

**Minutes
Budget and Capital Committee
Monday, August 23, 2010**

Approved

Attendee Name	Title	Status	Arrived
James Dennis	Chair	Present	
Kathy Luz Herrera	Member	Present	
Pamela Mackesey	Member	Present	
Brian Robison	Member	Present	
Peter Stein	Member	Present	3:32 PM

Staff: J. Mareane, M. Lynch, County Administration; D. Squires, Finance Director; S. Dewitt, E. Cree, Board of Elections; P. Carey, DSS; B. Grinnell-Crosby, Health Department; A. Fitzpatrick, Personnel Commissioner; C. DeMarco, CSEA; K. Schickel, Office for the Aging; M. Pottorff, Legislature Office
Legislators: M. Robertson, C. Chock, L. McBean-Clairborne
Guests: S. Shackford, Ithaca Journal; J. Carey, WHCU

Call to Order

Mr. Dennis called the meeting to order at 3:30 p.m.

Changes to the Agenda

There were no changes to the agenda

Minutes Approval

It was MOVED by Mr. Robison, seconded by Ms. Mackesey, to approve the minutes of August 9, 2010 as submitted. A voice vote resulted as follows: Ayes – 3, Noes – 1 (Herrera), Excused – 1 (Stein). MINUTES APPROVED.

Comments from the Public

No member of the public wished to speak.

Committee Chair Report

Mr. Dennis announced the first Expanded Budget Committee meeting will be September 13, 2010. He said a suggestion has been made by a Legislator that members alternate taking responsibility for providing food for those meetings.

Director of Finance Report

Mr. Squires reported sales tax receipts are up by 22 percent for the month of July and 5½ % year-to-date. He cautioned, however, on relying on monthly figures as they often do not reflect an accurate picture for the entire year.

County Administrator Report

Mr. Mareane said his Office is still working on the 2011 budget. He plans to present the budget to the Legislature on September 7th. He spoke of being more confident in sales tax receipts and said the 2011 budgeted amount will be increased slightly. It will not, however, eliminate the need to make significant cuts to programs. He highlighted positive items, stating the Health Insurance Consortium is

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proceeding ahead and State mandates in the adopted NYS Budget came in close to the expected level. He also noted the County's estimate of pension cost increases are very close to what was projected.

Mr. Stein noted the difficulty in predicting sales tax receipts. Mr. Mareane agreed and said in economic times like these sales tax is a very volatile revenue source and is very hard to predict.

Public Information Officer

Ms. Lynch reported Ms. Herrera sponsored a very positive and lively town hall meeting last week in the Fall Creek area. She said there were between 20-25 people in attendance and there was a very balanced and diverse comments. Another town hall session sponsored by Dryden Legislators will be held in Dryden on September 2nd. The community budget forum will be held on September 27th at the Public Library. WHCU will host a call-in show on October 12 with Mr. Dennis and Mr. Mareane answering questions about the budget.

Ms. Herrera spoke of the town hall in the Fall Creek area and said it was very helpful to have Mr. Mareane and Ms. Lynch assist in the preparations for that meeting. She found the Power Point presentation to be very helpful and predicts attendance will continue to increase because of the way staff and the Public Information Advisory Board are presenting information to the public. She briefly reviewed some of the comments and opinions that were expressed at the meeting. She said they ranged from people advocating for youth services, some asking that taxes be lowered, some advocating for government services, to some in attendance being County employees speaking about how hard the County has been conducting labor negotiations.

RESOLUTION (DOC ID: 2168): CHANGE IN POSITION - BOARD OF ELECTIONS

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Kathy Luz Herrera, Member
SECONDER:	Pamela Mackesey, Member
AYES:	James Dennis, Kathy Luz Herrera, Pamela Mackesey, Brian Robison
NAYS:	Peter Stein

Mr. Dennis said there was a concern expressed at the Government Operations Committee about whether this would require a parallel resolution for the Republican Deputy position; Mr. Mareane stated that action is not required.

Mr. Dewitt explained the history behind this resolution, stating the employee agreed to a reduced workweek; however, the employee learned he was only receiving 7/8 credit on his pension because the position was not reduced, only the hours. Mr. Dewitt said the intent of this resolution is to resolve that at the County level, with the hope the State would allow the employee to receive full retirement credit.

