

**A Finger Lakes Visitors Connection, Ontario County, NY
Board of Directors Meeting – Wednesday, May 4, 2023 – 8:30 a.m.
Microtel Inn & Suites Farmington, NY 14425**

Board Member Attendance:	Present	Excused	Absent
David Hutchings, Sonnenberg Gardens - Chair of the Board	P		
Lenore Friend, Finger Lakes Community College – Vice Chair of the Board	P		
Charles Parkhurst, Lyons National Bank - Board Secretary	P		
Lisa FitzGerald, Finger Lakes Winery Tours, Feathers and Tails Farm - Treasurer	P		
Bob Bennett, Retired Homewood Suites by Hilton Victor - Immediate Past Chair of the Board	P		
Mike Kauffman, Eastview		E	
Mike Roeder, Ravenwood Golf	P		
Sheryl Mordini, 1795 Acorn Inn Bed and Breakfast		E	
Steve Fuller, Bristol Mountain		E	
Russ Kenyon, Boylan Code	P		
Mark Gilbride, Lazy Acre Alpacas	P		
Chris Vastola, Ontario County Board of Supervisors, Town of Canadice	P		
Lori Proper, The Lake House at Canandaigua	P		
Sherry Brahm-French, Arbor Hill Grapery & Winery	P		
Mike Darling, Crafty Ales and Lagers	P		
Darren Holden, Hotel Canandaigua	P		
Todd Plouffe, Indus Hospitality Group	P		

Staff: Valerie Knoblauch, Julie Maslyn, Steven Laros

Call to Order, Attendance. David Hutchings, Board Chair called the meeting to order at 8:35 am. He asked our host, Todd Plouffe to introduce the Board to the accommodations at the Microtel Inn & Suites Farmington. Todd spoke briefly about the Indus portfolio – ranging from hotels to restaurants.

Good News/Announcements/Round the Table. Everyone went around the table introducing themselves and their area of business. Darren Holden shared that they are on track for the opening of the Hotel Canandaigua about May 30. Mike Darling shared his excitement for the 10th anniversary of Crafty Ales and Lagers coming up this summer. He noted he was the second craft brewery in Ontario County.

Consent Agenda. David presented the following items which had been emailed to the board in advance of the meeting. Minutes of March 2, 2023 Board Meeting; Budget vs. Actual – February, March, and YTD; Balance Sheet as of 3/31/23; and the P and L through 3/31/23.

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Charles Parkhurst made motion to approve the Consent agenda – Minutes of March 2, 2023 board meeting; Budget vs. Actual – February, March, and YTD; Balance Sheet as of 3/31/23; and the P & L through 3/31/23. Bob Bennett seconded; all voted in favor of the motion.

Finance and Audit. Lisa Fitzgerald reported for the Finance committee with the following motions:

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*Lisa made a motion to approve **the reinvestment of the Merrill Lynch CD** (CD# 75524KPU2) in the amount of \$150,000 plus associated interest earnings, set to mature on May 9, 2023 into a nine (9) month CD with Merrill Lynch at the APR market rate on May 10, 2023. Mike Roeder seconded the motion and all present voted in favor of the motion.*

*Lisa made a motion to direct Valerie to accept the award from the New York State Economic Development Administration (**EDA**) **Tourism Partner Sub-Award Grant Program** as funded through the American Rescue Plan Act Travel, Tourism and Outdoor Recreation Grant. Finger Lakes Visitors Connection is designated the lead on the award for \$312,500 to be dedicated towards the approved submitted plan and expenses related to the Meetings, Incentives, and corporate group markets. This grant is in cooperation with Otsego County (Cooperstown) TPA, Chautauqua County TPA, 1000 Islands International Council (TPA), and the Watkins Glen Chamber of Commerce (TPA.) Mike R. seconded the motion and all present voted in favor of the motion.*

*Lisa made a motion to authorize a \$50,000 match; leadership guidance and program development in the **Market NY CFA Grant application #119093** (formally called Winter in Canandaigua), in cooperation with the Canandaigua Local Development Corporation, Winter in Canandaigua committee, and in support of our joint endeavors to increase winter tourism in Ontario County. Lori Proper seconded the motion and all present voted in favor of the motion.*

Lisa commended the team on the **Virtual Museum Grant** and asked if everyone had looked at the site created for the project. Steven Laros pulled up the microsite (VisitFingerLakes.com/virtual-museum) for the Virtual Museum Project. Valerie noted that the next steps are to inventory the signs, monuments, plaques and set a date to bring historians from each community together.

