

MINUTES

Approved 12/14/07

GOVERNMENT OPERATIONS COMMITTEE

NOVEMBER 9, 2007 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: G. Stevenson, Chair; P. Mackesey; M. Sigler; D. Kiefer (arrived at 2:08 p.m.); M. Hattery (arrived at 2:10 p.m.)

Staff: C. Covert, Clerk of the Legislature; S. Whicher, County Administrator; J. Wood, County Attorney; M. Lynch, Public Information Officer; R. Iacovoli, Department of Motor Vehicles Supervisor; A. Valenti, County Clerk; D. Squires, Finance Director; J. Franklin, Deputy Assessment Director

Call to Order

The meeting was called to order at 2:05 p.m.

Changes to Agenda

The following items were added to the agenda for information only:

- Transfer from Assessment Department
- Correction of Tax Roll – 2007

Chair's Report

Mr. Stevenson spoke briefly about a letter he received regarding a request from the Ithaca Courtyard Marriott to waive the late fees from the third quarter payment for County Occupancy Tax. He brought this to the Committee's attention for information and asked if members wished to address it. Following a question being raised, the Committee agreed to defer further discussion until the Finance Director arrived.

Ms. Kiefer arrived at this time.

Report from the County Administrator

Mr. Whicher said he is in receipt of communications from the Ithaca Journal regarding a "Subject Master List" all municipalities including the County are required by Law to maintain.

Mr. Hattery arrived at this time.

Mr. Whicher said after looking into this request further, there is a requirement in New York State and said he has requested each Department to produce a list of records they maintain. Following implementation, he expects to have the lists reviewed and updated annually in January. He will provide Government Operations Committee members and Legislators a copy of the list if requested.

Report from the County Attorney

Mr. Wood said he did not have a report.

Ms. Kiefer referenced the minutes of the last Committee meeting and asked if the representatives from the State-Wide Wireless Network have visited the County sites yet. Mr. Whicher said he has not heard from them.

Ms. Kiefer also asked in reference to the report in the minutes of the last meeting if any further information was available relative to the request from Verizon to put up a cell phone tower on a specific

site owned by the County. Mr. Whicher said it is not in the County's best interest to pursue that particular site as requested. However, a second request was made for other County land and Mr. Whicher said this has been referred to the County Attorney handling. Mr. Whicher commented that the piece of property may not be appropriate as well as it may be part of the Black Diamond Trail.

Lastly, Ms. Kiefer asked about the status of the policy for agenda setting. Mr. Whicher said that item has been postponed until the Administrative Policy Manual Team has completed their work.

Finance Director's Report

Mr. Squires said he did not have a report. Mr. Stevenson spoke about the letter referenced earlier in the meeting from Ithaca Courtyard Marriott and said the question raised was the amount of payment and whether it was the total amount or the penalty. Mr. Squires said the amount is the penalty amount and commented that information should be handled confidentially. He said the policy is clear and rigid but uniform. Penalties are not waived. Mr. Wood said he has also been in contact with them and provided them with the same information.

Ms. Kippola said she has also been in contact with this particular innkeeper who also spoke with the President of the Innkeepers Association. She said the Innkeepers President has had to pay the same penalty and said the amount was significant. He understands the policy but asked if the Legislature would consider lowering the percentage as it hurts the smaller inns.

In response to a question raised by Mr. Hattery, Mr. Squires said that delinquencies do not happen often.

Mr. Sigler asked that this be looked into further at a future meeting and questioned if the penalty could be linked to a prime rate. Mr. Hattery requested a copy of the policy being referenced.

Mr. Stevenson recommended handling the two issues separately. In reference to the letter from the Courtyard Marriott, the Committee chose not to take action and Mr. Stevenson agreed to respond in writing with the Committee's decision.

Report from the Public Information Officer

Ms. Lynch briefly updated the Committee on two projects she is involved with. The Public Information Advisory Board and County Administration continue to work with Assessment staff on a major public information campaign related to the 2008 Triennial Revaluation that will begin in December.

