

MINUTES

BUDGET AND CAPITAL COMMITTEE

Approved 11-24-08

NOVEMBER 24, 2008 3:30 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: N. Shinagawa, Chair; J. Dennis; P. Mackesey; M. Hattery (arrived at 3:38 p.m.)

Excused: K. Herrera

Staff: C. Covert, Clerk of the Legislature; J. Mareane, County Administrator; J. Kippola, Contracts Coordinator; N. Jayne, Executive Assistant to the County Administrator; D. Squires, Finance Director; M. Lynch, Public Information Officer; S. Stein, Member of the Strategic Tourism Planning Board; J. Wood, County Attorney

Guests: S. Wiggins, Strategic Tourism Planning Board; C. Chock, Legislator; M. Robertson, Legislator

Call to Order

The meeting was called to order at 3:30 p.m.

Changes to Agenda

The following resolution was added to the agenda:

- Calling on the Governor and State Legislature to End the Practice of Passing Costs for State Programs to Local and County Governments

Approval of Minutes

It was MOVED by Ms. Mackesey, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present to approve the November 10th minutes as submitted.

Chair's Report

Mr. Shinagawa said he did not have a report.

Director of Finance

Mr. Squires distributed a copy of the Contingent Fund report as of November 21, 2008 and said there is still money remaining.

Report from the County Administrator

Mr. Mareane said he did not have a report.

Report from the Public Information Officer

Ms. Lynch reported that she and Ms. Jayne have begun working on the 2009 Reader Friendly budget.

County Clerk/Personnel

Resolutions

It was MOVED by Mr. Dennis, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members, following a brief explanation by Mr. Dennis, to approve and submit the following resolution to the full Legislature:

RESOLUTION NO. - AUTHORIZATION FOR PROGRAM RECONFIGURATION – RECORDS AND CENTRAL SERVICES

WHEREAS, the Records Management budget and program oversight was transferred from County Administration to the Personnel Department in 2003, and

WHEREAS, Article 18, Chapter 18.03, of the Tompkins County Charter places the responsibility over Records Management with the County Clerk, and

WHEREAS, it is anticipated that the Legislature, through the 20-year Capital Budget, will establish a multi-jurisdictional records center, and

WHEREAS, it is appropriate current electronic data-management system efforts in the County Clerk’s Office be fully integrated in planning of the records center, and

WHEREAS, the Central Services Division is a program within the Personnel Department and works in conjunction with the Records Management Program, and

WHEREAS, greater efficiencies have resulted by coordinating these work efforts, now therefore be it

RESOLVED, on recommendation of the Human Resources, the Government Operations and the Budget and Capital Committees, That effective January 1, 2009, the Records Management Program and Central Services Division shall be transferred from County Personnel to the County Clerk’s Office,

RESOLVED, further, That the Tompkins County Personnel Department’s fiscal target shall be reduced by \$56,046 (\$20,353 for Records Management and \$35,693 for Central Services) with a commensurate increase in the County Clerk’s Fiscal Target.

SEQR ACTION: TYPE II-20

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It was MOVED by Ms. Mackesey, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature:

RESOLUTION NO. – APPROPRIATION FROM CONTINGENT FUND – TERMINAL-PAY REIMBURSEMENT – PERSONNEL DEPARTMENT

WHEREAS, the last day of service for the Mail and Records Clerk in the Personnel Department was September 5, 2008, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement to the Department from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Human Resources and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for 2008:

FROM:	A1990.54400	Contingent Fund	\$7,841
TO:	A1460.51000789	Mail and Records Clerk	\$7,841

SEQR ACTION: TYPE II-20

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Mr. Hattery arrived at this time.

Emergency Response

Resolution

It was MOVED by Ms. Mackesey, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature:

RESOLUTION NO. - APPROPRIATION FROM CONTINGENT FUND – TERMINAL- PAY REIMBURSEMENT – DEPARTMENT OF EMERGENCY RESPONSE

WHEREAS, the Department of Emergency Response had two Emergency Services Dispatchers retire and one Emergency Services Dispatcher resign effective January, September, and October 2008, and

WHEREAS, the Fiscal Policy of Tompkins County allows for terminal-pay reimbursement from the Contingent Fund, now therefore be it

RESOLVED, on recommendation of the Public Safety and Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriation:

FROM:	A1990.54440	Contingent Fund	\$10,826
TO:	A3410.51000551	Emergency Services Dispatcher	\$7,960
	A3410.58800	Fringes	\$2,866

SEQR ACTION: TYPE II-20

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Economic Development as a Permitted Use of Hotel Room Occupancy Taxes

