

MINUTES

Approved 4/10/09

GOVERNMENT PERFORMANCE AND WORKFORCE RELATIONS COMMITTEE

MARCH 13, 2009 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: N. Shinagawa, Chair; M. Hattery; J. Dennis; D. Kiefer

Excused: L. McBean-Clairborne

Staff: C. Covert, Clerk of the Legislature; J. Mareane, County Administrator; J. Wood, County Attorney; P. Younger, Deputy County Administrator; D. Squires, Finance Director; M. Lynch, Public Information Officer; A. Fitzpatrick, Personnel Commissioner; S. Dewitt, Elections Commissioner; S. Estes, Deputy Personnel Commissioner

Guests: D. Chase, CSEA White Collar representative; C. DeMarco, CSEA White Collar representative; C. Feuer, Tompkins County's Workers Center; D. Marsh, Tompkins Cortland Building Trades Council; Legislators Chock, Robertson, and Sigler; Legislature Chair Koplinka-Loehr; T. Ashmore, Ithaca Journal

Call to Order

The meeting was called to order at 2:02 p.m.

Changes to Agenda

There were no changes to the agenda.

Report from the Committee Chair

Mr. Shinagawa said he did not have a report, but would like to discuss Committee goals at the end of the meeting.

Report from the County Administrator

Mr. Mareane said that he provided an update to the Budget, Capital, and Finance Committee at their last meeting concerning the County's budget framework he distributed to Legislators. An update was received today from the New York State Association of Counties about the status of the State budget and he commented that it is moving very quickly. The expectation is that the budget will be adopted on or before the April 1st deadline. There appears to be some sign of relief in areas of concern for Tompkins County such as the Medical Examiner and COPS program. He will continue to report on specifics as they are available.

County Attorney Report

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires distributed a list of the 16 foreclosed properties and said that he, an Assessor, a Planning Department Staff member, and the County Auctioneer will be visiting and communicating with the occupants of those properties next week. The property auction is scheduled for June 9th.

Report from the Public Information Office

Ms. Lynch said she is just finishing an article on the Tompkins County's Health Benefits Consortium efforts. It will appear in the next issue of the NYSAC (New York State Association of Counties) news.

Workforce Diversity and Inclusion Committee Report

There was no report given.

Resolution – In Support of Employee Free Choice Act

It was MOVED by Ms. Kiefer, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer requested copies of the updated bills referenced in the resolution. At this time Mr. Shinagawa explained the purpose of the resolution. A brief discussion followed and members of the public were granted permission to make statements.

Carl Feuer provided the Committee with some points about the legislation. One reason the legislation is needed is that, Human Rights Watch stated in a study done in 2000 and reaffirmed in another report in January 2009, the National Labor Relations Act in the United States has failed and is failing to ensure every workers right to pre-organize with co-workers and to bargain with their employers about the terms and conditions of their employment. “Legal obstacles tilt the playing fields so steeply against workers freedom of association that the United States is in violation of international human rights standards for workers”.

He commented that under this legislation no employer gives up any right they currently have to communicate in a legal and non-coercive manner with their employees about unions. Free speech for employers continues after this legislation as before. What ends is the ability of employers to veto the expressed desires of the majority of their employees to be able to organize together for union representation and protection.

Dave Marsh said the goal is to begin the education process for the community to better understand free choice. He appreciates the opportunity that the Committee is considering this resolution and hopes it will move it forward.

Mr. Hattery said he does not support the resolution. It is his opinion that these types of resolutions would be more appropriate if they were brought forward to the Legislature as member-filed rather than reflecting a committee discussion and action. Mr. Shinagawa said it is always a challenge because there are some individuals who believe all resolutions should come through the committee process.

Ms. Kiefer spoke of the only negative comment she heard raised by a worker is the worry about having colleagues know how one is voting by signing a card, which is publicly known by their fellow workers. She asked what the difference was between the 2007 and 2009 bills. Mr. Feuer commented that the card is typically not a public document; only the union has the information, which is then given to the National Labor Relations Board to be certified.

Ms. Chock said she supports the resolution. The ability of labor to organize has led to much of what we know and take for granted about working conditions today such as child labor laws, five-day workweeks, etc.

Mr. Hattery referenced a comment made by Mr. Feuer and said that it is not the County’s role to serve as a communication mechanism for organized labor in the community as they have the ability to do that on their own.

Ms. Kiefer said she will support the resolution pending receipt of the correct bill numbers and copies of the bills.