The second project is the TC3 student video project, which is also moving ahead. A pre-production meeting was held last Wednesday.

Department of Motor Vehicles – Resolution

It was MOVED by Mr. Hattery, seconded by Mr. Sigler, to approve and submit the following resolution to the full Legislature for approval. Mr. Hattery said he is opposed to the Governor's proposal to allow illegal immigrants acquiring driver's licenses. In response to a question raised by Ms. Valenti, it was clarified that Mr. Joseph's opinion was his own statement and not the Legislature's.

Ms. Kiefer does not believe some of the statements in the resolution are accurate and would recommend removing or changing the fourth Whereas and fifth Whereas. Mr. Hattery accepted as friendly the recommendation to change “law abiding” to “legal” in the fourth Whereas.

Mr. Sigler said he is opposed to the Governor’s decision as mentioned above for a number of reasons, but legally what he is doing is overriding the State Legislature and his trying to make law.

The following language offered for the last Resolved was accepted as friendly: “Resolved, That this Legislature reaffirms current State Law which requires a social security number to issue New York State Drivers Licenses in the County Department of Motor Vehicle.”

Mr. Stevenson said he supports a resolution similar to this but believes some modifications need to be made to it and does not wish to do that on the floor of a Legislature meeting.

Further discussion followed and Ms. Kiefer reviewed her suggestions she would offer for revising the resolution.

Mr. Sigler said he is satisfied with some of the changes made but would be willing to look at a different resolution.

Mr. Hattery agreed to withdraw his motion and rewrite the resolution for the Committee to consider at a special meeting prior to the Legislature’s meeting.

**RESOLUTION NO. - RESOLUTION IN OPPOSITION TO GOVERNOR SPITZER’S
DECISION TO ALLOW ILLEGAL IMMIGRANTS TO ACQUIRE
NEW YORK STATE DRIVERS LICENSES**

WHEREAS, Section 502 (1) of the New York State Vehicle & Traffic Law requires applicants for drivers licenses to provide a valid Social Security Number, in addition to proof of fitness, age, and identity, and

WHEREAS, on September 21, 2007, Governor Spitzer and the New York State Department of Motor Vehicles Commissioner announced that they will no longer require illegal immigrants to submit proof of a valid Social Security Number or ineligibility for the same and will not inquire into an illegal immigrants status before issuing a drivers license, and

WHEREAS, Tompkins County is home to, and welcomes thousands of legal immigrants who willingly participate in the Naturalization process, and become law abiding citizens who deserve the rights and privileges that comes with citizenship, and

WHEREAS, the Governor’s actions reward those who have violated United States Immigration laws and grants them privileges previously only accorded to law abiding residents of this State, and

WHEREAS, the Governor’s Actions compromise our State’s security and integrity of the State’s main form of identification, and offers rewards to individuals who have not been screened by the INS or Homeland Security, and may have questionable backgrounds in the native homelands, and

WHEREAS, the Governor implemented this policy without any consultation with local governments, counties, public safety leaders, and the general public, now therefore be it

RESOLVED, That the Tompkins County Legislature requests Governor Spitzer and DMV Commissioner David Swartz to rescind their policy to issue New York State Drivers Licenses to illegal immigrants,

RESOLVED, further, That this Legislature reaffirms Tompkins County’s policy that valid Social Security Numbers be required to issue drivers licenses in the County DMV.

Assessment Department

Resolution – Assessment Data on the Internet

Mr. Stevenson said this resolution is being submitted for Committee consideration as he is concerned with the Triennial Revaluation taking place next year and believes this proposal would provide an additional customer service through the process. His concerns include the staffing needs, office space, and public access computers, etc., and he believes this service would assist the public in doing comparables and any other work needed during this period of time.

Mr. Sigler stated that if the house cannot be seen from the street he does not want the picture of the house on the web. He also does not support having links to private entities such as Google Earth. Ms. Mackesey spoke of her recollection of concerns about having aerial photos on the Internet, which could show the backside of houses including handicap ramps, etc. Mr. Franklin said the Office of Real Property Services requires photographs be displayed. The other issue is segmenting the photo database and making them viewable from the street. This would be an extensive amount of work to look at each photograph. It was clarified that with the current system, Basic Imagemate, anyone can go to the Assessment Department and look at a variety of photographs.

