

DATED: April 5, 2021

UCCRC

Ulster County Capital Resource Corporation
P.O. Box 4265, Kingston, NY 12402-4265

GOVERNANCE COMMITTEE

April 6, 2021 – 11:00 AM

via Zoom - <https://us02web.zoom.us/j/81641119687> Meeting ID: 816 4111 9687

One tap mobile - +16465588656, 81641119687# US (New York)

MEETING AGENDA

1. Call to order
2. Roll call **Page 2**
3. Approval of the minutes of the January 13, 2021 meeting **Page 3**
4. Old business
5. New business
 - a. Contractor Complaint Procedure
 - b. Community Investment Agreement **Page 5**
 - b. Mentoring program update
 - c. Policies to be Created
 - i. Draft Harassment Policy **Page 7**
 - ii. Policy for Return of All or Part of Financial Assistance
 - iii. Policy for Suspension, Discontinuance, or Modification of Financial Assistance
 - iv. Resolution Approving Public Comment Policy for Meetings
 - v. Record Retention & Disposition Policy
6. Public comment (on agenda items only)
7. Adjournment

The mission of the Ulster County Capital Resource Corporation (UCCRC) is to promote community and economic development in Ulster County in ways that complement the work of Ulster County, primarily through issuing and selling bonds for non-profit institutions.

Item 2.

Roll Call

	<u>Present</u>	<u>Absent</u>
Michael J. Ham, Committee Chairman	_____	_____
Diane Eynon	_____	_____
Richard O. Jones	_____	_____

UCCRC

Ulster County Capital Resource Corporation

ULSTER COUNTY CAPITAL RESOURCE CORPORATION GOVERNANCE COMMITTEE MINUTES January 13, 2021

A special meeting of the Governance Committee of the Ulster County Capital Resource Corporation was held on Wednesday, January 13, 2021, immediately following the Governance Committee meeting of the Ulster County Industrial Development Agency, via Zoom.

Roll Call:

The following committee members were present:

Michael J. Ham	Committee Chairman
Richard O. Jones	
Diane Eynon	

The following committee members were absent with notice:

The following additional Agency members were present:

James Malcolm
Orlando Reece

Additional Attendees:

Rose Woodworth	Chief Executive Officer
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The meeting was called to order at 11:15 A.M. by Committee Chairman Michael J. Ham.

ROLL CALL

The roll was read, and it was noted that a quorum was present.

APPROVAL OF MINUTES

The members of the Committee reviewed the draft minutes from the November 5, 2020 meeting.

Motion: Diane Eynon, seconded by Richard Jones, moved to approve the minutes of the November 5, 2020 meeting.

Vote: The motion was unanimously adopted (3-0).

NEW BUSINESS

Recommendation for Legal Counsel

Motion: Richard Jones, seconded by Diane Eynon, moved to recommend to the full Board to continue with the firm Hodgson Russ LLP as legal counsel for the Corporation.

Vote: The motion was unanimously adopted (3-0).

PUBLIC COMMENT

No public comment received.

ADJOURNMENT

Motion: Richard Jones, seconded by Diane Eynon, moved to adjourn the meeting.

Vote: The motion was unanimously adopted (3-0).

The meeting was adjourned at 11:18 A.M.

Respectfully submitted,

Michael J. Ham, Committee Chair

Community Investment Agreement

Objective:

Come up with a method for ensuring that projects receiving IDA continue to support investment in the community by requiring/suggesting/encouraging the recipients to purchase their materials, supplies, professional services from Ulster County providers.

Rationale

The IDA inducement already has a series of requirements for the recipient that are contained in the UTEP and UTEP chart. This new set of suggestions go beyond these basic UTEP requirements in an effort to ensure that incentives, including sales tax, mortgage tax and property tax, are supported by the applicant with investment(s) in the community.

Suggested areas of discussion:

- Should the additional community investment items be optional or required as a gating factor for receiving some, or all levels of IDA inducement?
- Which specific items could be added as required/suggested areas of community investment by the applicant?
- How would these items be tracked?

Possible areas of discussion:

- Buying some/all construction material locally (what is definition of 'Local' with these items?)
- Securing professional services from local providers:
 - Insurance
 - Legal
 - Advertising and Marketing
 - Accounting
 - Engineering
 - Real Estate Brokerage
 - Consultants
 - Local hiring
 - Financing (Financial institutions, financial advisors...etc.)
- Is requiring these kind of local investments legal under State Regs.

How to track?

- Loewke Brill?
- Honor system
- Administrative staff
- All of the above

Is this an opportunity to look at the UTEP chart and make some added changes?

- Do we need the category regarding availability to public transportation?

- What type of environmental adaptations should get credit in the UTEP chart? Are some worth more than others?
- What is definition of brownfield site? What is definition of shovel ready? What is definition of energy efficient technology (is the specific footnote clear enough?)