Mr. Hattery said this has been an ongoing discussion at several committee meetings and was asked to get the County Attorney’s opinion. Based on the County Attorney’s opinion, it is necessary to request a change in State law governing the use of Hotel Room Occupancy Tax to include “economic development”. Mr. Hattery spoke about the supporting documents he submitted requesting the Committee consider this proposal. A summary of the role of “manufacturing” and “high tech” sectors was provided as well as a report that shows an estimate if 5% of room tax revenues were converted with some assumptions over the next four years and the impact it would have on the yield to the Strategic Tourism Board for tourism purposes and what it would yield for general economic development. The last document he referenced was the funding support from the County for Tompkins County Area Development, in particular over the last ten years. The draft resolution prepared by the County Attorney was reviewed at this time and Mr. Hattery explained that it was at the County Attorney’s recommendation not to include a specific percentage in the resolution.

Ms. Mackesey questioned if the language in the room tax legislation is broad enough and can be interpreted to include economic development. She said she would like further discussion about the use of this money and that there be more focus in terms of economic development. Mr. Hattery said he has similar concerns and does not want to open a “Pandora’s box” by adding multiple purposes to this proposal.

Mr. Shinagawa recalled this proposal being discussed several months ago and if a change in State legislation was required. Ms. Mackesey clarified the County Attorney’s opinion in that any other use of room tax money beyond the use of tourism would require a change in State law. Mr. Shinagawa requested Mrs. Covert to send the minutes of the discussion on this subject held earlier in the year to Committee members.

Ms. Chock said she reviewed the original law and believes the language can be open to interpretation and that it should also be considered in the discussions.

Ms. Robertson clarified that the proposal will not change any of the existing activities performed by Tompkins County Area Development.

WHEREAS, to accommodate Tompkins Cortland Community College's fiscal year and cash-flow needs, it is important that Tompkins County's share be paid during the first half of the calendar year, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the County Administrator be and hereby is authorized and directed, pursuant to the provisions of the Education Law of the State of New York and within the authorization provided by this Legislature, to pay Tompkins Cortland Community College an amount up to but not to exceed the Tompkins County budgeted share of the operating costs of said college for the fiscal year 2008-2009 on the following dates in the following amounts:

January 1, 2009	\$ 640,303
March 1, 2009	\$ 640,303
May 1, 2009	\$ 640,303
July 1, 2009	\$ 640,302
Total:	\$2,561,211

SEQR ACTION: TYPE II-20

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It was MOVED by Mr. Hattery, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. - APPROVING COMPLETED TAX ROLLS AND DIRECTING THE EXECUTING AND DELIVERY OF WARRANTS

WHEREAS, it is necessary annually to provide for property tax collection in Tompkins County to meet expenses and the cost of county governments in Tompkins County, and to direct that upon the tax rolls of the several towns and City, the several taxes will be extended, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the tax rolls be approved as completed and that there shall be extended and carried out upon the roll the amount to be levied against each parcel of real property shown thereon,

RESOLVED, further, That there be annexed to each of said rolls a tax warrant prepared by the Director of Assessment as provided for in Section 4.00(b) of the Tompkins County Charter, that such warrants shall be the respective amounts theretofore authorized to be levied upon each of said rolls, that the several warrants be signed by the Chair and the Clerk of the Legislature under seal of the Legislature and by the Director of Assessment, and that said rolls with said warrants annexed are to be forthwith delivered to the respective collectors of the nine towns and City districts of the County.

SEQR ACTION: TYPE II-20

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It was MOVED by Mr. Hattery, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. - TOWN AND CITY BUDGETS AND PRINTING OF TAX RATES

WHEREAS, annually Tompkins County must keep a record of the adopted City and Town budgets and must, in accordance with the laws of New York State, levy and collect property taxes per those adopted budgets, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That, in accordance with the laws of the State of New York and with budgets adopted by the several town boards of the County of Tompkins now on file with the Clerk of the Legislature, there be levied upon and collected

from the taxable property of the several towns of the County and the City of Ithaca the sums contained in those budgets,

RESOLVED, further, That said summaries of the budgets of the several towns of the County and the City of Ithaca be printed in the 2008 Proceedings of the Tompkins County Legislature,

RESOLVED, further, That after the tax rates are ascertained for the various towns and the City of Ithaca, the Clerk shall print such rates in the 2008 Proceedings of the Legislature following the budgets of the several towns and City.

