

BOARD OF COMMISSIONERS,
COUNTY OF YORK,
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE 2004-01

AN ORDINANCE AMENDING THE YORK COUNTY CODE
CHAPTER 7 TO REVISE THE PROPERTY REASSESSMENT
SCHEDULE AND CHAPTER 439 TO INCLUDE NEW BY-LAWS
OF THE RAIL TRAIL AUTHORITY.

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Commissioners
of the County of York, Commonwealth of Pennsylvania, the following
Ordinance amending existing sections to the York County Code:

1. An amendment changing Chapter 7 of the Code changing the
property reassessment schedule by Resolution of the Board of Assessment
Appeals, attached hereto and incorporated herein.

2. An amendment changing Chapter 439 of the Code to substitute
new by-laws adopted by the York County Rail Trail Authority, as
attached hereto and incorporated herein.

3. Adding a "Process for Destruction of Confidential Records"
to the Code, as attached hereto and incorporated herein.

Ordained and enacted this 14th day of January, 2004.

ATTEST:

COUNTY OF YORK



Charles R. Noll
Administrator/Chief Clerk


President Commissioner

(SEAL)

The above Ordinance was ordained, enacted, and adopted this 14th day of
January, 2004, at a regular meeting of the Board of Commissioners of
the County of York duly advertised and assembled upon motion of
Commissioner Douglas E. Kilgore and seconded by Commissioner
Steve Chronister and passed with a vote of 3 yes and 0
no.

**Resolution of the Board of Assessment Appeals of York County, Pennsylvania
for a Countywide Reassessment**

WHEREAS, the purpose of real estate assessment is to place a value on real property in order to establish a basis for real property taxation; and

WHEREAS, the General County Assessment Law in Pennsylvania requires that all real properties situated in each county must be uniformly assessed and that the real property taxation must be placed as an equal burden on both commercial and residential real estate; and

WHEREAS, in an effort to assure uniformity and equal protection in real estate taxation, the State Tax Equalization Board annually, prior to July 1, establishes for each county a common level ratio for the prior calendar year which is based predominantly on sales data of residential real estate; and

WHEREAS, a common level ratio is a statutorily-created statistical calculation to determine an average ratio of assessed value (base year value) to current market value of real property; and

WHEREAS, when the statistical variation between the County common level ratio and the current market value exceeds 15%, the law requires that the common level ratio is to be applied to market value, as a multiple thereof, in order to obtain the assessed value of real property for taxation purposes; and

WHEREAS, the market values of commercial properties do not on average increase as rapidly as residential properties and in many instances depreciate in value; and

WHEREAS, the application of the common level ratio to the market value of commercial properties often results in a significant reduction in assessed value, therefore a reduction in real estate tax revenue from such properties; and

WHEREAS, the result of this decline in real estate tax revenue from commercial properties often results in a disproportionate shift of the real estate tax burden to residential property owners often by way of millage increases to compensate for lost revenue;

NOW, THEREFORE, in order to resolve these inequities in real estate taxation, be it resolved by this Board of Assessment as follows:

1. The Board of Assessment Appeals shall, when the Board anticipates that as of the projected effective date of a countywide reassessment that the common level ratio will be less than 85% of market value, undertake a countywide reassessment of all real estate within the county, thus restoring the common level ratio to 100% of market value.

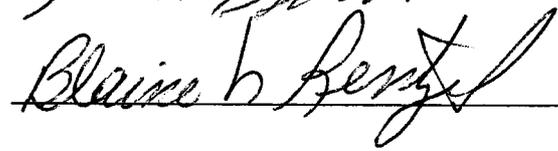
2. The Board of Assessment Appeals has the expertise and capacity to do the majority of the work necessary to complete such a needed countywide reassessment, therefore, keeping expenditures to a minimum.

3. The Board of Assessment Appeals shall also, when the foregoing circumstances arise, request the York County Commissioners to fund the necessary countywide reassessment.

