

MINUTES

Approved 3/13/09

GOVERNMENT OPERATIONS COMMITTEE

JANUARY 20, 2009 4:45 P.M. LEGISLATURE CHAMBERS

Present: M. Hattery, Chair; G. Stevenson; M. Sigler; P. Mackesey; D. Kiefer (arrived at 4:52 p.m.)
Staff: C. Covert, Clerk of the Legislature; M. Lynch, Public Information Officer; D. Squires, Finance Director

Call to Order

The meeting was called to order at 4:45 p.m.

Resolutions

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

RESOLUTION NO. - DELEGATION OF AUTHORITY TO AUTHORIZE CERTAIN TAX REFUNDS AND CREDITS OF \$2,500 AND UNDER

WHEREAS, Section 554 of the Real Property Tax Law authorizes a tax-levying body to delegate the correction of tax rolls due to a clerical error, an error in essential fact, or an unlawful entry (an unlawful entry is any information on the tax roll that violates the Real Property Tax Law), and

WHEREAS, Section 556 of the Real Property Tax Law authorizes a tax-levying body to delegate the payment of tax refunds due to a clerical error, an error in essential fact, or an unlawful entry, and

WHEREAS, it is the opinion of the Government Operations Committee, that such delegation would be more efficient in processing said refunds and therefore beneficial to the taxpayer, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Director of Assessment shall transmit corrections and/or refund recommendations to the County Administrator,

RESOLVED, further, That the County Administrator is hereby authorized to allow payments of bills where recommended refund or credit is \$2,500 or less, without prior audit by the tax-levying body, in compliance with Paragraph 9 (a), (c) of Section 554, and Paragraph 8 (a), (c), (d), and Paragraph 9 and 10 of Section 556 of the Real Property Tax Law,

RESOLVED, further, That any refund or credit over \$2,500 must be approved by the Tompkins County Legislature pursuant to Paragraphs 8 (a), 9, and 10 of Section 566 of the Real Property Tax Law, except for refunds amounting over \$2,500 as a result of Real Property Tax Law Article 7 litigation ordered by the New York State Supreme Court,

RESOLVED, further, That the County Administrator shall transmit on or before the 15th day of each month a report to the Tompkins County Legislature of all the corrections and refunds processed,

RESOLVED, further, That this resolution shall only be in effect during the calendar year 2009.

SEQR ACTION: TYPE II-20

Report from the Finance Director

Mr. Squires distributed copies of the updated foreclosure report and said 18 properties remain on the list. Many parcels had been redeemed since the last list was presented.

In response to a question from Mr. Sigler regarding sales tax, Mr. Squires said sales tax is five percent over last year. It is approximately \$1 million over the budgeted amount. There was a big drop in the fourth quarter. The income within the City of Ithaca is much more stable than outside the City.

County Clerk

Resolution – Mortgage-Recording Tax

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

RESOLUTION NO. - TO AMEND RESOLUTION NO. 251 OF DECEMBER 18, 2007 - DETERMINATION AND CERTIFICATION OF COUNTY CLERK'S ALLOWANCE - ANNUAL EXPENSES FOR ADMINISTERING MORTGAGE TAX

WHEREAS, pursuant to Section 262 of the Tax Law, recording officers and treasurers are entitled to receive all their necessary expenses for purposes of administering mortgage taxes in their offices on approval and allowance by the New York State Tax Commission, and

WHEREAS, the State Tax Commission, by resolution duly adopted July 1, 1946, did determine that such mortgage-tax expenses be approved at the amount certified to the State Tax Commission by County Board of Representatives [Tompkins County Legislature] provided it is a reasonable and necessary allowance for such expenses, and

WHEREAS, the County Clerk has conducted a cost analysis and has recommended that the allowance for mortgage-tax expenses be increased from \$152,483 per annum to \$185,616 per annum, and

WHEREAS, the Finance Director has conducted a cost analysis and has recommended that the allowance for the treasurer's expense for administering the mortgage tax be set at \$15,000 per annum, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the sum of \$185,616 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Clerk, the recording officer of the County of Tompkins, for the hire of clerks and assistants and other expenses to assist in the administration of the mortgage-recording tax law in her office, and that the sum of \$15,000 per annum be, and the same hereby is, determined as a reasonable and necessary allowance of the Tompkins County Finance Director, to assist in the administration of the mortgage tax funds, and that said sum of \$200,616 is hereby certified to the State Tax Commission as the reasonable and necessary allowance for such expenses,

RESOLVED, further, That the Clerk of the Legislature is hereby directed to send a certified copy of this resolution, with her original signature thereon, to the State Tax Commission,

RESOLVED, further, That this resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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Personnel Department

Resolution – Military Leave

It was MOVED by Mr. Stevenson, seconded by Mr. Sigler, to approve and submit the following resolution to the full Legislature for approval.

Ms. Kiefer arrived at this time.

Ms. Kiefer believes the intent of the resolution was for employees in active war zones and in harms way and would like to have the resolution amended to reflect that intent. Mr. Hattery commented that there are many reservists that are having time extended as well and would not support parsing between the two. Following a brief discussion, a voice vote resulted as follows: Ayes – 4, Noes – 1 (Kiefer). RESOLUTION CARRIED.

RESOLUTION NO. -AUTHORIZING TOMPKINS COUNTY TO PAY THE DIFFERENCE IN PAY BETWEEN MILITARY PAY AND BASE COUNTY SALARY TO COUNTY OFFICERS AND EMPLOYEES WHILE PERFORMING ORDERED MILITARY DUTY

WHEREAS, the New York State Military Law provides certain rights to public officers and employees absent on military duty as members of Reserve Forces or Reserve components of the Armed Forces of the United States, and

WHEREAS, County officers and employees on authorized military leave are entitled to all the rights and privileges set forth in said Military Law, and

WHEREAS, despite the rights and benefits afforded by said Military Law, calls to active duty often impose financial hardship on those summoned and their dependents, and

WHEREAS, by Resolution No. 313 of 2002, Resolution No. 231 of 2004, and Resolution No. 126 of 2007, this Tompkins County Legislature authorized the payment of supplemental benefits to County officers and employees called to serve their country following the September 11, 2001 attacks on the United States through December 31, 2008, and more recent decisions by the Federal Executive, and

WHEREAS, there may be renewed need for activation of military personnel, now therefore be it
RESOLVED, on recommendation of the Budget and Capital, and the Government Operations Committees, That effective January 1, 2009, through December 31, 2009, the Tompkins County General Fund will pay the difference between base County salary and military pay for up to 90 work days per calendar year, when the employee is called to active military duty. If military pay is equal to or in excess of County base salary, no payment will be made,

RESOLVED, further, That the Director of Finance will establish and notify Department Heads and affected employees of the procedures by which the differential shall be paid.

SEQR ACTION: TYPE II-20

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Appointment

Public Information Advisory Board

It was MOVED by Ms. Mackesey, seconded by Mr. Sigler, and unanimously adopted by voice vote, to approve and submit the appointment of J.R. Clairborne to the Public Information Advisory Board for a term that expires December 31, 2010.

Other Business

Ms. Kiefer raised a question about a resolution adopted earlier in this meeting concerning the mortgage-recording tax and requested the word "law" in the first Resolved be deleted if appropriate. Mr. Hattery agreed to follow-up with the County Attorney.

Ms. Kiefer reported that she received information concerning the printing of legal notices and said they will be printed everyday; it is only the classifieds that are being printed Wednesday through Saturday of the Ithaca Journal.

Adjournment

The meeting adjourned at 5:00 p.m.