

## COUNTY LAW

### STATE OF NEW YORK

#### **Section 224. Optional appropriations and contracts for public benefit services.**

Subdivision 8 (a) The board of supervisors of any county in which a county extension service association has been organized may from time to time appropriate and pay out for the support and maintenance of county extension service associations and the work thereof, and for the employment by the county association of professional staff, and for any other purposes which the board of supervisors shall deem proper and may raise money for such purpose by a tax on real and personal property in the county. The board of supervisors may direct the county treasurer to pay out moneys from such appropriation upon the order of the treasurer of the county association, upon his giving a proper receipt therefore, and the chairman of the board of supervisors may be authorized to enter into an agreement to pay such funds in regular installments in advance, and such agreement shall be sufficient authority in the hands of said county treasurer to pay out such moneys, provided that this money shall be expended under an agreement to be entered into between the county association and Cornell university, as agent for the state, for the cooperative management of said work of the county extension service association and the proper supervision of the professional staff employed therefor. The agreement shall identify by his or their titles the professional staff to be employed by the associations and shall state the salary or salaries to be paid and the sources from which payment is to be made. If services of professional staff employed by Cornell university are to be furnished, or if programs of extension work are to be furnished or conducted by Cornell university, the agreement shall identify such services or programs and state the terms on which they are to be furnished, including the sources from which payments are to be made. The cooperative relations therein established shall continue until either party to the agreement shall notify the other party that it wishes to terminate the agreement. Such a notification shall be in writing and shall be served at least six months preceding any action taken to annul the agreement. After receiving such notice cooperative relationships between said parties shall cease at the expiration of the six months' period of notice providing reconsideration or request for continuance is not made by the party issuing notification of desire to discontinue work under the provisions of this agreement. On or before the first day of December in each year and at any other time when requested by the board of supervisors, the officers of such county association shall report in writing to the board of supervisors a detailed statement of its work and transactions for the year ending November thirtieth, and for any other period which the board of supervisors may request and in such form as said board may direct.

(b) County or regional extension service association and its work. In each county or region of two or more counties of the state which shall qualify under this subdivision to cooperate with Cornell university for extending to the people of the state of New York, not enrolled in said colleges, the educational programs of the New York State College of Agriculture and Life Sciences and the New York State College of Human Ecology at Cornell university and subjects relating thereto, in cooperation with the state, there shall be recognized and may be created a subordinate governmental agency consisting of an unincorporated organization of citizens of the respective counties interested in agriculture, home economics and community betterment under a

form of organization and administration approved by Cornell university as agent for the state. It shall be known as a county or regional extension service association. Cooperative extension work in a county may consist of programs in the fields of agriculture, home economics, 4-H and community betterment. References herein to the county or regional association shall mean such an organization. Only one such associaton<sup>1</sup> shall be recognized or formed in each county or, by formal agreement, two or more counties may join to form one regional association to serve the several counties. The instrument providing its form of organization and administration shall be deemed its constitution. It shall have a board of directors and the offices of president and treasurer, to be constituted and filled as provided in such constitution, which also shall regulate admission to and tenure of enrollment in the organization. The board of directors of any such association heretofore or hereafter created may adopt such regulations and by-laws governing its procedure in the work assigned to it as are not inconsistent with the provisions of this subdivision. Subject to such rules and regulations and the constitution so approved, the president of the association shall act for, as and in the name of the association in all matters except those as to which the treasurer is given powers and duties. Civil actions or proceedings may be brought by or against the president or treasurer, as such, of the association. A judgment against them or either of them shall be enforceable only against funds or property of the association. Such an association is hereby declared to be a subordinate governmental agency and neither the county nor Cornell university nor any member, officer or director of the association shall be liable in damages for any injury to person or property in connection with the activities of the association the proximate cause of which was not directly their or his fault or negligence.