A voice vote resulted as follows: Ayes – 3 (Dennis, Kiefer, and Shinagawa); Noes – 1 (Hattery); Excused – 1 (McBean-Clairborne). RESOLUTION CARRIED.

RESOLUTION NO. – IN SUPPORT OF EMPLOYEE FREE CHOICE ACT (H.R. 1409; S.560)

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right, and

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions, and

WHEREAS, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards, and

WHEREAS, the percentage of national income going to workers' wages is at its lowest level since 1929, while the percentage of national wealth going to corporate profits is at its highest since the 1940s, and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment, enhancing civic participation, reducing worker dependence on social welfare agencies and therefore decreasing the burden on taxpayers, and

WHEREAS, workers across the United States are at present routinely denied the freedom to form unions and bargain for a better life due to illegal employer actions including unjust firings and illegal intimidation, and

WHEREAS, the Employee Free Choice Act has been introduced in the U.S. Congress in order to restore workers freedom to join a union and help America to become, once again, a middle class society, and

WHEREAS, the internationally respected organization Human Rights Watch, has identified the Employee Free Choice Act as a human rights imperative, and

WHEREAS, nothing about this legislation alters the rights of employers to provide information on unionization to their employees, and

WHEREAS, the Employee Free Choice Act will safeguard workers' ability to make their own decisions without employer abuses, provide for first collective-bargaining contract mediation and arbitration, and establish meaningful penalties when employers violate workers rights, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature supports and urges Congress to pass the Employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a workers freedom to choose a union,

RESOLVED, further, That a copy of this resolution be forwarded to all our federal elected representatives.

SEQR ACTION: TYPE II-20

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Board of Elections

Budget Adjustment

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

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
1450.54400	Program Expense	\$17,744	1452.52220	Election Grants – Departmental Equipment

Explanation: Leftover Grant money from 2008 which needs to be moved to 2009 budget.

Mr. Shinagawa recalled a request made at the last Legislature meeting regarding a report on voting machines and the 2008 election and said the Board of Elections will present an update at the April Committee meeting.

Mr. Dennis commented that Schuyler County prepared a resolution to send to the State requesting the implementation of electronic voting machines be postponed for one year. Mr. Dewitt said that county has utilized all their HAVA money and have no expertise on hand to implement the new law.

Workforce Diversity and Inclusion

Resolution

It was MOVED by Mr. Dennis to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer asked if budget information for the event could be provided specifically what will the County money be used for. Mr. Estes explained that the entire budget for the event is \$11,300. Following a discussion with the Diversity Consortium and Mrs. McBean-Clairborne as Chair of the Workforce Diversity and Inclusion Committee it was reported that there is \$1,500 available this year and \$1,300 from last year (leftover from revamping the website) and that it was believed this would be an appropriate use of those funds for this effort. The funds may be used for hotel rooms, catering, etc., but it is not specifically allocated at this time although it could be if desired. In response to a question by Mr. Koplinka-Loehr, Mr. Estes said the \$11,300 is the amount budgeted as cost for putting on the event. Registration fees may increase the amount. It was noted that the event is scheduled for May 7th.

Mr. Hattery asked what the purpose of the event was, what was going to be accomplished, and who would be attending. Mr. Estes said it is open to the community and is an educational event.

Mr. Dennis said that it would be helpful to have a one-page information sheet on how the budget is broken down and a description of the event and said he would withdraw his motion pending receipt of this information.

A brief discussion followed concerning the funds budgeted for diversity and inclusion initiatives and Mr. Koplinka-Loehr stated the Workforce Diversity and Inclusion Committee is familiar with the funds budgeted for that purpose.

County Administration

Resolution – Approval of Designation of Successors

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer questioned why other departments such as Assessment, Elections, Weights and Measures, etc. are not listed. Mrs. Covert believes the County Charter specifies which departments should designate a successor. Ms. Kiefer inquired about the language “(May act on a temporary basis only)” for the Public Health Director’s designee. Mr. Mareane believes the Director must have certain credentials and therefore cannot be a permanent appointment. Ms. Fitzpatrick clarified that by State Law the Public Health Director must have certain medical credentials.

Further discussion followed and the Committee agreed to table this resolution subject to further review by the County Administrator. The Committee also agreed to have a special meeting on April 7th to consider the resolution.