This resolution is duly adopted by unanimous vote this 11th day of JUNE, 2003, by the York County Board of Assessment Appeals.







BY-LAWS OF
YORK COUNTY RAIL TRAIL AUTHORITY

ARTICLE I—PREAMBLE

WHEREAS, the County Commissioners of York County, Pennsylvania, have created an Authority to conduct the affairs involved with the ownership of the right-of-way of the former Northern Central Railway, and such other lands as may be directed to the Authority by the County Commissioners, or others; and

WHEREAS, the Secretary of the Commonwealth of Pennsylvania has issued a Certificate of Incorporation, evidencing the incorporation of an Authority under the Municipalities Authorities Act, approved May 2, 1945, P.L. 382, as amended, said certificate bearing the date of the 27th day of September, 1990; and

NOW, THEREFORE, the following are adopted as the By-Laws of the said Authority.

ARTICE II—THE AUTHORITY

Section 2.1 Name.

The name of the Authority shall be as specified in its Articles of Incorporation **YORK COUNTY RAIL TRAIL AUTHORITY**, hereinafter referred to as “the Authority.”

Section 2.2 Seal.

The seal of the Authority shall contain the name of the Authority and the year of its incorporation, and shall be in the form of the seal impressed on the margin hereof, beside this section.

Section 2.3 Term.

The Authority shall exist in accordance with it Articles of Incorporation, until dissolved according to law.

Section 2.4 Purpose.

The purposes of the Authority shall be set forth in the aforesaid Articles of Incorporation, and shall include the acquiring, holding, constructing, financing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, projects for transportation

and for parks, recreation grounds and facilities, in and along the former Northern Central Railway line, extending from the Maryland border into York County, and in and along any other rail line, or other interests in property, hereafter acquired or held or improved, maintained or operated by the Authority, and such other lands as may be designated by the York County Commissioners, or by gift, sale/purchase or exchange by other governmental units, corporations or individuals.

Section 2.5 Business and Property Management.

The business of the Authority shall be conducted by, and the property of the Authority shall be managed and controlled by, the Board of the Authority consisting of its membership, as hereinafter identified.

ARTICLE III—AUTHORITY MEMBERS

Section 3.1 Number, Method of Appointment and Length of Terms.

A. Number of Voting Members. All members, whether original or replacement, shall be appointed by the York County Commissioners.

B. Additional Member. In addition to the nine voting members, the County Commissioners shall designate, in writing a non-voting representative for the County. Such representative shall be given notice of all meetings of the Authority and shall be given the opportunity to speak on behalf of the County.

C. Original Members. The original members shall serve for terms as set forth in the Articles of Incorporation. All new appointments, and all re-appointments, whether voting or non-voting members, shall be for five (5) year terms.

Section 3.2 Vacancies.

Whenever a vacancy shall occur, either during or at the expiration of the term of any member, the York County Commissioners shall appoint a successor member to fill the unexpired term of such member, or to a full term, as appropriate.

Section 3.3 Compensation.

The Authority may establish reasonable and appropriate compensation for Authority members, attending to the business of the Authority, but only with the prior approval of the County Commissioners. Until further, specific action is taken by the County Commissioners,

there shall be no compensation paid to the individual members.

ARTICLE IV—MEETINGS

Section 4.1 Annual Meeting.

The Authority shall hold its annual meeting on the third Monday of October, of the year, at 7:00 p.m. At that meeting, the Authority shall conduct its organizational meeting. Officers, as hereinafter set forth, shall be elected at such meeting. The Authority shall establish regular meeting dates, times and places, and conduct such other regular and appropriate business as the Authority deems necessary at such meeting.

Section 4.2 Regular Meetings.

The Authority shall meet at regularly scheduled dates, times and places, as frequently as the Authority deems appropriate and necessary. Such meetings shall be duly advertised, in accordance with law. The regular meetings of the Authority shall be as scheduled by action of the Authority.

Section 4.3 Special Meetings.