Governance. Lenore Friend reported on the work the Governance committee in reviewing the policies. She presented the following motions for approval of the Board. See Attachment A.

Lenore made a motion to approve the following policy with updates:

***Policy #102 Chief Staff Executive Continuation; Policy #103 Handling of customer's personal data and privacy policies; Policy #117 Minority and Women Owned Businesses - Title Changed to Minority/Woman Business Enterprises; Policy #101 Sharing of Tourism Information and Research and its related procedures #501 in the Board Policy Notebook.** Darren seconded the motion and all present voted in favor of the motion.*

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Valerie gave some background on the adoption of **Policy #305 EEO Statement** for the Board of Directors Policy Manual, she reminded everyone that the Board of Directors manual states that there will be an Employee Handbook, the proposed adoption of Policy #305 affects #501 from the Employee Handbook. This change has been prompted by language in the grants we have received and is meant to match it, not make a significant change.

Lenore made a motion to adopt Policy #305. EEO Statement for the Board of Directors Policy Manual. Sherry Brahm-French seconded the motion and all present voted in favor of the motion.

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*Lenore made a motion to update the **Employee Handbook Policy #501** to add in this paragraph “Finger Lakes Visitors Connection also will provide Equal Employment Opportunities to its vendors, contractors and to ensure that their subcontractors adhere to our policy. Board Policy #305 articulates the Equal Employment Opportunity in such cases and shall be adhered to and considered part of this policy as well.” Charles seconded the motion and all present voted in favor of the motion.*

Lenore shared the new draft policy for **Succession Planning**. Valerie commented that the Policy for Succession Planning will emphasize the development of skills training, which is important to develop in those that we are hoping to move up and gives support to the budget necessary to accomplish this.

*Lenore made a motion to adopt the new policy, as proposed **on Succession Planning**. Mark Gilbride seconded the motion, and all present voted in favor of the motion. Need to give it a number.*

Both policy manuals will be updated with their respective changes by our July 6th meeting and reposted on our website. David thanked the governance committee for their work. They will not be meeting again unless there is a policy need.

Still to be addressed is the Reserve Policy (Finance Committee); the Bylaws (special task force) and the Board Norms and Job Description (Orientation committee).

Nominating. Charles reminded everyone that there would be a new board member orientation taking place immediately after this meeting. This ad-hoc team is also tasked with updating the policies and procedures around onboarding, orientation, job description and board norms. Members present will be Charles, Christopher Vastola, Darren, and Todd.

President’s Report. Valerie talked about some of **the data and research** that we get, and use. ROVE, DOMO, Tourism Economics just to name a few. This was presented to the Ontario County PEQ meeting last week. Just as important as what’s on the list is what is not on the list. There is so much to be done with data now to remain competitive.

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Short Term Rentals Research will help round out the information from the housing study. We did this in cooperation with Hobart William Smith College senior Molly Dutton.

Valerie shared a statement she made related to the **Lord and Taylor vacancy at Eastview Mall**. The comments supported the Town of Victor and Wilmore property management company as they seek to condemn the space that Lord Taylor continues to leave vacant. Valerie presented the statement of support at the public hearing in Victor on 4/24/2023.

Marketing Report/Communications. Valerie noted that the new **Ontario County Visitors Guide** is nearing completion. This piece will be accompanied by two pieces which will provide an array of options for distribution and differing audiences. There will be a magazine style, an updated version of the Top 50, and a rack card featuring QR codes to direct consumers to specific parts of our website. Theresa VanWormer our Content Curator continues to **host travel writers** is posting great content on social media and working to keep our **Consumer and Industry newsletters** engaging and informative each month. There is discussion of doing a

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“locals” newsletter as well. This would help serve the Visiting Friends and Relatives as well as community engagement and vitality initiatives.

TAP (Travel Alliance Partners) is having an event in June at the FLX Welcome Center in Geneva. The Finger Lakes Visitors Connection team is a major sponsor and co-host for the event which is bringing tour operators to Ontario County and the region. It is possible that Peter Pantuso, from American Bus Association, will be here; his presence will bring more attention to the event in our area and should draw in others to attend.