Mr. Stein spoke of complaints he has heard about State and Federal pension funds being manipulated and asked if there would be any problem approving the resolution with a retroactive date.

Ms. Mackesey said she sees this resolution as the correction of an oversight and does not think this qualifies as one of the questionable pension practices that have been reported in the news. Mr. Robison said the employee will likely have to argue this at the State level.

WHEREAS, in mid-2009 Tompkins County asked for volunteers to reduce the hours in their standard work week, and

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WHEREAS, Thomas M. Paolangeli stepped forward and said that he would be willing to reduce his work week, if other members of the Board could absorb part of his work load, and

WHEREAS, Commissioners DeWitt and Cree have approved the reduction in hours, with the caveat that if the workload increased to the point that the position would need to move back to a 40 hour per week position, Mr. Paolangeli would be required to work a 40-hour week, and

WHEREAS, the position will still be classified a full-time position rated at 1.0 FTE but at 35 hours per week, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, the following change will take place effective January 1, 2010 or as soon thereafter as permissible:

1.0 Deputy Commissioner of Elections, position #316, labor grade L (82) Job Code 175, decrease the position and approved hours from 40 to 35 hours per week (1.0 FTE)

SEQR ACTION: TYPE II-20

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RESOLUTION (DOC ID: 2145): ACCEPTING THE COUNTY ADMINISTRATOR'S REPORT REGARDING STRENGTHENING THE COUNTY'S TOURISM EFFORTS AND AUTHORIZING A SENIOR PLANNER POSITION WITHIN THE TOMPKINS COUNTY PLANNING DEPARTMENT TO SUPPORT THE STRATEGIC TOURISM PLANNING BOARD AND COORDINATE THE COUNTY'S TOURISM ACTIVITIES

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Peter Stein, Member
SECONDER:	Pamela Mackesey, Member
AYES:	Dennis, Luz Herrera, Mackesey, Robison, Stein

Mr. Mareane briefly reviewed the history behind this proposal. He said in late 2008, he was asked by the Planning, Development and Environmental Quality Committee to assess the needs of the County's tourism program and to report back with findings and recommendations. The request was based on a number of factors, including a desire by the Legislature to elevate the level of understanding and accountability for the performance of \$1.7 million in Room Occupancy Tax dollars and an emergency policy for consideration by the Legislature as to whether growth in Room Tax collections should continue to be allocated according to the current 60-40 split of net revenue (60% for tourism marketing/40% for "product development) or by some other formula to reflect County priorities.

The findings lead to a recommendation that the County should provide the STPB (Strategic Tourism Planning Board) with the support needed to effectively undertake its broad range of goals and responsibilities and should address both the management and planning needs of the STPB. And after reviewing a wide range of alternatives, it is recommended that the function reside within the County Planning Department and that the tasks be undertaken by a Senior Planner or equivalent position. A document summarizing this recommendation is on file in the Legislature Office.

Ms. Mackesey said the main concern was brought about because of the large amount of Room Tax revenues and the Legislature needing to have a good handle on that information. She said there was no issue with the STPB but there is a need for the County to understand it's fiduciary responsibility. Ms. Mackesey said the STPB, under the leadership of Stuart Stein, has done a phenomenal job.

Mr. Robison asked if there is consideration being given to making this a revenue source for the County. Ms. Mackesey said that is a question that has arisen in the past; she doesn't know where this

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discussion will lead but it is possible the Legislature will have that discussion. Mr. Dennis noted any change in the way tourism funds are used would need approval from the State legislature.

Mr. Stein said he has seen many positions created on a temporary basis with a condition that it will be re-evaluated at the end of the period. Upon re-evaluation he has often found a decision made at that time to make the position permanent. He said in general the evaluations have been informal; he thinks that given these fiscal times there should be a set of criteria established that outlines what will or will not warrant the position being made permanent.

