

**IDA**

**CONFERENCE ROOM  
LAKE PLEASANT, NY**

**FEBRUARY 28, 2013**

The meeting was called to order by Chairman Towers at 2:00 P.M. with the following members present:

Brian Towers, Chairman  
William Farber, Vice Chairman  
William Faro  
Robert Peck  
Tim Pine  
James Bateman

Absent:  
Robin Morrison

Also Present:  
Ann Melious, Executive Director  
Laura Abrams, Secretary  
Pete Klein, Press

Payment of Bills:

|  |            |
|--|------------|
| Tim Schofield (Ameden Loan)            | \$1,335.00 |
| Jim Bateman (Mileage Reimbursement)    | \$ 25.99   |
| Robin Morrison (Mileage Reimbursement) | \$ 56.50   |

Motion to pay bills as audited by Mr. Faro, seconded by Mr. Farber. Carried.

Microenterprise Grant Applications:

Ms. Melious reviewed three applicants that applied and did qualify. The Chairman asked if there is any portion of these three applications that we should talk about in open session before we get into the financial details. Ms. Melious stated that at this point if we approve the Puterko's Family Pizzeria application, it would have to be conditionally, they have had a family crisis and there is a question about whether or not she already has taken entrepreneurial training. Ms. Melious is trying to get it confirmed by AEDC. If she doesn't have credit for it, she is unable to take it.

The Chairman suggested that Ms. Melious review what Ms. Hinckley is proposing. Ms. Melious stated that she is proposing to open a breakfast and lunch café in the site of the Misty Mountain Bakery and Café in Indian Lake. Ms. Melious reviewed Ms. Hinckley's plan.

Ms. Melious gave an overview of the Puterko's Family Pizzeria plan. Ms. Melious stated they want to add a walk-in cooler to their business.

Ms. Melious stated that the supplemental funds that Caleb Thompson wants would be because the software he wanted to order doesn't seem to have the power to do the drafting that he wants to do for his business.

Motion to enter Executive Session to discuss the specific finances of the applicants by Mr. Peck, seconded by Mr. Pine. Carried.

Motion to open session by Mr. Farber, seconded by Mr. Pine. Carried.

The Chairman reported that while in Executive Session the Board discussed the financials of all three proposed projects and took no official action.

RESOLUTION NO. 3-13

HAMILTON COUNTY IDA MICROENTERPRISE GRANT AWARDS – ROUND 2

DATED: FEBRUARY 28, 2013

BY MR. FARO:

WHEREAS, the Hamilton County IDA is administering a NYS Community Development Block Microenterprise Grant Award of \$200,000, and

WHEREAS, the IDA has the responsibility to take the steps necessary to utilize the grant funds and to implement the microenterprise program as described in the County's approved grant application, and

WHEREAS, the microenterprise program includes funds for entrepreneurial training and \$164,200 for direct financial assistance to eligible businesses, and

WHEREAS, the intent of the program is to provide grants to assist microenterprises in Hamilton County and to provide grant funding for startup businesses seeking to locate in Hamilton County, and

WHEREAS, the IDA has conducted an outreach effort, to inform residents and businesses of the program and the availability of grant assistance, and

WHEREAS, the IDA has solicited applications from new and existing microenterprises and awarded grant funds based on a thorough review and approval process, and

WHEREAS, the IDA has conducted an additional solicitation for applications from new and existing microenterprises in order to utilize the remaining grant fund, and

WHEREAS, each grant award is subject to and contingent upon additional grant conditions and additional submission requirements as determined necessary by the IDA to comply with NYS Office of Community Renewal Microenterprise requirements, now, therefore, be it

RESOLVED, that the IDA approves grant awards for the microenterprise business applicants as listed in attachment A to this resolution.

Seconded by Mr. Pine and adopted by the following vote:

AYES: TOWERS, BATEMAN, PECK, FARBER, FARO AND PINE

NAYS: NONE

ABSENT: MORRISON

ATTACHMENT A

Hamilton County IDA  
Microenterprise Grant Awards  
Round 2

February 28, 2013

| Individual or Business<br>Microenterprise   | Amount (not to exceed) |
|---|------------------------|
| 1. Christine Hinckley<br>Chrissy's Café<br>6461 NYS Rt. 30<br>Indian Lake, NY 12842                       | <u>\$18,150.00</u>     |
| 2. Caleb Thompson – Supplemental Funds<br>Thompson Homebuilders East<br>PO Box 278<br>Long Lake, NY 12847 | <u>\$ 1,700.00</u>     |
| Total Grant Awards  | \$19,850.00            |

NOTE: All grant awards are subject to conditions and additional submissions as required by IDA.