Executive Committee. David asked Valerie to update the Board on the status of our Strategic Plan. She spoke of articulating goals and priorities so that these can be more easily communicated to the Board of Supervisors, County administration, and partner agencies. She reiterated the need for a **Destination Master Plan** which envisions the ideal destination, sets goals around which there can be coalescence of vision and cause. She identified Ithaca as an example, sharing that in their plan, they set a goal (convention center) and then moved that forward with their partners in government to get it; it will be opening in 2023. Valerie has not heard of a community that has not benefitted from having such a plan – which in essence is also a summary of other plans out there in the communities across the county. Valerie reviewed where she was at with County Administrator Chris DeBolt and the updating of a **tourism investment formula** for occupancy taxes earned. She and Chris were tasked with this in December. She reviewed the meetings which had taken place; they had been hard to schedule; there have only been three. The most recent was on April 27. At a previous meeting in March, Valerie and Steven presented two possible occupancy tax reinvestment models to Deputy County Administrator Alissa Bub, Chairman Todd Campbell and Supervisor David Philips. The two ideas were presented as solutions within the concepts of stability, performance, and shared growth, and optics of FLVC getting too much money. There was agreement that a new, more contemporary formula was appropriate at this time. Neither model accounted for short-term rentals – and acknowledged that issue would need another look if that legislation was approved.

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Valerie indicated that she had shared the basic concepts with the finance and executive committee members. One concept simply altered the percentage from 95% to 70% allowing for more to be set aside in the newly established Ontario County Tourism Reserve Fund. FLVC could apply for projects against that formula. The second concept provides a base amount for the FLVC marketing and economic development programs. It was suggested that base be \$1.3m. which is just shy of the 2023 occupancy tax earnings. Growth beyond that base would be dedicated toward environmental type projects that enhance tourism – examples given were water quality, public parks development, historic preservation; another 1/3 of growth would go towards a reserve fund that would be used entirely for matching grant opportunities; a final third would go to Ontario County to underwrite costs of their projects, ideally related to tourism. In the next and subsequent years, assuming growth, FLVC would share ¼ of the growth, and be eligible for any of the other reserves based on competitive application. FLVC could even help the county set up and administer the guidelines for these reserves as they were earned through occupancy taxes. This would provide stability, performance based, and new opportunities.

Valerie noted that another proposal was shared by Chris and Alissa at the April 27 meeting. They presented a base number, and proposed that instead of growth sharing, that there be an annual Cost of Living adjustment (COLA). The base was shown as \$1.042M. Any occupancy tax earnings, above that number would go into the county reserve fund. There were no guidelines for that fund or what a process would be. When asked if we would have access to it for any strategic initiatives in the future, we were told “no”, but they don’t know how it would be administered.

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The Board members openly discussed their concerns with this proposed model. They reviewed data that showed that our ROI on investment had outpaced the average rate of inflation over the years. They discussed how to articulate this to the leadership of Ontario County, noting that this proposal would return us to budget numbers that we saw in 2014. The members are eager to improve the understanding of our strategic plan, our results, and our organization's growth from a marketing organization to an economic development and community engagement agency.

Some members articulated that we seemed a victim of our own success. We have helped grow tourism to the impressive numbers that people were realizing it's big business and that it would be counter-intuitive to regress on the investment as tourism becomes even more important to our economic development picture. Several members of the board stated that they should be involved in these discussions to help outline the needs of our not-for-profit and told Valerie to include at least the Board Leadership in future meetings with the county.

Valerie reminded everyone that next week will be National Tourism Week. On May 11, Steven and David Hutchings will be representing our organization and presenting a short video and statistics on the impact of tourism to the Board of Supervisors.

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Mike D. and Mark both left the meeting during this time.

Visitor Services. Valerie reported that we are targeting a Literature Exchange for June 6, 7 or 8. Stay tuned for the location.

Old Business. No old business was offered.

New Business. It was noted that we had not had time to get to the Reserves Policy #108, which needs to be updated. This will be moved forward to the next meeting with input from the committee and the auditors.

Call for Adjournment. Charles called for the meeting to adjourn at 10:17; Mike R seconded the motion and all present voted in favor. There was a reminder that the new board member orientation and onboarding was taking place right after this and anyone is invited to attend.

Next Meeting:

July 6, 2023; Hotel Canandaigua; 8:30 am; 2024 Budget

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Attachment A

102. Chief Staff Executive Continuation Policy

Policy Statement:

A change in executive leadership is inevitable for all organizations and can be a challenging time, involving both risk and opportunity. It is important that there be continuity in staff leadership at Finger Lakes Visitors Connection (FLVC). A succession policy for the executive leadership position is a routine risk management and sustainability planning tool.

Finger Lakes Visitors Connection Board shall be prepared for a permanent change in executive leadership – either planned or unplanned – to ensure the stability and accountability of the organization until such time as new leadership is identified.

The purpose of this policy is to establish principles, role clarity, and procedures to support positive leadership transitions.

