

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor Richard Russell offered the following resolution and moved its adoption:

RESOLUTION NO. 117-2023
RESOLUTION OF NO CONFIDENCE
IN ONTARIO COUNTY CLERK MATTHEW HOOSE

WHEREAS, In June of 2022 it came to the attention of the Board of Supervisors and County staff through demands for payments that Ontario County Clerk Matthew Hoose was significantly behind in remitting required reports and payments to various New York State entities; and

WHEREAS, County leadership immediately worked with the County Clerk and staff within the office to ensure payments were brought current and continued to be made in a timely manner; and

WHEREAS, Despite these efforts, various payments and reports required to be provided to New York State by the County Clerk continue to be late, up to and including the monthly payment to New York State Office of Court Administration for January of 2023, which was not remitted in a timely manner; and

WHEREAS, In the investigation into these past due filings, it was discovered that County Clerk Hoose had received and deposited payments for the renewal of Notary Public licenses for Notaries licensed in Ontario County and had failed to remit the renewal paperwork to the New York State Department of State for approximately six (6) months, despite a statutory mandate that these renewals be submitted by the 10th of each month; and

WHEREAS, It was also discovered that the County Clerk maintained five (5) bank accounts outside the County's internal rules and regulations regarding banking, internal controls, and fiduciary oversight; and

WHEREAS, The County has engaged the Bonadio Group to perform a forensic audit of these accounts that are maintained in violation of municipal accounting best practices and outside the oversight of the Director of Finance as required by the Local Law creating said Director of Finance; and

WHEREAS, The County Clerk has been asked repeatedly to communicate with the Board of Supervisors and its relevant oversight committees; and

WHEREAS, Most recently, the County Clerk was instructed, in writing, to attend the meetings of the Governmental Operations and Insurance and the Ways and Means Committees held on Wednesday, February 8, 2023 and he failed to appear at either meeting either in-person or virtually, nor did the County Clerk send the Deputy County Clerk; and

WHEREAS, Following the County Clerk's failure to appear before either oversight committee, as directed by the Chairmen of those respective committees, the County Clerk was provided with a series of

written questions and concerns the committees have that were to be addressed by the County Clerk at the Board of Supervisors meeting on Thursday, February 16, 2023; and

WHEREAS, The County Clerk again failed to appear before the Board of Supervisors as directed on Thursday, February 16, 2023; and

WHEREAS, The Board of Supervisors has a duty and obligation to the residents of Ontario County to ensure all operations, even those directed by independently-elected officials, are carried out in a transparent, competent, fiscally-prudent, efficient and effective manner; and

WHEREAS, In the absence and silence of the County Clerk, the Board of Supervisors has no choice but to come to the conclusion that County Clerk Hoose is not willing and/or not capable of conducting the business of the County Clerk's Office, including the Department of Motor Vehicles, in a manner that meets these expectations; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors hereby expresses and announces that it has No Confidence that County Clerk Matthew Hoose can faithfully and effectively carry out the duties of the Office of the Ontario County Clerk; and be it further

RESOLVED, The Board of Supervisors has hired an independent auditing firm to conduct a forensic audit of the County Clerk's financial operations; and be it further

RESOLVED, That the County has also requested the assistance of the New York State Office of the State Comptroller to assist in this forensic audit effort to help gain access to certain information and provide oversight and guidance to the aforementioned forensic audit to ensure the Board of Supervisors is able to provide a full and complete picture of the activities of the County Clerk to the public at the conclusion of these efforts; and be it further

RESOLVED, That nothing in this resolution is meant to question the ability and effort of the staff of the Ontario County Clerk's Office and Department of Motor Vehicles; and be it further

RESOLVED, That certified copies of this resolution be sent to the Honorable Governor Kathy Hochul, State Assemblyman Jeff Gallahan, State Assemblywoman Marjorie Byrnes, State Senator Pam Helming, State Comptroller Thomas DiNapoli, State Attorney General Latisha James, and the Ontario County Clerk.



STATE OF NEW YORK }
County of Ontario }

I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Board of Supervisors at Canandaigua, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Board of Supervisors of Ontario County held at Canandaigua, New York on February 16, 2023.

Given under my hand and official seal February 17, 2023.

Kristin A. Mueller

Kristin A. Mueller, Clerk of the Board of Supervisors of Ontario County, NY