ULSTER COUNTY PERSONNEL DEPARTMENT

244 Fair Street, PO Box 1800, Kingston, New York 12402-1800

Main: (845) 340-3550

Exam Hotline: (845) 334-5454

Fax: (845) 340-3592

PATRICK K. RYAN
County Executive



SHEREE CROSS
Personnel Officer

JAMES FARINA
Director of Employee Relations

ULSTER COUNTY DISCRIMINATORY HARASSMENT PREVENTION POLICY
AND COMPLAINT PROCEDURE

Revised January, 2019

I. POLICY STATEMENT

It is the policy of Ulster County to provide and maintain a safe work environment which is free from all unlawful discrimination based on sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law. Harassment based on these protected characteristics (collectively referred to as "discriminatory harassment") is a form of unlawful discrimination and is prohibited in each and every work environment and situation which directly impacts the work environment.

Sexual harassment is covered separately under Ulster County's Sexual Harassment Prevention Policy. Refer to the Ulster County Sexual Harassment Prevention Policy, available on Ulster County's Intranet and Website (ulstercountyny.gov). This Discriminatory Harassment Prevention Policy and Complaint Procedure (the "Policy") can also be accessed and is available on County's Intranet and Website (ulstercountyny.gov).

Ulster County will take appropriate steps to prevent and correct unlawful discriminatory harassment and discrimination as defined by federal, state and local law (if applicable.) This includes federal laws such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act, as well as the New York State Human Rights Law.

Ulster County considers discrimination, discriminatory harassment and other conduct prohibited by this Policy to be a form of employee misconduct. Ulster County considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discrimination and discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with the parameters of applicable collective bargaining agreements and/or state law.

Retaliation against any individual making a discrimination or harassment complaint or assisting in the investigation of such a complaint is forbidden. Retaliation is a serious violation of this Policy which may result in disciplinary action.

II. SCOPE

A. **Who is covered by this Policy?** This policy applies to all applicants, employees, interns (paid or unpaid), volunteers, contractors, and other non-employees conducting business with the Ulster County.

B. **What does this Policy prohibit?** This Policy prohibits discriminatory harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the Ulster County (e.g., an outside vendor, consultant, other non-employee or citizen).

- C. **Where can discrimination or discriminatory harassment occur?** Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.
- D. All information gathered during an investigation of a complaint will be handled in a confidential manner, to the extent possible.
- E. This Policy does not preclude the filing of discrimination, discriminatory harassment or retaliation complaints with the New York State Division of Human Rights (DHR), the Federal Equal Employment Opportunity Commission (EEOC), or the pursuing of any other remedies as permitted by law.

III. DEFINITIONS OF PROHIBITED CONDUCT

A. Discrimination

Discrimination on the basis of any protected characteristic is prohibited. Discrimination includes any adverse employment action (termination, failure to hire, demotion, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

B. Discriminatory Harassment

Harassment on the basis of any protected characteristic is prohibited. Under this Policy, prohibited discriminatory harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of a protected class or characteristic, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

NOTE: Sexual harassment, including harassment on the basis of sex (including gender identity or transgender status) and sexual orientation is covered separately under the Ulster County Sexual Harassment Prevention Policy.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

C. Retaliation

Retaliation against any individual for making a discriminatory or any harassment complaint or assisting in the investigation of such a complaint is prohibited by law and under this Policy. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a claim of discrimination or discriminatory harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Any employee, intern, volunteer, and non-employee who believes they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized and described below. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)

Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary and permitted by an applicable collective bargaining agreement or state law.

IV. **REPORTING PROCEDURES AND RESPONSIBILITIES**

A. **Reporting Procedures**

Preventing harassment is everyone's responsibility. If an employee, intern, volunteer, or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discriminatory harassment in violation of this Policy, Ulster County recommends that the person confront the harasser directly and advise the harasser that his/her behavior is not welcomed and will not be tolerated.

If an employee, intern, volunteer or non-employee who witnesses or is subjected to a situation which he/she believes constitutes discrimination or discriminatory harassment, he/she should file a complaint with the Personnel Office as set forth below. Anyone who witnesses or becomes aware of potential instances of discrimination or harassment should also report such behavior to the Personnel Office.

- o **Personnel Office:** Personnel Officer
- o **In the event that the Personnel Officer is the subject of the complaint, complaints are to be made to** a Deputy County Executive.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of discriminatory harassment. Individuals should feel free to keep written records of any actions which may constitute harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Complaints may be made verbally or in writing. **If made verbally, the complaint must be reduced to writing by the individual to whom it was reported.** The written report must be given to the Personnel Officer. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting discrimination or harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is submitted on another person's behalf.

B. **Employee Responsibilities**

All employees, interns and volunteers are responsible for refraining from discrimination, discriminatory harassment or retaliation in the workplace. Anyone who witnesses discrimination, discriminatory harassment or retaliation may notify the person responsible that their behavior is inappropriate, and in any and all events, should notify the Personnel Officer.

C. **Supervisory Responsibilities**

All managerial and supervisory personnel of the Ulster County shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discrimination, discriminatory harassment, and retaliation. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive complaints of, observe directly, or otherwise become aware of or suspect that discrimination, discriminatory harassment or retaliation is occurring, will be responsible for immediately forwarding such complaints, in writing, to the Personnel Officer.