Guiding Principles

1. The Board believes that it is duly diligent and serves in the best interest of the organization that there be a robust, competitive search process. The CEO has the single greatest impact on the organization's development and effectiveness, therefore, his or her selection should not be rushed, nor engaged in political pressures. Internal candidates from the staff and/or board will be seriously considered along with candidates emerging from an external search.
2. The executive's position is often shaped by the incumbent's talents and areas of special interest. In framing the future needs of the organization, outside of that person's talents, the Board shall revisit the strategic plan and other organizational documents to define the talents, skills, and interests needed to align and realign other organizational changes.
3. The foremost goal of an interim leader is the maintenance and continuity of the mission related work as the new leadership model is defined.

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Guiding Practices

1. The selection of the CEO (and interim, if applicable) is the responsibility of the Board of Directors.
2. The current CEO has the responsibility to continuously identify, encourage, and help develop managers within the organization who are qualified to meet future leadership needs, whether on a temporary or permanent basis.
3. The current CEO has the responsibility to plan for the orderly transition of all managers and key staff members; and to articulate this plan annually to the board, in conjunction with her review of current staff members and structures.
4. Annually, the President and CEO will discuss her ideas with the Chair of the Board as to which current staff member(s) she would recommend as Acting/Interim Director.

Board Action in the Event of Vacancy in the CEO Position

1. **Organizational Assessment:** The Board or an appointed committee shall assess the leadership needs of the organization before a search for a new CEO is conducted. The assessment shall include a review and update (if needed) of the organization's strategic plan. The assessment will be designed to assure the selection of a qualified and capable leader who fits well with the organization's mission, vision, values, culture, and strategic goals and objectives, and who has the necessary skills to lead the organization. This assessment may be conducted with the assistance of an outside consultant.
2. **Transition Plan:** The HR Committee shall plan and oversee the transition including establishing a search process and consulting/search services as needed, and nominating staff members, if appropriate, to assist with the selection of the new CEO.
3. **Option of appointing an Interim CEO:** To ensure the organization's operations are not interrupted while the Board assesses the leadership needs and recruits a new CEO, the Board may appoint an Interim CEO. This position may be filled by senior management staff as identified in the succession plan. The Board may decide to hire an Interim CEO from outside the organization. If a board member is appointed to serve as Interim CEO, then that board member will be temporarily suspended as a board member during their time as the CEO but would be reinstated with no loss of tenure once the assignment is completed. The Board should clearly define and communicate the authority of the Interim CEO and set appropriate compensation. The Board may consider the need to secure outside consulting expertise to assist the Interim CEO.
4. **Duties of the Interim CEO:** The primary responsibility of the Interim CEO is to assure that the organization continues to operate without disruption and that all organizational commitments previously made are appropriately executed, including but not limited to:
 - a. Managing day-to-day operations of the organization, including grant and contract obligations, reports, and other obligations to funders and other stakeholders
 - b. Supervising staff
 - c. Maintaining finances and revenue generation and overseeing budgets and expenditures,
 - d. Reporting to the Board on a regular basis on the status of the organization and future leadership needs, for example conducting organizational analysis and consulting with the Board on potential improvements to operational systems.
 - e. Serving as the spokesperson for the organization including speaking engagements and other external communication.

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5. Limitations of Authority of Interim CEO: The Board may consider additional limits on the authority of the CEO beyond those set forth in these guidelines.
6. Simultaneous transitions for the CEO and management positions: If appointing an Interim CEO from within the organization, the Board may make other temporary management appointments from among other staff, external hires, or a combination to best assure continuity in leadership and program success through the transition period and afterwards.
7. Communication: Maintaining open lines of communication is critical especially during a transition period. To ensure the information is shared on a timely basis with key groups, the Board shall establish the following communication protocol:
 - a. The Board Chair, in consultation with the Executive Committee and Interim CEO, will contact all staff members to inform them about the interim leadership plans,
 - b. The Board Chair, in consultation with the Executive Committee and Interim CEO, will contact Ontario County officials and external partners to inform them of the transition plan and to introduce the Interim CEO. Such information should be placed on the webpage and otherwise communicated to the public as appropriate.
 - c. The Interim CEO will report progress and share updates with the Board on a regular basis, with a frequency to be determined by the Board, during the transition.
 - d. The Board will meet with the Interim CEO to provide direction and support on a regular basis, with a frequency to be determined by the Board, during the transition. The Board may determine that these meetings can be delegated to the Board Chair and/or the Executive Committee.

