling:

Per Chairman Rick Milne, the Human Services Committee meeting regularly scheduled for Tuesday, June 28, 2022 at 5:00 p.m. has been rescheduled to Wednesday, June 29, 2022 at 4:30 pm.

Per Chairman Blake Keller, the Transportation Committee meeting regularly scheduled for Tuesday, June 28, 2022 at 5:15 p.m. has been rescheduled to Wednesday, June 29, 2022 at 4:45 pm.

Per Chairman Paul Dondorfer, the Public Safety Committee meeting regularly scheduled for Tuesday, June 28, 2022 at 5:30 p.m. has been rescheduled to Wednesday, June 29, 2022 at 5:00 pm.

Per Chairman Sean Delehanty, the Ways and Means Committee meeting regularly scheduled for Tuesday, June 28, 2022 at 6:00 p.m. has been rescheduled to Wednesday, June 29, 2022 at 5:15 pm.

Matters of Importance:

22-0219 - **Amend the 2022 Operating Budget to add \$5.00 Admission for Veterans at Seneca Park Zoo** – As a Matter of Importance – County Executive Adam J. Bello, President Sabrina LaMar, Majority Leader Steve Brew, Minority Leader Yversha Roman, County Legislators Blake Keller, Jackie Smith, Tracy DiFlorio, Frank X. Allkofer, Richard B.

Milne, Sean McCabe, Brian E. Marianetti, Mark Johns, Paul Dondorfer, Howard Maffucci, Sean M. Delehanty, Michael Yudelson, Susan Hughes-Smith, George Hebert, David Long, Maria Vecchio, John B. Baynes, Kathleen Taylor, Robert Colby, Rachel Barnhart, Mercedes Vazquez Simmons, Linda Hasman, Albert Blankley, Carolyn Delvecchio Hoffman, Ricky Frazier, William Burgess

22-0220 - Enact a Local Law Entitled “Monroe County School Bus Stop Arm Demonstration Program” – As a Matter of Importance – County Executive Adam J. Bello, President Sabrina LaMar, Majority Leader Steve Brew, Minority Leader Yversha Roman, County Legislators Blake Keller, Jackie Smith, Tracy DiFlorio, Frank X. Allkofer, Richard B. Milne, Sean McCabe, Brian E. Marianetti, Mark Johns, Paul Dondorfer, Howard Maffucci, Sean M. Delehanty, Michael Yudelson, Susan Hughes-Smith, George Hebert, David Long, Maria Vecchio, John B. Baynes, Kathleen Taylor, Robert Colby, Rachel Barnhart, Mercedes Vazquez Simmons, Linda Hasman, Albert Blankley, Carolyn Delvecchio Hoffman, Ricky Frazier, William Burgess

22-0221 - Authorize an Intermunicipal Agreement with Ontario County for the Monroe County Jail to Accept and Maintain Custody of Inmates from the Ontario County Jail – As a Matter of Importance – County Executive Adam J. Bello

These referrals were not made to committee at the preceding meeting of the Legislature on June 14, 2022, but has been determined by Sabrina LaMar, President of the Legislature, to be of sufficient importance to warrant referral between Legislative meetings, pursuant to Section 545-24 (C) of the Rules of the Monroe County Legislature.



Office of the County Executive Monroe County Legislature

June 21, 2022

OFFICIAL FILE COPY
No. <u>220219</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
WAYS & MEANS -L

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Amend the 2022 Operating Budget to add \$5.00 Admission for Veterans at Seneca Park Zoo

Honorable Legislators:

We recommend that Your Honorable Body amend the 2022 Operating Budget to add \$5.00 admission at Seneca Park Zoo for veterans.

Monroe County is home to approximately 32,000 veterans who have put their lives on the line to protect our freedom. Cultural institutions across the country offer discounted admission to veterans in recognition of their service to our country; a program Monroe County can mirror at our own Seneca Park Zoo. While we could never fully thank these individuals for their service and sacrifices in defense of our nation, this is a small measure by which Monroe County can assist our veterans.

The specific legislative action required is to amend the 2022 Operating Budget, Seneca Park Zoo Fees to add \$5.00 Admission for Veterans, together with \$5.00 Admission for one (1) guest present with such Veteran, during all normal operating hours.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

The admissions are revenue generating and no net County support is required in the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,