Mrs. McBean-Clairborne asked how the responsibilities of this position and the position at the CVB (Convention and Visitors' Bureau) are different. Mr. Mareane said once this is approved he would like to have a discussion with the Chair of the Planning, Development, and Environmental Quality Committee about what those criteria are that will be developed later. He explained the difference in responsibilities of this position and the marketing position at the CVB. He said this is not a marketing position, this is a position that will have a variety of responsibilities. Part of the goal of this position is to work with STPB to figure out a strategic plan. This position will be a single point of contact for the Legislature and will be able to provide performance reports and baseline data.

Ms. Herrera said she hopes in addition to coming up with criteria used to measure performance management that a job description will be developed before the County proceeds with approving the balance of funds. She expressed her concern relating to accountability. She believes if the County begins with a clear description of what is expected of an employee it will be easier to measure performance later. In addition to the job description she would like to see the public made aware of this position and a transparent selection process will be conducted.

Mr. Dennis said as the position is developed there will be a job description and specific duties outlined for this Senior Planner position. He would prefer that this position not be a County employee but has been advised that an employee outside of County government will not work well.

WHEREAS, Tompkins County levies a Hotel Room Occupancy Tax ("Room Tax") to provide the means to enhance the local economy through the promotion of tourist activities, conventions, trade shows, special events and other directly related and supporting activities, and

WHEREAS, the County created the Advisory Board on Tourism Development in 1989 and subsequently restructured that Board to create the Strategic Tourism Planning Board (STPB) in 1998 to identify, develop, and promote arts, cultural and tourism opportunities; improve the connection among tourism and visitor service providers; improve the efficiency of visitor services delivery and program development; and advise the Tompkins County Legislature on the distribution of Room Tax revenue for both "product" and marketing activities, based on adopted short- and long-term tourism development strategies, and

WHEREAS, the role of the STBP has grown alongside the growth in Room Tax revenue, with the Board now responsible for all "Product Development" activities, which account for 40% of all Room Tax revenue net of administrative costs, and also for tourism marketing activities other than those undertaken by the Convention and Visitors Bureau, and

WHEREAS, although the STPB has fulfilled its mission with great skill and vision, it has relied largely on a dedicated volunteer board for tasks normally and more appropriately assigned to professional staff, and

WHEREAS, recognizing that its administrative responsibilities were limiting its ability to fully realize the more strategic elements of its mission, the STBP requested the County consider how to provide professional staff assistance and allocated \$100,000 to support the cost of such assistance in each of its last two budgets, and

WHEREAS, in responding to the STPB's request and also in seeking stronger accountability over the spending of Room Tax funds, the Legislature's Planning, Development, and Environmental Quality

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Committee asked the County Administrator to exercise his powers under Chapter 150 of the County Code governing the Room Tax to assess the needs of the County's tourism program and make recommendations to the Legislature, and

WHEREAS, after undertaking a review that included discussions with STPB members and other stakeholders, the County Administrator has issued a report that shall be made a part of this record. The report found the responsibilities of the STBP and its members exceed what can reasonably be expected of a volunteer advisory board and recommends the hiring of a professional staff person to assume the administrative burdens now carried by the Board, allowing the Board to focus on more strategic issues and opportunities, and

WHEREAS, the County Administrator's report enumerates the several recommended duties of the staff person, including but not limited to facilitating the development of a five-year (2011-15) strategic tourism plan, exploring new sources of funding, generating and pursuing ideas about new initiatives to increase tourism activity, evaluating the effectiveness of existing programs to ensure these activities are resulting in the highest return on the County's Room Tax dollar, managing product development contracts for grant compliance, reviewing budgets and reports, and serving as a single point of contact for all Room Tax -related matters, and

WHEREAS, the County Administrator has recommended the position be placed in the Department of Planning in the title of Senior Planner and made accountable to the Commissioner of Planning, who shall direct the work activities of the staff person and ensure the continued involvement of the STPB in the development and oversight of the County's tourism programs, and

WHEREAS, the position and related supervisory costs will be fully supported by Room Tax revenues allocated for this purpose, and

WHEREAS, the County Administrator has recommended that an objective performance evaluation of this initiative be undertaken two years after its commencement to determine whether the anticipated benefits of adding a professional staff person have been realized; now therefore be it