SEQR ACTION: TYPE II-20

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It was MOVED by Ms. Mackesey, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. - AUTHORIZATION FOR DIRECTOR OF FINANCE TO MAKE YEAR-END TRANSFERS, APPROPRIATIONS, AND BUDGET ADJUSTMENTS AS REQUIRED

WHEREAS, it is necessary, annually, to balance Tompkins County's financial books, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2009 the County Finance Director be and hereby is authorized and directed to make year-end transfers, appropriations, and budget adjustments required to clear credit balances from the books at year-end,

RESOLVED, further, That any such additional entries made by the County Finance Director shall be reported back to the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

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It was MOVED by Ms. Mackesey, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. - AUTHORIZATION TO SIGN DRAFTS – COUNTY ADMINISTRATOR

WHEREAS, it is necessary, annually, to authorize a Tompkins County official to sign all Tompkins County drafts, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That during 2009 the County Administrator be and hereby is authorized to sign all drafts of the County of Tompkins and to delegate this authority.

SEQR ACTION: TYPE II-20

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It was MOVED by Mr. Dennis, seconded by Mr. Hattery, to approve and submit the following resolution to the full Legislature for approval. Mr. Squires said every year the Legislature approves a similar resolution as a precaution against cash flow problems in the first quarter of the year and that 1992 was the first time the County utilized this authority. However, the County has been using this practice in recent years to utilize this authority to assist TCAT by advancing STOA (State Operating Assistance) funds. During 2008, the County borrowed \$2,500,000 and has disbursed \$2,000,000 to TCAT. Mr. Squires advised the committee that the \$2,500,000 Note comes due on December 19th and that TCAT has requested an advance of the STOA funds which would be received at the end of the year. The impact of

this request is that the advance would be paid from County sources rather than from the Note proceeds. The Committee voiced no objections to advancing the 4th quarter STOA payment.

Ms. Mackesey commented that TCAT has the potential of being a regional carrier and stated the State is very interested in that happening.

A voice vote resulted as follows on the resolution: Ayes – 4, Noes – 0, Excused – 1 (Herrera).
RESOLUTION CARRIED.

RESOLUTION NO. - DELEGATING TO THE FINANCE DIRECTOR OF THE COUNTY OF TOMPKINS, NEW YORK, THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL \$8,000,000 REVENUE ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF RECEIPT OF STATE AID DURING THE FISCAL YEAR OF SAID COUNTY COMMENCING JANUARY 1, 2009

WHEREAS, it is prudent to allow for the possible issuance of revenue anticipation notes should there be a cash-flow problem resulting from delays in State Aid during 2008, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, by the Legislature of the County of Tompkins, New York as follows:

Section 1. The power to authorize the issuance of and to sell \$8,000,000 revenue anticipation notes of the County of Tompkins, New York, including renewals thereof, in anticipation of the receipt of State Aid due said County during the fiscal year of said County commencing January 1, 2009, is hereby delegated to the Finance Director, the chief fiscal officer of such County. Such notes shall be of such terms, form, and contents, and shall be sold in such manner as may be determined by the Finance Director, consistent with the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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It was MOVED by Mr. Hattery, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the Legislature for approval:

RESOLUTION NO. - WORKER'S COMPENSATION BUDGET AND APPORTIONMENT - MUTUAL SELF-INSURANCE PLAN

WHEREAS, the Budget and Capital Committee estimates that the sum of \$2,000 will be required during the year 2009 for the payment of compensation in old and pending cases on behalf of the County and participating municipalities under the Mutual Self-Insurance Plan and for the expenses of administering same, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That there be raised from the County and participating municipalities in 2009 the total sum of \$2,000, the same to be apportioned to the County and the participating municipalities in the proportion that their equalized valuation bears to the aggregate valuation of the County and all participating municipal corporations, as follows:

<u>Municipality</u>	<u>Taxable Full Value</u>	<u>Apportionment</u>
Caroline	183,812,434	\$29.60
Danby	233,371,313	\$37.58
Dryden	701,313,883	\$112.94

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Enfield	156,299,368	\$25.17
Groton	162,489,192	\$26.17
Ithaca (Town)	864,050,743	\$139.15
Lansing (Town)	824,601,235	\$132.80
Newfield	234,360,696	\$37.74
Ulysses	309,956,917	\$49.92
Ithaca (City)	1,429,325,416	\$230.18
Dryden (Village)	105,666,428	\$17.02
Freeville (Village)	23,196,009	\$3.74
Trumansburg (Village)	110,114,064	\$17.73
Lansing (Village)	418,419,811	\$67.40
Groton (Village)	77,538,297	\$12.49
Cayuga Heights (Village)	374,887,350	\$60.37
County of Tompkins	<u>6,209,475,156</u>	<u>\$1,000.00</u>
Total	\$12,418,950,312	\$2,000.00