Additional grant requirements will be included in award letters to be sent to awardees.

**Loan Processing, Project Fees Policy:**

The Board reviewed the policy that Ms. Melious handed out. Motion to adopt policy with amendments by Mr. Peck, seconded Mr. Farber. Carried.

**HAMILTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY LOAN AND PROJECT FEES POLICY**

It is the policy of the Hamilton County Industrial Development Agency to require that all loan or project-related legal, filing, mortgage and miscellaneous fees be paid for by the loan applicant or the project developer.

**Loans**

- A processing fee of \$500 must accompany all applications requesting loans.
- The deposit will be used to pay for legal expenses, valuation of collateral and UCC searches. Should fees exceed \$500, the applicant will be billed for the balance, which

must be paid before the loan is issued. If any of the \$500 deposit remains unexpended at the time the loan is issued or rejected, it will be refunded to the applicant.

### **Economic Development Projects:**

- The applicant will be required to pay the Agency all actual costs incurred in connection with the application and the Project contemplated (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The costs incurred by the Agency, including the Agency's legal fees and other "soft costs" such as bond counsel and accountant fees, may be considered as a part of the costs of the Project and included in the calculation of the amount of the Industrial Development Revenue Bond issue.
- Security Deposit (BONDING ONLY): To ensure that the Agency's costs are reimbursed if the Project does not proceed, applicant shall pay to the Agency a security deposit equal to one-half of one percent (0.5%) of the cost of the Project or \$10,000.00, whichever is greater. The maximum initial deposit is set at \$25,000.00. Payment shall be made prior to passage of an Inducement Resolution for the Project.
- In the event that prior to closing the actual costs incurred, or anticipated costs to be incurred, by the Agency equal or exceed the original security deposit, the Agency may require an additional security deposit before incurring any additional expense and proceeding with the Project.
- At the time of closing, or in the event the Project is discontinued, after reimbursement of the Agency's costs, any excess funds shall be returned to the applicant. Should the Agency's costs exceed the deposit, applicant shall pay the Agency the difference between the costs and the deposit.
- ***THE AGENCY RESERVES THE RIGHT TO DEVIATE FROM THE FOREGOING BASED UPON THE SIZE AND NATURE OF THE PROJECT AND THE FINANCIAL STRENGTH OF THE APPLICANT***

### Investment Policy:

The Board reviewed the Investment Policy that was handed out by Mr. Melious. Motion to adopt with amendments by Mr. Farber, seconded by Mr. Pine.

The motioner and seconder agree to amend the motion to include Appendix A. Motion Carries.

## HAMILTON COUNTY INDUSTRIAL DEVELOPMENT (HCIDA)

### INVESTMENT POLICY

The primary objectives of the Hamilton County Industrial Development Agency's (HCIDA) investment activities are to conform with all applicable federal, state and other legal requirements; to adequately safeguard principal; to provide sufficient liquidity to obtain a reasonable rate of return.

The HCIDA's responsibility for administration of the investment program is delegated to the HCIDA Treasurer, who, with the advice and consent of the HCIDA Board, shall establish

written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

It is the policy of the HCIDA to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The HCIDA is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

All banks and trust companies utilized shall be authorized to conduct business in the State of New York. The banks and trust companies authorized for the deposit of monies up to maximum amount is:

#### NBT Bank

In accordance with the provisions of General Municipal Law S.10, all deposits of the HCIDA, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law S.10, equal to the aggregate amount of deposits from the categories designated in Appendix A to this policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed ninety (90) days with an aggregate value equal to one-hundred and ten (110%) percent of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

4. The security agreement shall provide that eligible securities are being pledged to secure HCIDA deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable HCIDA Treasurer to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of HCIDA, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the HCIDA or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for HCIDA, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation or eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide HCIDA a perfected interest in the securities.

As authorized by General Municipal Law S.11, HCIDA authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

1. Special time deposit accounts; Certificates of deposit; Obligations of the United States of America; Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America, and Obligations of the State of New York
2. All investment obligations shall be payable or redeemable at the option of the HCIDA within such times as the proceeds will be needed to meet expenditures for purposes for which the monies are provided.
3. The HCIDA shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the HCIDA conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition at the request of the HCIDA. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The HCIDA Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.
4. All purchased obligations, unless registered or inscribed in the HCIDA's name, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented-for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the HCIDA by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held

pursuant to a written custodial agreement as described in General Municipal Law S.10.

5. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for HCIDA, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### APPENDIX A SCHEDULE OF ELIGIBLE SECURITIES

1. Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
2. Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

Harassment (Including Sexual Harassment) in the Workplace Policy:

The Board reviewed the Harassment Policy. Motion to adopt the Harassment (Including Sexual Harassment) in the Workplace Policy by Mr. Faro, seconded by Mr. Bateman. Carried.

#### HAMILTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY (HCIDA) HARASSMENT (INCLUDING SEXUAL HARASSMENT) IN THE WORKPLACE POLICY

**Policy Statement** – It is the Policy of the Hamilton County Industrial Development Agency to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with the goal, the HCIDA is committed to educate employees in the recognition and prevention of workplace harassment, including sexual harassment, and to provide an effective means of eliminating such harassment from the workplace. Any conduct that denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, or any other protected status is strictly prohibited. In short, the HCIDA will not tolerate any form of harassment, including sexual harassment, and it will take all steps necessary to prevent and stop the occurrence of such harassment in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

**Applicability of Policy** – This policy applies to all employees and board members whether employed full, part-time, or appointed and regardless of compensation level, and all personnel in a contractual relationship with the HCIDA.

**Prohibited Activity** – No employee or board member shall either explicitly or implicitly, mock, deride or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials (e.g. letters, email messages, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the HCIDA Board; it is not intended to be a comprehensive list and does not limit the board's ability to take disciplinary action in other appropriate instances.

**Definition of Sexual Harassment** - This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment; OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employees' work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

**Forms of Sexual Harassment** - Specific forms of behavior that the HCIDA considered sexual harassment and which are prohibited include, but are not limited to, the following:

- Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- Any sexual advance that is unwelcome or any demand for sexual favors.
- Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

- Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

**Reporting of Harassment (including Sexual Harassment)** - Employees are encouraged to report incidents of harassment (including sexual harassment) to the HCIDA Chairman, in writing as well as verbally.

**Confidentiality** - Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the HCIDA to third parties or to anyone within the HCIDA who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

**Investigation of Complaint** - The HCIDA Board will determine the appropriate individual(s) to conduct the investigation. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

**Employee or Elected Official Defense** - Any employee or board member charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

**Employee Rights** - Employees also have the right to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

**Disciplinary Action** - Any employee or official who is found to have committed an act of workplace harassment including sexual harassment will be subject to disciplinary action, up to and including termination of employment.

**Prohibition Against Retaliation** - Retaliation against any employee who brings a written or verbal complaint of harassment or discrimination or who assists or participates in the investigation of such a complaint is strictly prohibited. Violations of this policy may result in disciplinary action up to and including termination of employment.

Freedom of Information Law (FOIL) Policy:

The Board reviewed the Freedom of Information Law (FOIL) Policy. Motion to adopt the Freedom of Information Law (FOIL) Policy by Mr. Peck, seconded by Mr. Faro. Carried.

## HAMILTON COUNTY IDA FREEDOM OF INFORMATION LAW (FOIL) POLICY

### **Introduction**

The Hamilton County Industrial Development Agency is subject to New York State's Freedom of Information Law (FOIL). The purpose of this law is to allow the public access to records used in establishing public policy or decision making.

### **What is a 'Record'?**

A record is any information kept by the agency in any physical form whatever. In addition to paper records this includes:

- CDs, computer discs and other electronic media;
- Audio and video tape recordings; and
- Emails, charts, maps and photographs.

While the HCIDA is not required to prepare new records to comply with this law, the agency is required to provide information from its existing records in the form requested if it has the ability to do so.

### **What Records are Accessible under FOIL?**

As a practical matter, records are accessible unless they fall under one of the exclusions set out in Public Officers Law Article 6. Those most applicable to HCIDA are:

- Disclosure would result in an unwarranted invasion of personal privacy (unless deletion of identifying information is possible, the person involved consents or the person involved seeks records relating to him/herself);
- Disclosure of trade secrets would cause substantial injury to the competitive position of the involved company; or
- Intra-agency memoranda (other than instructions to staff that affect the public) and draft/non-final determinations of the agency.

HCIDA is required to maintain the following records:

- A record of any abstention or "No" vote for an action item at each meeting. As a practical matter this should be included in the minutes to each board and committee meeting.
- A list of the names, public office address, title and salary (at the present time not applicable) of every officer and staff member of the agency.
- A detailed list of the subject matter of all records in the possession of the agency.

### **Records Access Officer**

HCIDA has designated its Executive Director as the records access officer for the purposes of FOIL. The records access officer has the duty of coordinating the agency's response to public request for records.