Preparation Timeframe for Replacement of CEO

1. The optimal period for the CEO to announce departure from the organization is at least six to twelve months before the date of departure to negotiate a healthy transition.
2. The Board understands that the time required for successfully completing a planned leadership transition - from reviewing the strategic priorities of the organization and creating the profile of skills needed by the next CEO through recruitment and screening of candidates to the installation of the chosen successor – is approximately eight to twelve months.

Role of the Outgoing CEO in Planned Transitions

The departing CEO, unless otherwise directed by the Board, will be involved in some transition activities such as communicating with Ontario County officials and stakeholders, and briefing the incoming CEO. The departing CEO's role during the transition and after the new CEO starts shall be developed by the Board or by the assigned Committee of the Board.

Commitment to Diverse Candidates and Staff Leadership Development

1. In order to provide career advancement for staff, the organization shall encourage the professional development of current employees.
2. In order to support the Board's due diligence and ensure that the best possible candidate is hired, the organization shall implement a search and selection process that is open to internal and external candidates. Internal candidates will be considered equal to external candidates in the screening and selection process.
3. The organization shall work proactively to develop a diverse pool of candidates for the CEO position.

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#103. Handling of Customers' personal data and privacy policies

Finger Lakes Visitors Connection actively gathers data, including personal data, and communication information, such as email, from our potential customers. The CAN-SPAM Act of 2003 and the General Data Protection Regulation of 2018 (generating in the European Union) both address such compliance and our obligation to protect the personal data of our customers and inquirers. It is important that FLVC is legally compliant in communicating through email and collecting and maintaining such data. The following policy outlines Finger Lakes Visitors Connection's policies and practices on consent, right to be forgotten, right to access and data protection from our own sources as well as third party generated customer information.

Compliance with CAN-SPAM Act of 2003

The staff of the Finger Lakes Visitors Connection, Ontario County, NY is occasionally solicited to provide its mailing or email lists to individuals representing a variety of for-profit, not for-profit, or service-based organizations. The purpose of this policy is to provide the staff guidelines for appropriate distribution of the mailing list.

The Board of Directors recognizes the value of this information as a marketing tool. The Board also recognizes the potential for undesirable uses of the mailing list, including but not limited to, unwanted advertising solicitation, competitive marketing, or profiteering. Additionally, the Board wishes to be in compliance with the CAN-SPAM Act of 2003 and its subsequent updates which provide national standards for the sending of commercial e-mail.

Requests for the mailing list must be submitted in writing. Requests must include information on the intended use of the mailing list, and a copy of any solicitation that will be made with this list. Staff shall ensure that compliance with the regulations of the CAN-SPAM Act are in place – including but not limited to: unsubscribe compliance, content compliance, sending behavior compliance. A Finger Lakes Visitors Connection, Ontario County, NY may require that the mailing be conducted in-house on a fee for service basis to maintain control of the mailing list.

If the mailing list is to be used for the purpose of expanding the awareness of Ontario County's visitor attractions, the fees for this list shall be limited to those established by the Executive Committee on an annual basis.

General Data Protection Regulation (GDPR) of 2018

GDPR applies to organizations located within the EU and to organizations located outside of the EU if they offer goods or services to, or monitor the behavior of, EU data subjects. It applies to all companies that process or store personal data of data subjects residing in the European Union, regardless of the company's location.

Consent

To maintain compliance with GDPR, Finger Lakes Visitors Connection obtains consent from the data subject to store and use data. All data collected through any form of data collection vehicle

requires an active opt-in process, not a passive opt-out. Finger Lakes Visitors Connection ensures that consent is clear and distinguishable is provided in an intelligible and easily accessible form, using clear and plain language. The requirement of a double opt-in on vehicles ensures subjects clearly understand how their data will be handled and they agree to our privacy policy.

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Right to be Forgotten

A subject who has provided personal data to Finger Lakes Visitors Connection, physically or electronically has the right to have all their data deleted or anonymized.

Right to Access and Data Protection

Upon request, A subject who has provided personal data to Finger Lakes Visitors Connection, physically or electronically has the right to have a copy of their data.

Tools and procedures are in place to manage personal data. A staff member is responsible for handling “data protection”.

Third Parties

Any data received from a third party must have a clear dictation of how consent was achieved. Finger Lakes Visitors Connection will not act on any data unless consent is proven. This includes paid lists, readership cards, internet inquiries that have not been provided with consent.

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DRAFT

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#117 Minority/Woman Business Enterprises

Ontario County Four Seasons (d.b.a. A Finger Lakes Visitors Connection) is committed to developing, establishing, maintaining, and enhancing minority involvement in the total procurement process. The Corporation is committed to promoting equal business opportunity in contracting processes by encouraging full and equitable participation by minority (MBE's) and women's (WMBE's) business enterprises in the provision of goods and services on a contractual basis.