(c) When authorized by the board of directors of a county association, the treasurer of the association may acquire in his name as such treasurer, and he and his successors in office may hold, in trust, for carrying on the work and effectuating the purposes or a purpose of the association, personal property and real property or any interest therein, or the possession thereof under a lease. The instrument whereby such property, interest or use is acquired by purchase shall designate the grantee or lessee, as the case may be, by name and official title of treasurer as trustee. Such treasurer, as such, and as such trustee, may take and hold personal and real property by gift, grant or devise, when the instrument of gift or the will gives or devises property, personal or real, directly to the association as such and in its name, or to any person or persons for it, or in trust for its use and benefit. Such treasurer, as treasurer and trustee, may mortgage, lease, assign, convey or transfer any property held by him for the association, either personal or real, when authorized so to do by the directors of the association, by a deed or other instrument executed by and in the name of the then treasurer as such and as trustee. No such mortgage, lease, assignment, conveyance or transfer shall be made contrary to the conditions, if any, of the instrument under which the property, interest therein or use thereof, was acquired. The use and application of the acquired property, income therefrom and proceeds realized from a conveyance or transfer thereof, if any, shall be in accordance with rules and directions of such board.

(d) For the support of cooperative extension programs and subject to annual appropriation by the legislature, there shall be annually apportioned to each county cooperative extension association out of any moneys in the state treasury appropriated therefor, fifty cents for each dollar up to the first one hundred thousand dollars appropriated by such county for cooperative extension activities during the state fiscal year most recently ended and five cents for each dollar appropriated by such county for cooperative extension activities in excess of one hundred thousand dollars during the state fiscal year most recently ended. In the case of a regional extension service association authorized by this section, the maximum amount to be apportioned

to any such association shall be the sum of the maximum apportionments which would have accrued to a separate association in each county included in the region. No county cooperative extension association shall receive an apportionment of funds under this section in an amount less than had been received in the nineteen hundred ninety-five--ninety-six state fiscal year, provided that the annual state appropriation is not less than the state moneys appropriated in the nineteen hundred ninety-five--ninety-six state fiscal year.

1. The entitlement of each association to state moneys annually appropriated under this chapter is subject to the furnishing of equivalent sums from county appropriations.

2. The apportionments provided pursuant to provisions of this paragraph shall be rounded to the nearest whole dollar.

3. The state apportionments provided for in this subdivision shall be paid upon vouchers certified by Cornell university as follows:

(i) For salaries of professional staff employed by the association;

(ii) For salaries of staff employed by Cornell university when administering, furnishing or conducting extension programs benefiting the county under agreement with the association.

4. All such payments shall be made in accordance with the annual agreement between the association and Cornell university, which shall:

(i) Specify the amount in dollars to be expended for each of such purposes and the amount in dollars to be provided from apportionments pursuant to this subdivision;

(ii) Identify by titles the positions for which the salary is paid;

(iii) In the case of salaries of agents jointly employed by two or more county associations, and in the case of salaries of agents or other personnel employed by Cornell university, in furnishing or conducting programs which are furnished or conducted in or for the benefit of two or more counties, identify each of the county extension service associations against whose account payments pursuant to this subdivision are to be charged and the amount to be charged.

(e) The general supervision of the co-operative extension work in a county herein provided for shall be under the direction of Cornell university as agent for the state and Cornell university is hereby authorized to set standards for professional staff and to make rules and regulations for the organization and conduct of such work. The moneys appropriated pursuant to this subdivision shall be paid from the state treasury on the warrant of the comptroller on vouchers approved by the treasurer of Cornell university.

For the purpose of carrying out the co-operative extension work of the county association, a county association may:

(1) Employ professional staff to organize, carry out, and co-ordinate the work;

(2) Exchange services of professional staff employed by it for services of professional, staff employed by another county association or employed by Cornell university, upon such terms as shall be agreed;

(3) Contract with another county association or with other county associations for the joint employment of one or more professional staff members, upon such terms with respect to salary, payment of expenses, duties and allocations of services as shall be agreed;

(4) Contract with Cornell university for the furnishing of services of professional staff employed by the university to conduct educational work throughout the state or in areas thereof, upon such terms as shall be agreed;

(5) Contract with Cornell university for the furnishing and conduct of programs of extension work or services, within the county or benefiting the county, upon such terms as shall be agreed;

(6) Contract with one or more other county associations for the purpose of assuring concurrent action by the several associations in contracting with Cornell university for services of professional staff at Cornell university or for programs of work furnished by Cornell university, as provided in paragraph (d) or (e), where the use of such services or participation in such programs by the several associations is required for their arrangement or financing.