### Requests for Access to OCIDA Records

Requests for HCIDA records shall be made to HCIDA Executive Director c/o PO Box 57, Lake Pleasant NY 12108. Unless copies are requested in the written request, records shall be made available for inspection pursuant to FOIL during the regular office hours of the Hamilton County Office of Planning, Tourism and Community Development. Copies of HCIDA documents produced pursuant to a FOIL request shall be provided upon pre-payment of \$.25 per page copied for up to 9x14 inch documents, or the actual cost of reproducing any other record, except when a different fee is otherwise prescribed by statute.

HCIDA must respond in writing to requests for information within five business days of receipt by either:

- Making the record available;
- Denying access, writing giving the reason(s) for the denial; or
- Acknowledge the request and state the approximate date when the request will be granted (normally within 20 days from the date of acknowledgement unless otherwise stated in writing).

Procurement Policy:

The Board reviewed the Procurement Policy. Motion to adopt the Procurement Policy by Mr. Faro, seconded by Mr. Pine. Carried.

## HAMILTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY (HCIDA)

### PROCUREMENT POLICY

#### Section 1. **Purpose**

The purpose of this policy is to procure goods and services of maximum quality in a manner which will result in the most prudent and economical use of public monies, and to establish measures which will prevent favoritism, improvidence, extravagance, fraud and corruption.

#### Section 2. **Definitions**

The following terms shall apply to all purchases governed by this policy:

(A) "Competitive Bid" shall mean a formal written statement by a potential vendor, submitted in response to a solicitation for such bids, setting forth the vendor's terms under which it will furnish materials, goods and/or services.

(B) "Purchase Order" shall mean a written form to be used by the Agency for placing orders with vendors approved by the Agency for materials, goods and/or services requisitioned by Agency personnel:

- (1) containing the following minimum information:
  - (a) the name of the vendor
  - (b) the Agency's shipping and billing address
  - (c) the quantity of each item of goods or materials purchased,
  - (d) catalog number (if available) of each item purchased;
  - (e) a description of each item of goods or materials purchased, or of the services furnished;
  - (f) the unit price;
  - (g) the extended or total price; and
  - (h) the identification of the specific fund and budget account from which payment is to be made; and
- (2) to which is attached all necessary supporting documentation.

(C) "Proposal" shall mean a written statement by a potential provider of goods and/or services, submitted in response to a request for proposals, setting forth the terms under which such provider will furnish materials, goods and/or services.

(D) "Quotation" shall mean an informal offer (usually written) by a potential vendor setting forth the terms under which the vendor shall furnish materials, goods and/or services, and setting forth the following minimum information.

- (1) complete description of the item or services to be furnished,
- (2) a complete description of the cost, including but not limited to unit price, hourly rate and other similar information, as applicable,

- (3) special conditions or charges/credits (i.e., delivery, installation, trade-ins, discounts, shipping fees, etc.), and
- (4) total cost
  
- (E) "Request for Proposals" shall mean a formal written invitation to potential providers of materials, goods and/or services, the procurement of which is/are not subject to competitive bidding requirements.
  
- (F) "Requisition" shall mean a request by an Agency employee to the Agency for the procurement of materials, goods and/or services.
  
- (G) "Solicit Bids" shall mean a formal written invitation together with specifications issued to potential vendors of materials, goods and/or services, the procurement of which is/are subject to competitive bidding requirements.
  
- (H) "Specifications" shall mean written provisions stating the terms and conditions under which materials, goods and/or services shall be purchased, furnished or provided, and under which contracts shall be awarded, and which will form an integral part of each contract awarded.
  
- (I) "Vendor" shall mean a supplier of materials, goods or services. Section 3.

### Section 3. **Procurement Guidelines**

The procurement, acquisition and purchase of all materials, goods and services shall be in conformance with the following guidelines:

- (A) Competitive bidding shall be utilized whenever required by law, which currently is as follows:
  - (1) all public works contracts involving an expenditure of more than \$35,000.00; and/or
  - (2) all purchase contracts involving an expenditure of more than \$20,000.00.
  
- (B) Notwithstanding any other provision of this policy, whenever it is determined by the Agency to be in its best interests that competitive bidding be utilized even when such bidding is not legally required.
  
- (C) A request for proposals will be utilized whenever the Agency seeks to obtain professional services, when competitive bidding is not required, or except as otherwise provided by this policy whenever the Agency determines it to be in the best interests of the Agency that a request for proposal be issued.
  
- (D) Whenever the estimated annual purchase/acquisition cost of a particular class of materials, goods and/or services is \$1,000 or less, the purchase/acquisition shall be accomplished based upon reliable market information such as catalogs, vendor price listings or quotations, but the Agency shall not be required to obtain quotations.
  