RESOLVED, on recommendation of the Planning, Development and Environmental Quality and the Budget and Capital Committees, That the Tompkins County Legislature accepts the findings and recommendations of the County Administrator's report and authorizes the designation of a position at the level of Senior Planner within the Planning Department, funded by Room Tax revenue, to support and coordinate the County's tourism program,

RESOLVED, further, That it is the expectation that as long as the position exists, it shall be funded solely by Room Tax funds,

RESOLVED, further, That funding for this position and related expenses for the balance of 2010 shall be provided through a budget adjustment and that the Director of Finance be authorized to make the following adjustment on his books:

From:	Room Tax Account	6475.54400	Program Expense	\$25,000
To:	Planning Department Account	8020.51000609	Senior Planner	\$19,575
	Planning Department Account	8020.58800	Fringes	\$ 5,425

SEQR ACTION: TYPE II-20

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Report from the Personnel Commissioner

Ms. Fitzpatrick had no report.

**RESOLUTION (DOC ID: 2160): AUTHORIZATION TO INCREASE HOURS - OUTREACH
WORKER-OFFICE FOR THE AGING**

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Peter Stein, Member
SECONDER:	Pamela Mackesey, Member
AYES:	Dennis, Luz Herrera, Mackesey, Robison, Stein

WHEREAS, the Tompkins County Legislature previously approved the Office for the Aging's use of rollover funds to hire a temporary Outreach Worker at 20 hours per week to process Home Energy Assistance Program (HEAP) applications during the 2010-2011 heating season, and

WHEREAS, the Office for the Aging has one existing vacant Outreach Worker position at 4 hours per week, now therefore be it

RESOLVED, on recommendation of the Health and Human Services, and the Budget, Capital, and Finance Committees, That the position of Outreach Worker, labor grade (9-517) I, competitive class, be increased from 4 hours per week to 20 hours per week,

RESOLVED, further, That this increase in hours shall be permanent as long as there are sufficient funds to cover the increase in hours,

SEQR ACTION: TYPE II - 20

Explanation: The Department has previously used the Project Assistant title to provide this seasonal service to clients. A position of Outreach Worker is already on the books, but not at the hours necessary to complete this work, therefore, this request is to increase the hours of this temporary position which will be funded through approved rollover funding.

**RESOLUTION (DOC ID: 2166): APPROPRIATION FROM CONTINGENT FUND FOR
TERMINAL PAY – INFORMATION TECHNOLOGY
SERVICES**

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Pamela Mackesey, Member
SECONDER:	Peter Stein, Member
AYES:	Dennis, Luz Herrera, Mackesey, Robison, Stein

WHEREAS, Information Technology Services had one employee, Programmer Analyst, terminate employment effective August 20, 2010, and

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

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the Director of Finance is hereby authorized and directed to make the following budget appropriations:

FROM:	A1990.54440	Contingent Fund	\$4,482.96
TO:	1680.51000622	Salary, Programmer Analyst	\$3,190.72
	1680.58800	Fringes	\$1,292.24
		TOTAL	\$4,482.96

SEQR ACTION: TYPE II-20

**RESOLUTION (DOC ID: 2169): RESOLUTION - AUTHORIZING A SPECIAL
RETIREMENT INCENTIVE TO ALL ELIGIBLE
EMPLOYEES FROM THE PERIOD SEPTEMBER 15, 2010
THROUGH MARCH 31, 2011**

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Brian Robison, Member
SECONDER:	Peter Stein, Member
AYES:	James Dennis, Kathy Luz Herrera, Pamela Mackesey, Peter Stein
NAYS:	Brian Robison

Mr. Mareane said he and Ms. Fitzpatrick looked at the retirement incentive programs being offered by the State and concluded participation by employees would be low and they were each too expensive for Tompkins County. He said they do see benefits in natural attrition and are recommending a one-time, local incentive that would allow employees who retire from County service and who vacate their positions to receive County health benefits at a rate of 20% of the total premium for a period of 24 months following their retirement. The standard contribution rate is 50% of the total premium cost for individual coverage. Retirees electing to receive family coverage would pay 50% of the total premium cost for individual coverage plus 65% of the added cost of family coverage. Most active employees pay 20% of the cost of their health benefits premium.