Adam Bello
Monroe County Executive

Sabrina LaMar
Monroe County Legislature
President

Steve Brew
Monroe County Legislature
Majority Leader

Yversha Roman
Monroe County Legislature
Minority Leader



Blake Keller

Monroe County Legislator
District 1



Jackie Smith

Monroe County Legislator
District 2



Tracy DiFlorio

Monroe County Legislator
District 3



Frank X. Allkofer

Monroe County Legislator
District 4



Richard B. Milne

Monroe County Legislator
District 5



Sean McCabe

Monroe County Legislator
District 6



Brian E. Marianetti

Monroe County Legislator
District 7



Mark Johns

Monroe County Legislator
District 8



Paul Dondorfer

Monroe County Legislator
District 9



Howard Maffucci

Monroe County Legislator
District 10



Sean M. Delehanty

Monroe County Legislator
District 11



Michael Yudelson

Monroe County Legislator
District 13



Susan Hughes-Smith

Monroe County Legislator
District 14



George Hebert

Monroe County Legislator
District 15



David Long

Monroe County Legislator
District 16



Maria Vecchio

Monroe County Legislator
District 17



John B. Baynes

Monroe County Legislator
District 18



Kathleen Taylor

Monroe County Legislator
District 19



Robert Colby

Monroe County Legislator
District 20



Rachel Barnhart

Monroe County Legislator
District 21



Mercedes Vazquez Simmons

Monroe County Legislator
District 22



Linda Hasman
Monroe County Legislator
District 23



Albert Blankley
Monroe County Legislator
District 24



Carolyn Delvecchio Hoffman
Monroe County Legislator
District 25



Ricky Frazier
Monroe County Legislator
District 28



William Burgess
Monroe County Legislator
District 29



Office of the County Executive Monroe County Legislature

June 21, 2022

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY
No. <u>220220</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
AGENDA/CHARTER

Subject: **Enact a Local Law Entitled "Monroe County School Bus Stop Arm Demonstration Program"**

Honorable Legislators:

We recommend that Your Honorable Body enact a Local Law to establish a School Bus Stop Arm Demonstration Program in Monroe County.

According to the National Highway Traffic Safety Association ("NHTSA"), the greatest risk to a student is not riding a school bus, but approaching or leaving one. Although passing a school bus that has its red lights flashing and stop-arm extended is illegal in all fifty states, school bus drivers have reported that motorists still illegally pass school buses, placing children at risk for serious if not deadly injury. According to NHTSA study on illegal passing in one state, approximately 3,394 motorists illegally passed a stopped school bus in a single day, meaning in a 180-day school year there would be approximately 611,000 instances of illegal passing.

To successfully combat school bus stop-arm violations, national studies indicate that programs must incorporate education on compliance with the law, effective reporting of violations, and proper enforcement of the law. Monroe County is authorized under Section 1174-a of the New York Vehicle and Traffic Law to adopt a local law establishing a demonstration program that imposes monetary liability on the owner of a vehicle for failure to stop at a school bus displaying a red visual sign and stop arm. The proposed local law would allow the County to develop and implement a comprehensive program to deter vehicle operators from overtaking and passing a stopped school bus and reduce the incidence of possible serious injuries to students, including: (1) installing and operating video monitoring systems on school buses for the purpose of recording violations of vehicles passing school buses, and (2) imposing civil penalties on vehicle owners for violations.

The specific legislative actions required are:

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact the enclosed Local Law Entitled Monroe County School Bus Stop Arm Demonstration Program.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c) (31) ("purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials"); (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and (35) ("civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion") and is not subject to further review under the State Environmental Quality Review Act.

This Local Law will have no impact on the revenues or expenditures of the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam Bello
Monroe County Executive



Sabrina LaMar
Monroe County Legislature
President



Steve Brew
Monroe County Legislature
Majority Leader



Yversha Roman
Monroe County Legislature
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District 23



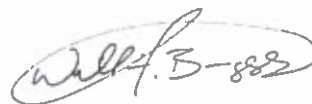
Albert Blankley
Monroe County Legislator
District 24



Carolyn Delvecchio Hoffman
Monroe County Legislator
District 25



Ricky Frazier
Monroe County Legislator
District 28



William Burgess
Monroe County Legislator
District 29

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. __ OF 2022

ENACT A LOCAL LAW ENTITLED “MONROE COUNTY SCHOOL BUS STOP ARM DEMONSTRATION PROGRAM”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. A new chapter shall be added to the Monroe County Code entitled “Monroe County School Bus Stop Arm Demonstration Program” and shall read as follows:

§ 1 Definitions. Defined terms used in this local law shall have the same meaning as ascribed to them below:

COUNTY shall mean Monroe County.

SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law.

SCHOOL DISTRICT shall mean any school district wholly contained within Monroe County except for the Rochester City School District.

§ 2 Program established.

- A. There is hereby established, pursuant to § 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with § 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in Subdivisions 20 and 21-c of § 375 of the New York State Vehicle and Traffic Law in the County of Monroe.
- B. To carry out the demonstration program, the County is authorized to enter into an agreement with a school district for the installation, maintenance, and use of school bus photo violation monitoring systems as well as proper handling and custody of data received by the school bus cameras, subject to the provisions of § 1174-a of the New York Vehicle and Traffic Law. Once a school district has entered into an agreement with the County, cameras shall be installed on school buses owned or operated by that school district or privately owned and operated for compensation under a contract with such school district.