- (E) Whenever the estimated annual purchase/acquisition cost of a particular class of materials and/or goods (including but not limited to equipment rental) exceeds \$1,000 but does not exceed \$20,000, the Agency shall obtain a quotation from at least 3 separate vendors, and shall award the contracts to the vendor whose quotation contains the lowest possible cost.

- (F) Whenever the estimated annual purchase/acquisition cost of a particular class of services and/or public work exceeds \$1,000 but does not exceed \$35,000, the Agency shall obtain a quotation from at least 3 separate vendors, and shall award the contracts to the vendor whose quotation contains the lowest possible cost.
- (G) If the lowest quotation, bid or proposal is rejected, the Agency shall prepare a memorandum stating in detail the reasons for rejection, and such memorandum shall be filed with any contracts or purchase orders issued in connection with the procurement.
- (H) Instances of non-compliance with this policy, as identified by any officer or employee of the Agency shall be reported to the Agency Board.
- (I) Supplies used within the Agency shall be uniform whenever consistent with operational needs and in the interests of efficiency and economy.
- (J) No official or employee shall be interested financially in any contract entered into by the Agency.
- (K) All purchase orders shall be signed by an officer or designated employee of the Agency, and shall contain the budget account number and current unencumbered account balance from which payment shall be made.
- (L) Authorization to procure or purchase shall be made by the Agency Chairman whenever the items involved were identified and approved as part of the Agency budget, and in all other cases by the Agency Board.

#### Section 4. **Exceptions**

This policy, and the guidelines set forth in Section 3 hereof, shall not apply in the following situations:

- (A) In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition, whereby circumstances affecting public buildings, public property, or the life, health or safety or property of the inhabitants of Hamilton County, or in the cases where other circumstances exist which require immediate action and which cannot await solicitation of bids, requests for proposals, or solicitation of quotations, the purchase/procurement of materials, goods and/or services may be authorized by the Agency Board.
- (B) In cases where a reasonably exhaustive and documented search discloses that a particular class of materials, goods or services is available only from a single vendor, or in cases where there is common knowledge of the existence of a monopolistic situation for a particular class of materials, goods or services being sought by the Agency, the purchase/procurement from a single identified vendor shall be allowed upon approval by the Agency Board.
- (C) In order to reduce unnecessary paperwork, expenditures for the purchase/acquisition of the following items shall be allowed without purchase orders or other compliance with this policy, except to the extent otherwise required by law:
  - (1) reimbursable employee expenses, including but not limited to travel and meal allowances;
  - (2) reimbursement of petty cash funds,
  - (3) utility bills;
  - (4) book, periodical and other subscription renewals, provided that the subscriptions are approved in the budget and a copy of the subscription or its renewal are attached to the voucher;
  - (5) publication and printing of legal notices;
  - (6) service contracts for equipment, cleaning or for fire alarm systems;
  - (7) postage;

- (8) interdepartmental charges;
- (9) intergovernmental charges, including but not limited to permit fees;
- (10) membership dues;
- (11) notary public licenses and renewals thereof when such license is either required for performance of Agency duties or determined to be necessary by the Agency Board; and
- (12) training expenses and speaker fees/expenses.

#### Defense and Indemnification Policy:

The Board reviewed the Defense and Indemnification Policy. Motion to adopt the Defense and Indemnification Policy by Mr. Faro, seconded by Mr. Pine. Mr. Farber stated that we should contact the County Attorney regarding procedurally and process whether the County needs to do something to confirm this.

The motioner and seconder agree to withdraw the motion.

#### Insurance:

Ms. Melious stated that she received the certificate of insurance from Oak Mt. for property insurance. In reviewing Oak's policy, Lee says that we should see some savings on our new insurance policy. Basically what we need is liability. Robin reviewed and agreed. We have not seen the new policy yet, it comes up for renewal April 1<sup>st</sup>. Ms. Melious wanted to know if this Board wanted to approve something now or wait for the next meeting. The Board agreed to take it up at the next meeting.

#### Miscellaneous:

Ms. Melious stated that the O'Brien's would like to buy a lot from the IDA to build a house on. Ms. Melious reviewed what property the IDA retained in the sale of Oak Mt. for Mr. Bateman's benefit.

The Chairman stated that he is not sure at this time there is any appetite to subdivide the land, but it is up to this group. The Board discussed possible future uses for the property. The Board agreed they need to come up with a strategy for the property before they start to carve it up. The Board also agreed that they would like to have a discussion with the Village to see what their views of the property are.

Ms. Melious stated that she did meet with Letty, Florence and the O'Briens and had a discussion about the road. Everyone wants to see it improved, but nobody agrees on who should be financially responsible.

As there was no further business, motion to adjourn by Mr. Pine, seconded by Mr. Bateman. Carried.