It is the policy of the A Finger Lakes Visitors Connection (FLVC) to take affirmative action to ensure that minority business enterprises (MBE's) and women owned business enterprises (WMBE's) are given the opportunity to provide the corporation with goods and services at competitive prices.

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for areas in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractors will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived, or appropriate alternatives developed to encourage M/WBE participation.

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EEO Statement

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to nondiscrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

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101. Sharing of Tourism Information and Research (See Procedure 501)

The Finger Lakes Visitors Connection recognizes the value of research as an important component for tourism in Ontario County. The Finger Lakes Visitors Connection Board of Directors believes in conducting quality research for the benefit of the tourism industry in Ontario County.

There is a trust level established when proprietary information such as occupancy levels and markets are shared. Certain surveys and research reports that the Finger Lakes Visitors Connection conducts are confidential; FLVC respects the insights provided through proprietary information. Individual business information is gained in confidence, and therefore kept in confidence. This data may be aggregated to provide a big picture overview, by individual business data will not be shared.

Finger Lakes Visitors Connection shall maintain a digital resource base of publicly available tourism studies, such as Tourism Economics and other market specific studies. Requests for data shall be directed there. The address of this data shall be VisitFingerLakes.com/partners/research-and-resources.

This policy provides Procedures (See #501) for the sharing of tourism-based data, research and/or marketing research collected by the Finger Lakes Visitors Connection.

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Procedure 501. Sharing of Tourism Information and Research (See Policy 101)

1. Requests for publicly available data will be directed to our digital resource page at this address:
VisitFingerLakes.com/partners/research-and-resources.
2. Any request for additional data or market intelligence information can be requested in writing to the President of Finger Lakes Visitors Connection. All requests must articulate the type of information requested, the general purpose and use of the information, a contact name and phone number.
3. Any data attributed to Finger Lakes Visitors Connection must be pre-approved in context of the attribution.
4. FLVC will not share individual tourism business information. This includes, but is not limited to, occupancy, visitor attraction totals or sales growth/decline information. Any such data may be provided in aggregate to ensure the confidentiality promised to the tourism businesses – whether for profit or not-for-profit.
5. Requests for information which have followed the above criteria will be fulfilled within fourteen business days.
6. If costs (either reproduction or staff related) for fulfillment becomes excessive, the Board of Directors reserves the right to an appropriate chargeback to fulfill the request.
7. Finger Lakes Visitors Connection reserves the right to refuse any request for research and data.

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From Employee Handbook.

501 Equal Employment Opportunity

Policy Statement - Finger Lakes Visitors Connection is an Equal Opportunity Employer. The Organization does not discriminate and will not tolerate discrimination on the basis of a person's race, religion, creed, color, sex, age, national origin, disability, sexual orientation, gender identity or expression, transgender status, gender dysphoria, marital or family status, pregnancy, military status, veteran status, predisposing genetic characteristics or carrier status, arrest or conviction record, domestic violence victim status, or any other legally protected class or status.

Finger Lakes Visitors Connection will not discharge or discriminate against employees or applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants. However, if an employee makes the disclosure based on information obtained in the course of performing his or her essential job functions, they may be subject to disciplinary action, up to and including termination (i.e., Payroll Clerk revealing another employee's salary without their permission).

Equal employment opportunity applies to all terms and conditions of employment, including, but not limited to, advertising, recruiting, hiring, placement, promotion, disciplinary action, termination, layoff, recall, transfer, leave of absence, compensation, benefits, training, working conditions, and participation in all Organization sponsored social and recreational programs.

Finger Lakes Visitors Connection also wishes to provide Equal Employment Opportunities to its vendors and contractors to ensure that their subcontractors adhere to our policy. Board policy #305 articulates the Equal Employment Opportunity in such cases and shall be adhered to and considered part of this policy as well.

New York State Human Rights and Labor Regulations - In compliance with New York State human rights and labor regulations, Finger Lakes Visitors Connection will not discriminate or retaliate against an employee or intern for opposing prohibited practices or for filing a complaint, testifying, or assisting in a proceeding brought under the New York State Human Rights Law, including, any of the following:

- Requesting or taking lactation breaks.
- Requesting or taking time off from work to vote.
- Displaying an American flag on the employee's person or in the employee's work area.
- Engaging in lawful, leisure-time recreational activities outside of working time for recreational purposes (e.g., sports, games, hobbies) unless such activity creates a material conflict of interest.
- Being a member in a union.
- Participating in political activities outside of working time.
- Legally using consumable products, including cannabis in accordance with state law, during non-working time off Finger Lakes Visitors Connection premises unless it violates the Organization's substance free workplace policy or affects the employee during working time.
- Being a victim of a crime *and* requesting time off from work to seek medical attention, assistive services or counseling related to the violence, to obtain legal services, or to participate in the legal process related to a domestic violence incident; or
- Grooming and dressing in a manner consistent with the employee's race or religion, including but not limited to, religious attire, clothing, facial hair, hair texture and protective hairstyles; or

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- Choices made by an employee or an employee's dependents regarding their reproductive health decisions, including decisions to use or access a particular drug, device, or medical service. An employee alleging a violation of the law may file a civil lawsuit against the employer for reinstatement; actual damages, including attorney fees; and liquidated damages.

Workplace Bullying - Repeated inappropriate behavior either direct or indirect, conducted by one or more persons against another or others in the course of employment, will not be tolerated. Examples of bullying include but are not limited to:

- **Verbal Bullying** - Slandering, ridiculing, or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical Bullying** - Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- **Gesture Bullying** - Non-verbal threatening gestures; glances which can convey threatening messages.
- **Exclusion** - Socially or physically excluding or disregarding a person in work-related activities.

Diversity and Fair Treatment - Finger Lakes Visitors Connection recognizes the rich diversity of its employees and the varying cultures, backgrounds, and experiences they each bring to the workplace. The Organization is committed to maintaining and promoting a work environment where employees' and customers' similarities and differences are respected and valued. Employees and board members are expected to treat coworkers, customers, vendors, suppliers, and other non-employees that the employee encounters on the job with fairness, dignity, and respect. The Organization prohibits an employee or board member from engaging in any form of discrimination, harassment, bullying, or other offensive behavior based on any of the protected classes or groups listed above.

Discrimination by Others - The Organization prohibits employees, board members, vendors, suppliers, visitors, customers, and any other individual that an employee encounters during the course of employment from harassing or discriminating against Finger Lakes Visitors Connection employees based on any protected class or status.

Americans with Disabilities Act – Finger Lakes Visitors Connection complies with the Americans with Disabilities Act, as amended (ADA) and New York State Human Rights Law and related regulations by providing an equal employment opportunity to qualified applicants and employees with disabilities regarding all terms and conditions of employment. The Organization does not discriminate against qualified applicants and employees who have a physical or mental impairment or a record of such impairment. In addition, the Organization does not discriminate based on a person's relationship or association with an individual with a disability.

Reasonable Accommodation – Finger Lakes Visitors Connection does not discriminate against qualified individuals with disabilities who, with or without reasonable accommodation, can perform the essential functions of the employment position held or desired. Finger Lakes Visitors Connection will provide reasonable accommodation to an employee or applicant with a disability unless it imposes an undue hardship on the Organization. Any employee with a disability and any pregnant employee who believes an accommodation is needed to perform the essential functions of the employee's job should contact the President. If the need for accommodation is not obvious, the Organization may require medical documentation verifying the existence of a disability and the reason(s) why the requested reasonable accommodation is needed. When more than one reasonable accommodation would benefit an employee, the Organization reserves the right to choose the accommodation.

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Genetic Information Nondiscrimination Act - GINA prohibits employers and other entities covered by GINA from using genetic information in making employment decision or requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. "Genetic information" as defined by GINA includes an individual's or an individual's family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Victims of Domestic Violence - A victim is any person older than 16, married, or a parent accompanied by the parent's minor child in a situation where the person or their minor child is the victim of an act committed by a family or household member that would violate the penal law, and results in physical or emotional injury or creates substantial risk of physical or emotional harm to the person or their child. The Organization will not refuse to hire, will not discriminate against, nor terminate an employee solely because they are a victim of domestic violence. Further, no information will be printed or circulated about someone's status as a victim. The Organization will provide reasonable accommodations to employees who must be absent from work for a reasonable time unless such accommodation would pose an undue hardship on the employer's business.

Reproductive Health Decisions - Finger Lakes Visitors Connection will not access an employee's personal information regarding the employee's or employee's dependents' reproductive health decision-making, including information related to the decision to lawfully use or access a particular drug, device, or medical service without the employee's prior written consent. The Company will not require employees to sign a waiver or other document that would prevent the employee from making their own reproductive health care decisions, including the lawful use of a particular drug, device, or medical service.

Finger Lakes Visitors Connection will not tolerate any discrimination or retaliation against employees based on the employee or their dependents' reproductive health decision-making, making, or threatening to make a complaint to Finger Lakes Visitors Connection or any court or agency, or participating in any investigation, hearing or inquiry related to a potential violation of this policy.