SEQR ACTION: TYPE II-20

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Extension of One Percent Sales Tax

Resolution

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, to approve and submit the following resolution to the full Legislature for approval. Mr. Squires distributed a chart summarizing the 2007 sales tax distribution. He commented that \$12.8 represents one percent of the sales tax. Mr. Shinagawa said he spoke with Ms. Herrera about the questions she had with the resolution and said that there had been contact made with municipalities as well as support given at the last Tompkins County Council of Governments meeting. *During that discussion, he also agreed that at the next Committee meeting to discuss a sales tax exemption on clothing and footwear less than \$110.* Mr. Shinagawa said he would also consider inviting Jean McPheeters from the Chamber of Commerce to the next meeting for this discussion.

A voice vote resulted as follows: Ayes – 4, Noes – 0, Excused – 1 (Herrera). RESOLUTION CARRIED.

RESOLUTION NO. - REQUEST FOR AUTHORIZATION TO EXTEND THE ADDITIONAL ONE PERCENT LOCAL SALES TAX RATE IN TOMPKINS COUNTY

WHEREAS, this Legislature in 1991, 1992, 1994, 1996, 1998, 2001, 2003, 2005, and 2007 requested and received authorization from the State of New York to enact an additional one percent local sales tax in Tompkins County in addition to the three percent authorization that all New York State Counties possess by law, and

WHEREAS, the current authorization received in 2007 expires November 30, 2009, and

WHEREAS, this Legislature has been requested by the offices of Assemblyperson Lifton and Senator Seward to forward any request for an extension of this authority when legislation can be timely prepared and submitted at the beginning of a session of the legislature, and

WHEREAS, the expiration of the additional one percent local sales tax would necessitate, (1) 59,800,000 in reductions in County expenditures, creating a major impact on the availability of services, or a 27 percent increase in County property tax rates, or some combination thereof, as well as (2)

substantial spending reductions or tax increases for the City, towns, and villages of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That this Legislature requests that Assemblyperson Lifton, Senator Seward, Senator Nozzolio, and Senator Winner sponsor and support legislation extending the authority of the Tompkins County Legislature to extend the additional one percent local sales tax in Tompkins County beyond November 30, 2009, based on the same terms and conditions included in previous legislation, to provide local property tax relief.

SEQR ACTION: TYPE II-20

Tompkins County Council of Governments

Resolution

It was MOVED by Mr. Hattery, seconded by Ms. Mackesey, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval:

RESOLUTION NO. – CALLING ON THE GOVERNOR AND STATE LEGISLATURE TO END THE PRACTICE OF PASSING COSTS FOR STATE PROGRAMS TO LOCAL AND COUNTY GOVERNMENTS

WHEREAS, the financial services sector is a significant component of New York State's economy, contributing 20% of all tax revenues received by New York State, and

WHEREAS, there has been a significant contraction within the financial services sector over the past six months as the result of various events in the credit market and which has contributed to a general economic slowdown in the nation and throughout the world, and

WHEREAS, the State of New York has suffered a significant fiscal impact as the result of both the specific matter of the contraction of the financial services sector and the general national economies, and

WHEREAS, the State of New York has projected a budget gap of up to \$2.5 billion in 2008-09 and \$12.5 billion in 2009-10, and

WHEREAS, the Tompkins County Legislature supports aggressive action to address the fiscal challenges facing the State, and

WHEREAS, the Tompkins County Legislature is concerned that proposals may rise during the State budget debate that would not represent sustainable spending reductions, but would instead simply shift costs associated with mandated services from the State to local governments, causing local governments to either raise property taxes or reduce essential local services, and

WHEREAS, the Tompkins County Legislature believes the local property tax burden throughout New York State is already the highest in the nation largely because of the proliferation of unfunded mandates and the similar burden shifts and cost allocations that have been made over the course of time by New York State, and

WHEREAS, the Tompkins County Legislature believes further cost shifting resulting in higher local property taxes will result in hardship for homeowners on fixed and moderate incomes, deter economic development, and contribute to financial stresses that have already resulted in growing numbers of tax and mortgage foreclosures, now therefore be it

RESOLVED, on recommendation of the Budget and Capital Committee, That the Tompkins County Legislature hereby opposes any plan that would result in a shift from the State to local government of any costs associated with programs mandated by the State,

RESOLVED, further, That the Tompkins County Legislature calls upon Governor David Paterson and the members of the New York State Legislature to refrain from any action that would result in such shifts of cost from the State to local governments.

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Adjournment

The meeting adjourned at 4:29 p.m.