Mr. Mareane said the estimated 24-month savings to the retiree (and, conversely, cost to the County) would be 4,350 for a retiree who elects individual health coverage, or \$11,889 for a retiree who elects family health coverage. If the retirement of an employee results in the avoidance of a layoff of another County employee, the County would realize a minimum savings of \$10,400 in unemployment benefits (26 weeks x \$400 /week.). There would be additional savings to the county because the County allows laid off employees to retain County health benefits, at the employee contribution rate, for one year after separation. Mr. Dennis said the number of employees who would pursue this incentive is very small.

Mr. Robison said he thinks the employees who would take advantage of this would be retiring without it and that it will end up costing the County more per month. Ms. Fitzpatrick said decisions that employees are making about when to collect their pension are in many cases unique and individual. She said everyone's situation is different, however, one universal issue is the cost of retiree health insurance. Ms. DeMarco agreed with Ms. Fitzpatrick and said she thinks people do not retire because of the cost of health insurance. She also noted this will result in additional savings because some employees may be in Tier I of the retirement system and new employees are coming in at a much less expensive Tier IV.

Mr. Stein requested a report back on what savings were achieved.

WHEREAS, the national economic downturn has had a significant adverse affect on all governmental budgets, including the budget of Tompkins County; and

WHEREAS, to meet its tax levy goal, the Tompkins County budget requires a 6.9% reduction in non-mandated spending across all County departments and agencies; and

WHEREAS, the County's budget, like most governmental budgets, is labor intensive, meaning that reductions in spending must include reductions in labor costs that must be achieved by reductions in the labor force; and

WHEREAS, the County seeks to minimize involuntary reductions in its labor force and would prefer to reduce its roster through natural attrition that may be accelerated by the provision of cost effective retirement incentives; and

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WHEREAS, the Departments of Personnel and Administration, in consultation with County department heads, have developed a recommendation that would provide a cost-effective retirement incentive in the form of a one-time, limited-duration reduction in the cost of health benefits provided upon retirement;

WHEREAS, that upon recommendation of the Budget and Capital Committee, this Legislature authorizes the County Administrator to offer current employees a one-time, local incentive that would allow all employees who retire from County service and vacate their positions between September 15, 2010 and March 31, 2011 to receive County health benefits at a rate of 20% of the total health benefits premium for a period of 24-months following their retirement.

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**RESOLUTION (DOC ID: 2164): AUTHORIZING SALARY FOR THE POSITION OF
EXECUTIVE ASSISTANT TO THE COUNTY
ADMINISTRATOR**

Mr. Mareane explained Norma Jayne left this position to accept a job outside Tompkins County government. He said she left at a very difficult time during the budget cycle and he was forced with making difficult choices about how to fill a huge void in the office at a critical time. He said Kevin Sutherland was hired for the position of Program Analyst in County Administration last year through a very open and competitive process. Mr. Sutherland has a Masters Degree in Public Administration from the Maxwell School and Legislators have worked with him on the Census and he has also worked on various elements of the budget. Mr. Mareane explained that given the urgent situation he was faced with and the need to produce a budget quickly, he had Mr. Sutherland assume Ms. Jayne's responsibilities. He realized upon doing so that Mr. Sutherland was working out of title. The resolution on the agenda is being presented because the resolution that created the salary level requires approval by the Legislature to authorize a salary if the position became vacant at a later time. Mr. Mareane said the salary and labor grade proposed is based on a rating assessment done by the Personnel Department. He also noted the position is exempt from Civil Service. Mr. Mareane spoke of the high quality of Mr. Sutherland's work and said the transition into the position has gone well.

Mr. Mareane said in order to meet the Department's fiscal target the position of Program Analyst will not be filled.

Mrs. McBean-Clairborne said she has shared her concerns with Mr. Mareane about how this position was filled. As Chair of the Workforce Diversity and Inclusion Committee she thinks this goes against efforts to have fair and open processes and informing other employees of position openings. She noted she has nothing against Mr. Sutherland but believes the action was wrong if it was done to protect one employee's position at a time when there will be other employees laid off with nothing done to preserve their jobs. Mrs. McBean-Clairborne said as important of a position as this is she does not believe it was crucial to fill it and thinks there may have been other employees who may have been interested.