RESOLUTION NO. - APPROVAL OF DEPARTMENTAL DESIGNATIONS OF SUCCESSORS

WHEREAS, Section 31.07 of the County Charter specifies that the County Administrator and specified department heads shall designate in writing, and in order of succession, the deputies (or in the absence of officially designated deputies, the employees of the department) who shall possess the powers and perform the duties of the principal in the event of the latter's absence from the County or inability to perform or exercise the powers of the office, and

WHEREAS, the Charter further requires those designations, except department heads elected on a countywide basis, to be approved by the Tompkins County Legislature, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, that the following designations of successors are hereby approved,

RESOLVED, further, That this list is complete and supercedes all previous designations:

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| Airport Manager: | Assistant Airport Manager
Operations Supervisor and CFR Chief
Airport Terminal Services Coordinator |
| County Administrator: | Deputy County Administrator
County Attorney
Comptroller |
| County Attorney: | Deputy County Attorney |
| Commissioner of Social Services: | Director of Services
Director of Administrative Services
Staff Development and Quality Coordinator |
| Director, Department of Emergency Response: | Systems Manager
Assistant Fire and Emergency Management Director
Communication Center Manager |
| Public Health Director: | Public Health Administrator (May act on a temporary basis only)
Director of Patient Services |
| Medical Examiner: | Deputy Medical Examiner, William Klepack, M.D.
Deputy Medical Examiner, David Newman, M.D. |
| Commissioner of Mental Health: | Deputy Commissioner of Mental Health
Clinical:
Medical Director
Clinic Supervisor-Clinic Assessment and Continuing Day Treatment
Clinic Supervisor-Outpatient Services
Administration:
Fiscal Coordinator
Administrative Services Coordinator |

Comptroller: Budget and Finance Manager
Director of Accounting Services

Commissioner of Personnel: Deputy Commissioner of Personnel

Commissioner of Planning
and Public Works: Planning:
Deputy Commissioner of Planning
Principal Planner
Public Works by Division:
Airport: Airport Manager
Facilities: Director of Facilities
Highway: Highway Manager
Solid Waste: Solid Waste Manager

SEQR ACTION: TYPE II-20

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Resolution – Establishing a Process to Fill Vacancies or Change Position Classifications

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, to approve and submit the following resolution to the full Legislature for approval. Mr. Mareane presented the Committee with a revised resolution that the Committee accepted and explained the role of the Personnel Commissioner will be involved with reclassifications for the purpose of civil service and personnel matters and the County Administrator’s role will be for the purpose of budgetary and organizational management. The appeals process is not in the revised resolution; however, the Committee agreed to add the language as reflected below that addresses the issue.

Ms. Kiefer expressed concern with the deletion of the following paragraph and asked Mr. Mareane his opinion: “WHEREAS, requests to reclassify an existing position to reflect the actual work responsibilities should continue to be handled by the Personnel Commissioner, now therefore be it”. Mr. Mareane believes the language gives the appearance that reclassifications are looked at exclusively by the Personnel Commissioner.

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

RESOLUTION NO. - ESTABLISHING A PROCESS TO FILL VACANCIES OR CHANGE POSITION CLASSIFICATIONS

WHEREAS, labor costs represent the largest single expenditure in nearly all governmental budgets, including the budget of Tompkins County, and

WHEREAS, the County’s ability to respond to changing economic and budgetary conditions depends in large measure on its ability to control its labor costs, in part through the strategic management of normal workforce attrition, and

WHEREAS, the decision to fill a vacant position currently rests with the affected department head, and

WHEREAS, County department heads have managed this process responsibly, basing the hiring decision on both the need for the position and the resources within the department to support the cost of the position, and

WHEREAS, while the current decision-making process can and does consider the budgetary resources of the department, the process does not allow for consideration of the overall resources and current and future budget conditions of the entire County, and

WHEREAS, a central, fiscally-based review of departmental recommendations to fill vacant and to reclassify existing positions would enhance the County's ability to maintain a balanced budget, and

WHEREAS, the fiscal challenges facing the County are expected to grow as the result of a global economic downturn that has had a particularly severe impact on New York State, resulting in a projected 2009-10 State budget deficit of \$13.7 billion and increasing the need for the County to respond to rapid budget changes, and

WHEREAS, the County Legislature, which is responsible for resource allocation and spending, desires to establish a revised process to review the necessity for filling vacant positions to provide an additional tool to manage the County's finances, and