Ms. Kiefer also recalled some objection to the links to all scanned documents relating to a property. She said she is not supportive of going beyond what is already available and does not agree with the statement made earlier by Mr. Stevenson that the office will be overwhelmed with people coming in during the Triennial Revaluation process next year.

A brief discussion followed concerning the resolution adopted in 1999 and whether it should be rescinded or amended.

Mr. Stevenson reiterated his opinion that the sharing of passwords for the Advanced version of Imagemate is happening. Ms. Kiefer spoke of her disappointment that no attempt was made to monitor that. Mr. Franklin does not believe there is any easy way to monitor it.

At this time, Mr. Franklin highlighted the preliminary numbers the department ran for taxable properties that could see an increase in their assessment in 2008 as compared to the year 2000.

Ms. Mackesey said she is willing to support the resolution, but would like to see a copy of the resolution adopted in 1999 before taking action. She also spoke of her preference to only show the front view of a house on the Internet.

Following discussion, it was MOVED by Mr. Hattery, seconded by Mr. Sigler, to approve and submit the following resolution with the understanding that links to web sites containing real property images not be included.

Ms. Kiefer said she would like to have the resolution modified to include additional Whereas' outlining some of the background information of the two levels of access and that the Basic Imagemate fulfills the State's requirements. She also believes the resolution adopted in 1999 should be amended and not rescinded. Committee members agreed with including some of the background information.

A brief discussion followed concerning the last two Resolved's and the funding required for moving this proposal forward.

Further discussion followed and Mr. Hattery withdrew his motion with the understanding that County Administration will revise the resolution for the Committee to consider at a special meeting on November 20th prior to the Legislature meeting.

RESOLUTION NO. - SUPPORTING THE PUBLISHING OF LIMITED FREE ASSESSMENT DATA ON THE INTERNET PROVIDED CERTAIN DATA ARE DELETED

WHEREAS, the Tompkins County Assessment Department maintains an extensive database of real property information, and

WHEREAS, this database is required by law to be available to the public, and is so available at the County Department of Assessment, and

WHEREAS, nearly all of the database is subject to Freedom of Information requests, and

WHEREAS, the City of Ithaca and State of New York have taken steps to publish portions of this database on the Internet, and

WHEREAS, in response to a request for public input, the Tompkins County Legislature has heard residents express significant concerns about privacy and use of data, and

WHEREAS, the County Department of Assessment has a strong interest in ensuring that correct annual data are published, and

WHEREAS, the Tompkins County Legislature believes that, consistent with respecting residents' right to privacy, certain data can be available to the general public via the Internet, and

WHEREAS, the Tompkins County Board of Representatives passed resolution 99-217 which outlined the terms that that assessment data will be displayed on the Internet, now therefore be it

RESOLVED, that Resolution R217-99 is hereby rescinded,

RESOLVED, further, on recommendation of the Government Operations Committee, That the Tompkins County Legislature supports the publishing of certain assessment data on the Internet provided that exemptions appear by value and property owners' mailing address is deleted from general publication to all users,

RESOLVED, further, That the Assessment Department will report on this topic to the appropriate Board committee on an annual basis,

RESOLVED, further, That the Finance Director be authorized to appropriate \$18,000 from the Contingent Fund to the Assessment Department's 2007 budget Account No. 1355.41250 in order to offset the loss of revenue resulting from the change to an open free to the public database,

RESOLVED, further, That the Assessment Department's 2008 revenue be reduced by \$5,000.

SEQR ACTION: TYPE II-20

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Code of Ethics

Local Law – Misuse of Position

Mr. Wood distributed a copy of a draft local law and resolution adopting it that amends the Code of Ethics.

It was MOVED by Mr. Hattery, seconded by Ms. Mackesey, to approve and submit the following local law to the full Legislature for approval.