§ 3 Cost of program and reports relating thereto.

- A. The total cost to a school district of the installation, maintenance, and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County.
- B. A school district shall provide any information necessary or desirable to the County in order to meet its reporting requirements under § 1174-a of the Vehicle and Traffic Law.
- C. Pursuant to § 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the County, as provided in this local law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County for the purpose of determining whether a motor vehicle was operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle therefor.
- D. Photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (a) 90 days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this local law, or (b) upon final disposition of a notice of liability issued pursuant to this local law.
- E. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:
 - a. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this subsection;
 - b. A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;
 - c. Oversight procedures to ensure compliance with the privacy protection measures required herein.

- F. The County shall undertake the installation of signage in conformance with standards established in the Manual of Uniform Traffic Control Devices. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating § 1174 of the New York Vehicle and Traffic Law. For the purposes of this subsection, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County.

§ 4 Penalties for offenses.

- A. An owner liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:
 - a. \$250 for a first violation;
 - b. \$275 for a second violation committed within 18 months of the first violation;
 - c. \$300 for a third violation or subsequent violation all of which were committed within 18 months from the first violation; and
 - d. An additional penalty of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period.
- B. An imposition of liability under this local law shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
- C. All fines and penalties collected pursuant to this local law shall be deposited with the County of Monroe County Finance Department.

§ 5 Notice of liability.

- A. A notice of liability shall be sent as provided by state law by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. The notice of liability shall be prepared and mailed by the County, or by any other entity authorized by the County.
- B. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

- D. A notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, and the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.

§ 6 Owner liability.

- A. The owner of a vehicle shall be liable for a penalty imposed pursuant to this local law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this local law where the operator of such vehicle has been convicted of the underlying violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law. For purpose of (i) this section; and (ii) this local law, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law.
- B. If the owner receives a notice of liability pursuant to this local law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this local law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.
- C. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this local law shall not be liable for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of § 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction, or other adjudicatory bureau or agency of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within the 37-day time period shall render the owner liable for the penalty prescribed by this local law. Where the lessor complies with the provisions of this subsection, the lessee of such vehicle for purposes of this section, shall be deemed to be the owner of such vehicle on the date of such violation for the purposes of this section, shall be subject to liability for the violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this local law and shall be sent a notice of liability pursuant to § 4 of this local law.

- D. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.
- E. It shall be a defense to any prosecution for or allegation of a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this local law that such school bus stop-arms were malfunctioning at the time of the alleged violation.

§ 7 Adjudication of liability. Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in the County of Monroe or in another manner pursuant to the New York State Vehicle and Traffic Law.

§ 8 Action for indemnification. If the owner held liable for a violation of Subdivision (a) of § 1174 of the New York Vehicle and Traffic Law pursuant to this local law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

§ 9 Reporting requirements.

- A. The County shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by § 1174-a(m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this local law.
- B. Pursuant to the requirements of § 1174-a of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this local law shall report at least annually to the County on the quality of the adjudication process and its results including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.

Section 2. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

_____ Committee; _____, 2022 - CV:
File No. 22-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

June 22, 2022

OFFICIAL FILE COPY
No. 220221
Not to be removed from the
Office of the
Legislature Of
Monroe County
Committee Assignment
INTRGOV REL -L
PUBLIC SAFETY
WAYS & MEANS

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Authorize an Intermunicipal Agreement with Ontario County for the Monroe County Jail to
Accept and Maintain Custody of Inmates from the Ontario County Jail

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body authorize an intermunicipal agreement with Ontario County for
the Monroe County Jail to accept and maintain custody of Ontario County inmates at a daily rate of \$122.13 per
inmate for the period of June 20, 2022 through June 19, 2023.

The Ontario County Sheriff's Office is currently experiencing an acute shortage of qualified staff necessary
to safeguard inmates in its jail facility. The Monroe County Sheriff's Office has sufficient staff and space to safely
and effectively retain inmates during this temporary period.

The specific legislative action required is to authorize the County Executive, or his designee, to execute
an intermunicipal agreement, and any amendments thereto, with Ontario County for Monroe County to accept and
maintain custody of Ontario County inmates at a daily rate of \$122.13 per inmate for the period of June 20, 2022
through June 19, 2023.

This is a Type II Action pursuant to 6 NYCRR §617.5(c)(26) ("routine or continuing agency administration
and management, not including new programs or major reordering of priorities that may affect the environment")
and is not subject to further review under the State Environmental Quality Review Act.

This contract is revenue generating and no net County support is required in the current Monroe County
budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your
Honorable Body.

Sincerely,
[Signature]

Adam J. Bello
Monroe County Executive