WHEREAS, the County recognizes its obligation to address imbalances between the classification of a job title and the responsibility actually assigned to an incumbent in that title by either reclassifying the position or adjusting responsibilities to reflect the existing classification, and

WHEREAS, this process shall include the review and approval of requests to fill any permanently or temporarily unfilled position, including positions unfilled by virtue of the incumbent's disability, Project Assistant positions, or requests to increase hours of existing employees for the purpose of assuming the caseload or workload of a vacated position for the duration of the vacancy, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations, and the Budget, Capital, and Finance Committees, That any and all personnel changes, including filling vacant positions and reclassifying existing positions, shall be subject to review and approval by the Commissioner of Personnel for the purpose of civil service and personnel policy compliance and County Administrator for the purpose of budgetary and organizational management,

RESOLVED, further, That the County Administrator shall report to the appropriate standing committee responsible for personnel on a monthly basis regarding the status of all vacant positions or reclassifications requested by department heads, and such report shall be distributed to the full Legislature,

RESOLVED, further, That if the County Administrator decides to hold a position vacant, but after three months the effected Department Head believes that decision is negatively effecting the department's ability to meet its obligations, the Department Head may appeal the holding of the vacancy to the County Administrator and thereafter, if necessary, to the Legislative Committee responsible for personnel,

RESOLVED, further, That relevant committees shall update related County policies and procedures.

SEQR ACTION: TYPE II-20

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Resolution – Creation of Program Analyst Position – County Administration

It was MOVED by Ms. Kiefer, seconded by Mr. Hattery, to approve and submit the following resolution to the full Legislature for approval. Mr. Mareane distributed information explaining the request to create a Program Analyst position. The Legislature put money aside in the 2009 Contingent Fund for this position. Below is an outline of the needs identified by the County Administrator and that current staffing cannot currently fulfill or has the analytical capacity to do:

- Objectively evaluate the performance of departments and programs, using such evaluation as a way to improve the efficiency and effectiveness of County services;
- Identify cost effective techniques, systems, or best practices that may be applicable to Tompkins County and work with departments to fully explore and incorporate them;
- Explore areas where inter-departmental cooperation, coordination, or consolidation can result in bottom-line efficiencies or improved service quality;
- Monitor, analyze, and communicate spending, caseload, and economic trends that affect the County's budget and operations.

Mr. Mareane said he expects to come back with a request in the 2010 budget that this position continue. Ms. Kiefer requested and the Committee agreed that an explanation should be added to the resolution that states the County Administrator's anticipation to continue this position in 2010 and add a Whereas that explains how much money was put in the Contingent Fund for this purpose.

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

RESOLUTION - CREATION OF PROGRAM ANALYST POSITION- TOMPKINS COUNTY ADMINISTRATION

WHEREAS, the adopted 2009 Tompkins County Budget earmarked contingent funding for a position for the Department of County Administration for its transition to a new County Administrator, and

WHEREAS, the Program Analyst position would assist with special projects, research, analysis, and other County Administration tasks, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee and the Budget and Capital Committee, That the following position be created effective April 1, 2009:

Program Analyst Position (62/359) labor grade L, 40 hours per week

RESOLVED, further, That the Director of Finance is authorized to make the following appropriation from the Contingent Fund to reflect ~~both~~ the additional spending authority:

From Contingent Fund:	1990.54400	Program Expense	\$54,116
To County Administration:	1230.51000359	Program Analyst Position	\$39,791
	9101.58800	Fringe	\$14,325

SEQR ACTION: TYPE II-20

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Administrative Manual Maintenance Team - Update

Ms. Younger provided a brief update on the progress of policies going through the process of being updated. Currently there are 12 policies in various stages of the process and two have been completed. She anticipates three or four policies coming forward for review at the next Committee meeting.

Report on Polices 02-11 and 04-11

Ms. Younger presented two policies for the Committee to consider deleting from the Administrative Manual at a future meeting as being recommended by the responsible department:

- 02-11 - Positions Eligible for State and/or Federal Reimbursement
- 04-11 - Payment to Substitute Employees

Ms. Younger said she is trying to streamline the process of updating policies and asked the Committee how much information it would want to have in making a decision. Ms. Kiefer commented that since this is the main Committee with Administrative responsibilities, she believes the Committee is obliged to look at the policies. Mr. Shinagawa reminded the Committee how important these policies are and that the goal is to have 50% of the Manual updated by the end of the year.