Complaint Procedure - An employee who believes that the actions or words of an employee or non-employee have violated this Equal Employment Opportunity policy is required to report the behavior to the Organization immediately. Refer to the *Complaint Procedure and Investigations* policy for information on filing a complaint and the Organization's investigation procedures.

Policy Violations - Any employee who violates this policy will be subject to disciplinary action, up to and including termination. Any board member, vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, as determined by the President and/or Chair of the Board.

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#305. Equal Opportunity Employment Statement

Policy Statement - Finger Lakes Visitors Connection (FLVC) is an Equal Opportunity Employer. Our organization does not discriminate and will not tolerate discrimination on the basis of a person's race, religion, creed, color, sex, age, national origin, disability, sexual orientation, gender identity or expression, transgender status, gender dysphoria, marital or family status, pregnancy, military status, veteran status, predisposing genetic characteristics or carrier status, arrest or conviction record, domestic violence victim status, or any other legally protected class or status.

Policy #501 in the Employee Handbook articulates our position as an Equal Opportunity employer. That policy is entirely applicable to our interactions with our vendors, suppliers, visitors, customers, or other non-employees, and therefore is noted as a basis for this policy, which augments and focusses on our statement for all state and federal contracts.

- (a) Finger Lakes Visitors Connection will undertake and continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination. Additionally, FLVC will make and document our conscientious and active efforts to employ and utilize minority group members and women in its work force and in our contracted services.
- (a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force.
- (b) This organization shall state in all solicitation or advertisements for employees that in the performance of its contracts all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.
- (c) At the request of the contracting agency, FLVC shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate based on race, creed, color, national origin, sex, age, disability, or marital status and that such union or representative will affirmatively cooperate in the implementation of FLVC's obligations herein.
- (d) Finger Lakes Visitors Connection shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. FLVC and our subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law regarding nondiscrimination on the basis of prior criminal conviction and prior arrest.
- (e) FLVC will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor.
- (f) Complaints about violation of this policy shall be reported to the President Immediately. Any board member, vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial actions, as determined by the President and/or Chair of the Board.
- (g) FLVC employees shall be subject to the provisions of the Employee Handbook Policy and procedures

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122. Succession Planning

Purpose:

Finger Lakes Visitors Connection recognizes that it is important to keep talent in the pipeline and provide seamless movement of talent within the organization. This is particularly important for smaller organizations that have few resources available.

The Board and executive leadership view succession planning as preparation – not pre-selection of team members for advancement. This policy provides for a focused process to identify crucial job skills, knowledge, social relationships, and organizational practices that are passed on to the next generation of workers.

Adaptation to talent availability or scarcity, effective job design, varied internal development opportunities and smart organizational structure are important practices to promote the achievement of organizational objectives while creating an environment that promotes employee engagement and retention.

These initiatives support the critical role of the leadership of Finger Lakes Visitors Connection (CEO and Board Leadership) in advancing the mission of the organization.

1. To ensure replacements for key job incumbents in executive, management, and professional positions within the organization have been identified for particular competencies and skills required for each position; to identify general skills gaps and training needs.
2. To make sure that FLVC structure and human resources attention are dedicated to meeting the goals and objectives of the organization.
3. To identify and develop employees who exhibit interest in and demonstrate potential and passion for succession to key positions.
4. To develop capacity building to support critical roles in case of absence of staff or sudden changes or anticipated retirements or for other personal reasons.
5. To retain institutional knowledge and relationships across transitions within the organization and in partner driven relationships.
6. To boost morale and retention by investing in employees personal and professional growth

Program and Practice:

The Board Chair shall annually appoint a Committee of the Board to serve as the HR committee to assist the CEO or the Interim CEO in needs related to business continuity and succession planning.

The organization may acquire professional HR services to assess and plan and evaluate the succession plan, process, and program.

In preparation of the annual budget and review of the strategic plan, the CEO shall consider these succession planning elements and integrate appropriate action items.

- a) Replacement Planning. Identify key positions and determine competencies required for each position. Identify gaps from the analysis and future focus on identifying knowledge, skills, passion and abilities of multiple individuals to perform those functions.

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- b) Training and Development. Ensure systematic and long-term development of individuals for future roles.
- c) Career Planning. Identify employees' capacity and interests in personal development and advancement in-line with his or her talents and interests and FLVC needs.
- d) Communication and review. Integrate into personnel evaluations and assessments opportunities for advancement and necessary skill development.

Original date: May 4, 2023

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