Supervisors and managers will be subject to discipline (or other remedial or appropriate action) for failing to report suspected discriminatory harassment or otherwise knowingly allowing the harassment to continue. Supervisors and managers will also be subjected to discipline (or other remedial or appropriate action) if found to have engaged in discrimination, discriminatory harassment, or retaliation.

D. Employer Responsibilities

Ulster County will conduct periodic mandatory training on the issues surrounding discrimination, discriminatory harassment, its effects and its appearances, and the role and responsibility of employees and managerial/supervisory personnel in preventing incidents of discrimination and harassment.

Ulster County will also distribute this Policy to all employees, interns and volunteers, and ensure that it is distributed to new employees as they are hired.

V. INVESTIGATION AND RESPONSE PROCEDURES

Discrimination and discriminatory harassment complaints will be investigated. The Personnel Officer and/or their designee(s) will conduct a prompt and thorough investigation commencing immediately and completed as soon as possible. The investigation will be confidential to the greatest extent possible.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected discriminatory harassment. As further set forth herein, Ulster County will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

The nature and extent of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the Personnel Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Personnel Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Personnel Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge with the DHR or EEOC, or in an appropriate court.

If a complaint of discriminatory harassment, other harassment, or retaliation is determined to be founded, Ulster County will take disciplinary and/or corrective action in accordance with law and/or an applicable collective bargaining agreement. The Personnel Officer will be responsible for overseeing the implementation of any corrective or remedial actions.

If disciplinary charges are filed against an employee on the grounds that Ulster County has determined the employee is guilty of discrimination, discriminatory harassment or retaliation, the accused employee may exercise his/her rights through the disciplinary procedure provided for in his/her collective bargaining agreement, or state law, if applicable.

VI. FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, Ulster County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law.

ULSTER COUNTY DISCRIMINATORY HARASSMENT PREVENTION COMPLAINT FORM
(Submit to Personnel Officer)

This form may be used to file a charge of discriminatory harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and Ulster County Policy.

Filing this complaint form with Ulster County in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name _____
Phone Number _____
Residence _____
Mailing Address (if different from residence) _____
City _____ State _____ Zip Code _____

2. Department and Position _____
(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW OF YOUR COMPLAINT)

3. Alleged Discrimination Occurred on or about:
Month: _____ Day: _____ Year: _____ Time: _____
Is this alleged discrimination continuing: YES _____ NO _____

Describe the alleged act of harassment. **Use additional sheets if necessary.**

4. Indicate the name(s) of the alleged harasser(s) and their position in relationship to the harassed:

5. State the name(s) of any potential witness(s):

6. Has this Conduct been reported to any other individuals, if so to whom and when? :

7. Have you filed this charge with a Federal, State or local government agency?

YES/NO: _____ When _____ Where _____

(Month/Day/Year)

Have you instituted a suit or court action on this charge?

YES/NO: _____ When _____ Where _____

8. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED-

New Project Checklist

- Initial Consultation with Agency Staff
- Submit application without check for Prescreening with three Board Members, Rose & Joe Scott.
- Submit application with \$1,000.00 nonrefundable deposit and \$2,000.00 for Escrow. (Considered formal submission). Must include organizational chart, ownership information for owners with 5% ownership or more and SEQR.
- Complete application with check is sent to Joe Scott. The application itself and a Public Hearing Resolution is sent to the Board.
- Application with sensitive information needs to be blacked out then posted to Website.
- Background check: formal background check is done by 3rd party on owners with 25% or more ownership and an inhouse background check is also completed (ex: social media).
- Cost Benefit Analysis is completed.
- Public Hearing is set up. There is a two-week waiting period for public comments after the hearing.
- Project is placed back on the agenda for Board approval.
- Information on project is sent to Loewke Brill once approved.

APPLICANT CHECK LIST:

Q: IS YOUR AGENCY OR PROJECT ELIGIBLE FOR A GRANT AND/OR INDUCEMENTS?

Q: WHAT ARE THE RESTRICTIONS OF THE GRANT FUNDING?

Q: HOW MUCH WORK IS REQUIRED WHEN THE APPLICATION IS DUE?

Q: WHAT ARE THE FEES ASSOCIATED WITH THE GRANT/INDUCEMENT AND WHO PAYS THESE FEES?

Q: ARE THERE ANNUAL FEES AND OBLIGATIONS THE APPLICANT /PROJECT NEED TO MEET TO REMAIN IN GOOD STANDING?

Q: SHOULD I HAVE AN ATTORNEY/CONSULTANT TO HELP GUIDE ME THRU THE APPLICATION AND CLOSING PROCESS?

Q: HOW SOON CAN I BEGIN RENOVATION , CONSTRUCTION ONCE I APPLY?

Q: WHAT IS THE TIMELINE FOR THE APPROVAL IF I QUALIFY?

I BELIEVE THESE QUESTIONS ALONG WITH THE PRE-SCREEN COMMITTEE SHOULD BE WHAT WE NEED TO GUIDE APPLICANTS THRU THE PROCESS . THOUGHTS ?