County Legislature

Resolution – Establishing Salaries

It was MOVED by Ms. Kiefer to approve and submit the following resolution to the full Legislature for approval. MOTION FAILED DUE TO A LACK OF A SECOND.

RESOLUTION NO. 19 - SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING JANUARY 1, 2010

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for terms commencing on January 1, 2010, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, and another self-monitoring study in 2006 determined that a Legislator's position qualified as being fulltime, and

WHEREAS, New York State now requires a minimum of 30 hours per week to be worked by elected officials in order to qualify for fulltime New York State Retirement credit, and

WHEREAS, it is reasonable (and allows broad representation from citizens from all backgrounds) to allow a person to be able to serve as an elected Tompkins County Legislator and also hold a half-time job, and

WHEREAS, the most recently determined "living wage" (April 23, 2007) for a *single* fulltime wage earner in Tompkins County, as determined by Alternatives Federal Credit Union, is \$20,450, and

WHEREAS, an annual Cost of Living Adjustment (COLA) for County Representatives is a reasonable way to recognize this time commitment, and

WHEREAS, inflation for 2005-2007 averaged 3.5% (small cities index) and the social security COLA for 2009 is 5.8%, and

WHEREAS, since the financial difficulties currently being experienced by the national and global financial crisis being experienced require sacrifice by us all, the Tompkins County Legislature will receive a 0% increase in 2010, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$19,200
January 1, 2012-December 31, 2012:	\$19,700
January 1, 2013-December 31, 2013:	\$20,200

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be one and one-half the salary of a Legislator not serving as Chair,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

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. Dennis understands that some Legislators have the ability to spend more time on County business and that some do not because of other fulltime jobs. He believes the salary is fair and cannot justify raising the amount.

Ms. Robertson said she could support a zero percent increase but would like it to be clear that this is an unusual situation and suggested the following language be added: "WHEREAS, since the financial difficulties Tompkins County is experiencing requires sacrifice by us all, the Tompkins County Legislature will receive a 0% increase for the next four years, and". The suggested language was not accepted as friendly by all Committee members.

Ms. Kiefer suggested the following Whereas: “WHEREAS, the ongoing economic meltdown nationally and globally makes it impossible to predict with any assurance the County’s ability to raise revenues to support salary increases in the near term,”. The suggested language was not accepted as friendly by all Committee members.

Ms. Kiefer said she does not support zero percent for four years, but would support it for one or two years only. She noted she had planned to offer several amendments and shorten the resolution she opened this discussion with. She hopes the Legislature would restore the \$500 per year for the last two years.

Mr. Hattery said he would not support including language in a resolution with hourly expectations for elected officials, which are linked to requirements in the State’s retirement system. He views this responsibility as a public service and does not believe in compensating the position as part of a work experience.

Mr. Sigler commented that if a Legislator’s position was made a fulltime job and raising the salary, it would eliminate another sector of the population.

Mr. Shinagawa spoke in support of the zero percent for the four-year term; although he stated he would not be attending the Legislature meeting when this issue is raised and wanted to make his position clear. He would however also support zero percent for the first two years and then \$400 increases for the following two years.

A voice vote resulted as follows: Ayes – 3 (Dennis, Hattery, Shinagawa); Noes – 1 (Kiefer); Excused – 1 (McBean-Clairborne). RESOLUTION CARRIED.

RESOLUTION NO. – SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING JANUARY 1, 2010

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for terms commencing on January 1, 2010, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$18,700
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January 1, 2013-December 31, 2013:	\$18,700

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010 shall be one and one-half the salary of a Legislator not serving as Chairman,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

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Resolution – Amending the Open Meetings Law

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval. This was a resolution filed by Legislator Sigler at a previous Legislature meeting and Mr. Shinagawa said he agreed to bring it to this Committee for a discussion. Mr. Sigler believes this section of law basically makes the Open Meetings Law moot. According to the exception of law, any group can get together just by calling it a caucus. He commented that the public would like to hear the debate and understand why elected officials vote the way they do.

Mr. Shinagawa expressed his opinion and said that people will get together anyway, i.e., breakfast, lunch, etc. He would not want to see those types of gatherings banned. Instead of banning political caucusing he would prefer language or asking the Legislature to clarify it and better define political caucuses to more clearly state what should be or should not be talked about in those meetings rather than banning the practice all together. He offered and the Committee agreed to accept the following Resolved: “Resolved, That the Tompkins County Legislature urge the New York State to clarify the Open Meetings Law as it regards political caucusing to better differentiate between political matters and public matters.”