If services of professional staff employed by Cornell university are to be furnished, or if programs of extension work are to be furnished or conducted by Cornell university, the agreement shall identify such services or programs and state the terms on which they are to be furnished, including the source from which payments are to be made. Where payments are to be made out of funds appropriated by the state as provided in paragraph (d) of subdivision one, the agreement must contain the information required by that subdivision. If services of professional staff or programs are to be furnished to the county association under contractual arrangements as provided in paragraph (e) such contract or contracts shall be subject to approval by the legislative bodies of the counties concerned and executed as any other county contracts.

(f) A county may on recommendation of the county superintendent of highways, permit the use of any street or highway machinery, tools or equipment owned by the county, by a county association, provided for by paragraph (b) of this subdivision, upon such terms and conditions as may be agreed upon by the parties involved. Monies received by a county pursuant to the provisions of this section shall be paid into the county road machinery fund.

(g) A town superintendent of highways, with the approval of the town board and of the county superintendent, may permit the use of any highway machinery, tools or equipment owned by the town, by a county association provided for by paragraph (b) of this subdivision upon such terms and conditions as may be agreed upon by the parties involved. Monies received by a town pursuant to the provisions of this section shall be applicable for the purposes for which amounts may be raised as provided in subdivision three of section two hundred seventy-one of the highway law.

(h) No such machinery, tools and equipment shall be so leased to such a county association unless (1) adequate insurance shall be secured thereon which will protect the county or town, as the case may be, in the event of the loss of or damage to such leased machinery, tools and equipment by reason of fire and theft, and also in the case of machinery and equipment operated, or propelled, by motors, adequate collision insurance and (2) adequate liability and property damage insurance shall be secured for the protection of the county or town, as the case may be, upon all machinery and equipment operated or propelled, by motors. The determination of what shall be "adequate" insurance shall be made by resolution of the board of supervisors of the county, or the town board of a town, as the case may be, and no officer or official of any such county or town shall be held personally responsible to such county or town or to third persons should such insurance in any event prove to be inadequate in amount. The cost of any such insurance shall be paid for by the county association in addition to the payments hereinabove provided.

(i) If any such agreement between a county, or a town, and a county association shall provide that the equipment, tools or machinery leased shall be operated by an employee of the county, or town, any such employees, regardless of the terms of such contract, shall continue to be paid by and to be an employee of the county, or town, and shall be considered as such for any and all purposes, and the agreement between the county, or town, and the association shall provide for the payment by the association to the county, or town, of amounts at least equal to the compensation which any such employee shall receive from the county or town. The monies

received by a county, or town, for reimbursement of the compensation of such employees shall be credited to the fund from which such compensation was paid while such equipment, tools or machinery were leased.

(j) The organizations provided for in paragraph (b) of this subdivision as it existed prior to this amendment and known as county farm and home bureau and 4-H club associations, county farm and home bureau associations, county farm bureau and 4-H club associations, county farm bureau associations or county home bureau associations existing when this act takes effect shall thereafter be known as county extension service associations, the name of the county in which organized being part of their names; said associations shall continue to have the same rights, privileges, exemptions, powers and duties under the new name, prescribed herein, as they have or had under their prior names.

Source:

*McKinney's Consolidated Laws of New York, Annotated, Book 11, County Law, Section 224, Subdivision 8, 2001 Cumulative Pocket Part (West Group, St. Paul, MN; 2001), pp. 19-23.*

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<sup>1</sup> So in original. Probably should be "association".

June 25, 2001