The chairman, or any two Authority members, or any of the then County Commissioners of York County, may call a special meeting, by giving seven (7) calendar days' written or personal notice to each Authority member, supplemented by proper public notice. Notice by telefax shall be considered adequate, written notice. The purpose of any special meeting shall be stated in the notice.

Section 4.4 Public Meetings and Hearings.

The Authority shall conduct such public meetings and hearings as it deems appropriate and as required by law. A sufficient record of the meeting or hearing shall be made and kept by the Authority. The Authority shall give public notice of meetings by posting the same at the offices of the Authority, if any, and by reporting the same to at least one newspaper of general circulation in York County.

Section 4.5 Quorum.

A quorum for the transaction of business shall be not less than five (5) members, actually present at the time of voting. However, a smaller number may meet to discuss business deemed

to be urgent, providing they adjourn to a later time, when a quorum is obtained, for voting.

Section 4.6 Majority.

The Authority shall conduct its business by the rule of the majority vote of the members present at each meeting where a quorum is present.

Section 4.7 Order of Business.

At the regular meetings of the Board of Authority, the following may be the order of business:

1. Roll call;
2. Reading and approval of minutes of previous meeting;
3. Report of the Treasurer;
4. Report of committees;
5. Old business;
6. New business;
7. Miscellaneous;
8. Announcement of next meeting date;
9. Adjournment

The person chairing the meeting may solicit and receive, publicly, at any time during the meeting, the comments of visitors.

Section 4.8 Manner of Voting.

The voting on all questions, considered by the Authority, shall be voice vote, unless any member shall request that the vote be by roll call. In the case of a roll call, the number of ayes and nays shall be entered upon the minutes of the meeting, unless the vote is unanimous, in which case the minutes shall so indicate. Any member, wishing to be designated as having abstained from voting shall have the right to an appropriate notation in the minutes.

ARTICLE V—OFFICERS

Section 5.1 Officers.

The officers of the Authority shall consist of a Chairman, Vice-Chairman, a Treasurer and a Secretary.

Section 5.2 Duties.

A. Chairman. It shall be the duty of the Chairman to preside at all regular and special

meetings of the Authority, to have general supervision and direction of all other officers and committees, to see that the duties of the officers and purposes of the committees are properly performed, to appoint committee members, to be an ex-officio member of all committees and, to the extent authorized by the Authority, to execute contracts, agreements, applications, and other documents for the Authority.

B. Vice Chairman. The Vice-Chairman shall perform the duties of Chairman, in the absence of a Chairman, and shall perform such other duties as may be prescribed by the Chairman or the Authority.

C. Treasurer. It shall be the duty of the Treasurer to maintain full and accurate accounts of receipts and disbursements, in records belonging to the Authority, to deposit all monies and other items of value in the name of the Authority, in such institutions as the Authority shall select and direct, to disburse funds as the Authority shall direct, and to regularly report the financial status of the Authority to the membership.

D. Secretary. It shall be the duty of the Secretary to accurately record the minutes and votes at all meetings, in books belonging to the Authority, and to be kept for that purpose. The Secretary shall give proper notice of all meetings to the Authority members and the public. The Secretary shall notify the then County Commissioners of any vacancy on the Authority Board, and shall forward to the said Commissioners any recommendations that have been authorized by the Authority membership. The Secretary shall be the custodian of the Seal of Authority, and shall affix the said seal to instruments requiring the same, as directed and authorized by the Authority.

E. Absence or Vacancy. In the absence of any officer, or in the event of a vacancy in any office, the Authority may designate another Authority member to perform the absent officer's duty, or to fill the vacancy from the Authority membership, until the annual organizational meeting.

Section 5.3 Executive Committee.

The members of the Board of the Authority may designate the officers of the Authority to serve as an Executive Committee, for the general operation of the day-to-day business of the Authority, and for responding to emergency situations; however, all such actions shall be subject to ratification by the Board of the Authority, at its next meeting.