Ms. Herrera agreed with Mrs. McBean-Clairborne's comments and said human resources best practices include transparency, avoidance or appearance of ethical problems, and a clear desire to allow everyone an opportunity to apply. She said she believes there were ways to get around the urgency issue. She noted she is not questioning the qualifications of the individual but the process that was undertaken to fill the position. Ms. Herrera said the County has a policy for filling vacant positions and said it is particularly corrosive when that policy isn't followed at the top of County government.

Mr. Stein said he understands the concerns that have been raised; he also thinks the explanation provided by Mr. Mareane about the urgency of filling this position are valid and the action is justified. Mr. Stein suggested filling the position on a temporary basis and to address the concerns that have been

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raised.

Mr. Dennis said this was an issue that forced the County Administrator to act quickly and the employee in the Program Analyst position was already familiar with the responsibilities. He said when he came to the Legislature the former County Administrator selected his assistant without first getting approval of the Legislature. He also noted this resolution establishes a salary at a much lower rate than was previously paid for the position.

Ms. Mackesey said she agrees with the concerns expressed by Mrs. McBean-Clairborne. She thinks Mr. Sutherland is a very capable employee but doesn't agree with filling this position without having an open process.

Mr. Mareane addressed the comments and said:

- The Program Analyst was target funding for 2010 and intended to be a permanent position;
- He does not have favorites; his office has needs and where he has had an opportunity he has engaged in searches that take into account the broadest diversity of government;
- He had a situation in June that was critical; the position needed to be filled quickly in order to prepare a budget;
- He was fortunate to have someone in the office who was capable of assuming the responsibility for this work; this person was originally hired through a very transparent and open process.

Mr. Mareane said he is committed to diversity and inclusion and does not want his commitment to the goals in Tompkins County to be questioned.

Mr. Robison noted the resolution does not address who is hired to fill the position.

There were suggestions made that Mr. Mareane fill the position on a temporary basis and to conduct an open process at the same time.

Ms. Robertson said promotions are often made within a department and do not require a search process. She also noted the small staff in County Administration is probably more diverse on a percentage base than any other department.

Ms. Fitzpatrick outlined the civil service testing process and how promotions are made within Civil Service positions. She noted this is an exempt position that serves at the pleasure of the County Administrator. She said regardless of the search and appointment of an incumbent, the resolution that was done previously states the Legislature will set the salary of the position.

It was MOVED by Mr. Stein, seconded by Mr. Robison, to Call the Question. A voice vote on calling the question resulted as follows: Ayes – 4, Noes – 1 (Herrera). MOTION CALLED.

Ms. Mackesey noted she will support the resolution based on the explanation given by Ms. Fitzpatrick.

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RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Peter Stein, Member
SECONDER:	Brian Robison, Member
AYES:	James Dennis, Pamela Mackesey, Brian Robison, Peter Stein
NAYS:	Kathy Luz Herrera

WHEREAS, By Resolution No. 188-2008 the Tompkins County Legislature established a salary for an incumbent in the position of Executive Assistant to the County Administrator at a rate above the Confidential Salary Schedule, and

WHEREAS, by that Resolution, the Legislature directed that whenever there is a vacancy in this title, a base salary will be set for the newly hired incumbent on an individual basis by a resolution of the Legislature, taking into consideration CPI, market analysis, and County fringe value, and

WHEREAS, the Executive Assistant position has been vacated and the County Administrator wishes to fill the position in order to maintain the critical functions that are assigned to that position and to compensate the newly hired incumbent at a salary the Commissioner of Personnel has deemed appropriate for the responsibilities to be assigned to the position based on a points rating system, now therefore, be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the salary grade for the Executive Assistant to the County Administrator shall be set at Labor Grade N-64 (40 hours), which is currently \$53,541.

SEQR ACTION: TYPE II-20

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Adjournment

The meeting adjourned at 5:30 p.m.