Mr. Sigler expressed concern that this local law could directly impact him as head of the Republican Party as well as other Legislators holding certain positions or jobs. Mr. Hattery said he was encouraged that the Ethics Advisory Board took this issue up as he has been concerned with some of the behavior of public officials. He understands the concern, but believes there needs to be some broad language to address issues of public officials acting out of line and using their power. Mr. Stevenson

believes the proposed language is vague and asked who would make the determination whether it is applicable or not. Mr. Wood said someone would file a complaint with the Ethics Advisory Board for review and that Board would make a determination of whether the person that abused their position was unwarranted.

Following further discussion, it was **MOVED** by Mr. Hattery, seconded by Mr. Sigler, and unanimously adopted by voice vote, to **TABLE** this motion.

A Local Law to Amend the Tompkins County Code, in Relation to the Code of Ethics.

Section 1. Chapter 32 of the Tompkins County Code is hereby amended by adding a new Section 32-3(i) which shall read as follows:

- (i) **Misuse of Position.** No municipal officer or employee of the County shall use or attempt to use his/her official position to advance his/her private interest or the interest of others to obtain any unwarranted privileges, exemptions, or advantages for the officer, employee, or others.

Section 2. This local law shall take effect upon filing with the Secretary of State.

List of Key Employees – Financial Disclosure Forms

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

RESOLUTION NO. - ADOPTION OF LIST OF DESIGNATED OFFICERS AND EMPLOYEES REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM

WHEREAS, State Law requires employees "who hold policy-making positions, as annually determined by" the County to fill out financial disclosure forms, and

WHEREAS, pursuant to Local Law No. 2 of 1997 and Administrative Manual Policy 01-29, Standards of Conduct, "key employees" shall be determined by separate resolution of the Tompkins County Legislature, and

WHEREAS, the list of "key employees" required to file the annual financial disclosure form has been updated, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the attached list of designated officers and employees required to fill out the annual financial disclosure form be adopted.

SEQR ACTION: TYPE II-20

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LIST OF KEY EMPLOYEES ATTACHED AT THE END OF THESE MINUTES

Financial Disclosure Form

It was **MOVED** by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve the following amendment to the Code of Ethics and direct the County Attorney to draft a local law to submit to the full Legislature for approval:

- Elected officials and key employees of Tompkins County shall file by January 15 of

each year an annual disclosure statement. Newly elected officials and newly appointed key employees shall file an annual disclosure statement prior to taking office or beginning employment with the County. This shall be submitted to the Clerk of the Tompkins County Legislature in the form prescribed by resolution of the Tompkins County Legislature upon recommendation of the Ethics Advisory Board. The Clerk shall retain the forms on behalf of the Ethics Advisory Board and make them available for inspection as detailed below.

- Within 30 days of a significant change in the information already on file, an officer or key employee shall file a revised form.
- Require individuals running for an elected County office to file a form.

Resolution – Date of Organization Meeting

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

RESOLUTION NO. - DATE OF ORGANIZATION MEETING

RESOLVED, on recommendation of the Government Operations Committee, That in accordance with Section 151 of County Law, the organization meeting of the Tompkins County Legislature shall be held in the Legislative Chambers of the Tompkins County Courthouse, Ithaca, New York on Tuesday, January 2, 2008, at 5:30 o'clock in the evening thereof.

SEQR ACTION: TYPE II-20

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Appointments

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

Tompkins County Public Library

Michael Hall – Term expires December 31, 2008

Nathan Faucett – Term expires December 31, 2010

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve and submit the following appointments to the full Legislature for approval:

Public Information Advisory Board

Ken Jupiter – Term expires December 31, 2008

Approval of Minutes

It was MOVED by Mr. Hattery, seconded by Mr. Sigler, and unanimously adopted by voice vote, to approve the minutes of the October 12th meeting as corrected. MINUTES APPROVED.

Other Business

Ms. Kiefer asked if the scope of authority of committee chairs could be discussed at a future meeting.

Adjournment

Minutes
Government Operations Committee
November 9, 2007

The meeting adjourned at 4:03 p.m.