ARTICLE VI—OTHER PERSONNEL

Section 6.1 Appointment.

The Authority, from time to time, as it deems appropriate, may appoint such persons or firms to offer advice to the Authority, including, but not limited to, a solicitor, an accounting or auditing firm for the annual auditing of its books, and an engineer. Such appointed positions shall serve at the pleasure of the Authority, or in accordance with contracts or agreements made between such professionals and the Authority. If any such person or firm shall be paid from the general funds of the County of York, such appointment shall not be made until thirty (30) calendar days after written notice from the Secretary of the Authority to the County Commissioners, of the intent to make such appointment, and no written notice of objection is received from the Commissioners.

Section 6.2 Compensation.

The Authority shall establish compensation to be paid to any such appointed personnel, subject to the same right of disapproval by the County Commissioners, if the general funds of the County are to be used for the compensation.

ARTICLE VII—INDEMNIFICATION

Section 7.1 Indemnification.

The Authority shall indemnify, to the fullest extent permitted by law, any and all persons who may serve, or have served, at any time, as members of the Authority or employees of the Authority and their heirs, administrators, successors and assigns, against any and all judgments against such persons in any action, suit or proceeding in which they, or any of them, are made parties, or are a party, by reason of being, or having been, a member of the Authority, or an employee of the Authority, where there is a financial judicial determination that the act of the member of the Authority or the employee, which gave rise to the action, suit or proceeding, was, or the member of the Authority in good faith reasonably believed that such act was within the scope of the office or duties of such person; provided, that the member of the Authority or employee being indemnified, shall have given to the Authority timely, prior, written notice of the claim if such member of the Authority or employee for such indemnification, as required by the act. For this purpose, notice shall be deemed to be timely, if given not later than fourteen (14) calendar days after the service of notice of commencement of the action, resulting in the

judgment for which indemnification is claimed.

Section 7.2 Defense of Action.

When an action is brought against a member of the Authority, or an employee, and either (A) it is alleged that the act which gave rise to the claim was within the scope of the office or duties of the member of the Authority or employee, or (B) the Board of the Authority determines that such act was within the scope of such office, or duties of the member of the Authority, or the employee in good faith reasonably believed the act was within the scope of such office or duties, then, upon written request of the member of the Authority or the employee, made not more than fourteen (14) calendar days after the service of notice of the commencement of the action, as provided in the act, the Authority shall defend the action on behalf of the member of the Authority or its employee, at its own expense, or, at its option, provide independent representation for the member of the Authority or employee, also at the expense of the Authority; and the Authority shall also pay, on behalf of the member of the Authority or employee, amounts payable in any settlement which settlement has been approved by a disinterested majority of the Board of the Authority, or, in the absence thereof, approved by independent counsel for the Authority.

Section 7.3 Refusal to Indemnify.

Notwithstanding the foregoing sections of these By-Laws, (A) the Authority shall not indemnify a member of the Authority or employee where there is a final, judicial determination that, and (B) the Authority shall not provide any legal defense where the Board of the Authority reasonably determines that, the act of the member of the Authority or employee, which gave rise to the action, pursuit or proceeding, constituted a crime, actual fraud, actual malice or willful misconduct.

ARTICLE VIII—MISCELLANEOUS

Section 8.1 Bank Accounts.

The Authority may establish such bank accounts, at such institution as it deems appropriate and convenient, and shall designate one or more of its officers to make deposits or entries from, or to, the same, and shall designate the withdrawals or payments may be made upon the signatures of the Chairman, Vice-Chairman, Secretary or Treasurer, two signatures being required in each event.

Section 8.2 Committees.

The Board may have such standing and ad hoc committees as it may deem appropriate. Each committee of the Board shall be appointed, as above provided, and shall include at least one member of the Board, together with such other persons as may be deemed appropriate and beneficial.

Section 8.3 Saving Clause.

Nothing in these By-Laws shall be considered to conflict with the Articles of Incorporation of this Authority, or with the laws of the Commonwealth of Pennsylvania. If, as the result of such conflict or otherwise, any part of these By-Laws is determined to be invalid, the remaining sections of the By-Laws, and parts thereof, shall continue in full force and effect.

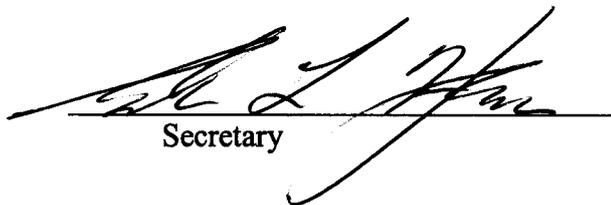
ARTICLE IX—AMENDMENT

Section 9.1 Procedure.

These By-Laws may be amended by the affirmative vote of not less than six (6) of the members of the Authority Board, taken at any regular or special meeting called for the purpose, upon ten (10) calendar days' prior, written notice, which notice shall include the changes contemplated.

APPROVED AND ADOPTED this 20th day of October, 2003, at York, Pennsylvania

ATTEST:


Secretary

YORK COUNTY RAIL TRAIL AUTHORITY

 (SEAL)
Chairman

Craun, David

From: Depew, Christy
Sent: Tuesday, August 26, 2003 2:17 PM
To: Directors / Elected Officials
Subject: Destruction of Confidential Records

August 14, 2003

TO: Records Management Committee

FR: Christy Depew, Archives Director
Mary Jane McCluskey, HIPAA Coordinator

RE: Process for Destruction of County of York Confidential Records

Currently, the following departments and agencies are participating in the County's current process of destruction of confidential records through the use of Shred-It, on-site destruction of records:

Archives *
Human Resources
Information & Technology
Area Agency on Aging
Mental Health/Mental Retardation
Drug & Alcohol
HealthChoices
Children & Youth Services
Human Services
Domestic Relations

*Archives is responsible for destruction of all of the confidential records that are sent to the facility for storage. This is performed on an as-needed basis, at least annually.

Process:

The majority of the departments listed above have Shred-It Consoles in their areas for use on a routine basis. The consoles store the documents in a "blue bag" in a locked unit. Departments can have as many consoles as are needed, and various size consoles are available.

As of July 2003, Maintenance has set up a schedule to collect the blue bags from the consoles in the Government Center on a weekly basis. As of August 2003, the departments in MarketWay have also been put on a weekly collection schedule.

Maintenance employees have all received a 3 hour HIPAA training, with specific instruction on how HIPAA applies to maintenance job functions. Therefore, they understand the importance of confidentiality and the need to protect records with health and other information on them.

On the scheduled collection day, Maintenance employees, using a master key, open the Shred-It consoles and remove the bag containing confidential material, closing the bag with a secure clasp. They place a new bag in the console and lock the unit. If the bag from a particular unit is routinely $\frac{1}{2}$ to $\frac{3}{4}$ full, Maintenance suggests that another console or a larger console be obtained. Maintenance maintains the chain of custody of the bags until they are locked in a secure area in the basement of the Government Center.

Shred-It comes on site every 2 weeks with a tractor-trailer containing the shredding machine. Because of its size, the truck needs a large area to park for the time it takes to load and shred the documents collected. Maintenance brings the bags from the locked area in the Government Center basement to the parking lot in a large cart, by the Voters Building where the truck is parked. If there are a large number of bags, they are locked in a Maintenance Box Truck until they are off-loaded into the shredding machine.

The County of York is billed on a per-minute basis for the time Shred-It personnel are here and performing services for us. Presently, we are only paying for shredding time. We have a minimum of 20 minutes billed for every visit. While Shred-It is currently coming on-site every 2 weeks, they are available to come more frequently and on an as-needed basis if there is a large purge that needs to be destroyed.

If you have any questions about the process, please feel free to contact one of us.

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