Ms. Kiefer said she had requested copies of the Senate and Assembly bills the resolution references and other related information such as the minutes of the State Legislature and noted that the information is not available. She does not support the resolution, but would support discussing caucuses with the County Legislature.

Mr. Shinagawa said he spoke with and received information from the State Department Commission on Open Government and suggested language for the second Whereas; however, he did not have the information with him.

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, to Table the resolution to the next meeting. A voice vote resulted as follows: Ayes – 3 (Dennis, Hattery, Kiefer); Noes – 1 (Shinagawa); Excused – 1 (McBean-Clairborne). MOTION TO TABLE CARRIED.

RESOLUTION NO. – URGE NEW YORK STATE LEGISLATURE TO CLARIFY THE OPEN MEETINGS LAW IN REGARD TO POLITICAL CAUCUSING

WHEREAS, by S6284/A7804 of 1985, the New York State Legislature did amend the Open Meetings Law, and

WHEREAS, the wording of the said amendment is so broad as to permit any public body to make decisions by a majority of its members in closed session, and

WHEREAS, the Tompkins County Legislature firmly believes that public business should be considered and debated in public, now therefore be it

RESOLVED, That the Tompkins County Legislature urge the New York State Legislature to clarify the Open Meetings Law as it regards political caucusing to better differentiate between political matters and public matters.

SEQR ACTION: TYPE II-20

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Committee Goals

Copies of the Committee’s proposed goals were distributed for review and discussion. Mr. Shinagawa said he met twice with Mr. Mareane, County Administrator, and Paula Younger, Deputy County Administrator, and also with Anita Fitzpatrick, Personnel Commissioner; Steve Estes, Deputy Personnel Commissioner; and Jackie Thomas, Personnel Assistant. A detailed report of goals was

prepared by each department. In those meetings, a list of proposed goals were developed for the Committee to discuss.

Goal 1 – Performance Management

Ms. Kiefer believes this goal is for staff to organize and only reports should be given to the Committee. She does not believe this is a goal that requires the Committee to do any work for. Mr. Shinagawa said this is an area he would like to have regular updates by staff. Mr. Koplinka-Loehr suggested that the word “Create” could be replaced with “Support the creation of and develop policy relating to...”.

Goal 2 – Quarterly Progress Reporting

Mr. Mareane briefly explained that he would like to institute this by mid-year. It will give the Legislature an idea of the County’s fiscal conditions by tracking various programs. Again, Ms. Kiefer expressed her opinion that this sounds like a goal of County Administration. Mr. Mareane said it could be but it is also an expectation of the Committee.

It was suggested that the title be changed to read: “Quarterly Progress Reporting on Key County Trends”.

Goal 3 – Employee Recognition

Mr. Shinagawa said this is a combined goal of Administration and Personnel. Ms. Kiefer reiterated her opinion that this is a goal for staff not the committee to work on. Mr. Mareane again said this is an expectation of the Committee and there should be regular reports and updates provided. By establishing this as a goal, he provides a direction that there should be a deliverable by the end of the year. Mr. Shinagawa said he would like to have the list of goals available with each agenda packet so the Committee can refer to them throughout the year.

It was suggested that the document could be called Goals and Expectations.

Goal 4 – Civil Service Law Reform

Ms. Kiefer said she believes this to be one goal the Committee should work on this year. Mr. Shinagawa said he would like to see a resolution considered this year regarding civil service. He also commented that this is a joint Administration and Personnel goal as well.

Goal 5 – Administrative Policy Manual

Mr. Shinagawa said he would like the Committee to receive regular reports concerning the updating and approving policies to meet the goal of having the Administrative Manual updated 50% by the end of the year. Ms. Kiefer expressed her opinion that this too, is a Committee goal that will require committee work.

Goal 6 – Performance Review for Legislative Direct Reports

Mr. Dennis commented on an article he read that annual performances are a “thing of the past” as doing evaluations and speaking with employees only once during the year is not considered best practice.

Goal 7 – Diversity Recruitment

Mr. Shinagawa spoke briefly about this goal and Ms. Kiefer commented that this is a Personnel goal.

Goal 8 – Professional Development Feedback

Mr. Shinagawa said this is a goal of the Personnel Department and that there will be some discussions at the Committee this year.

Minutes

Government Performance and Workforce Relations Committee

March 13, 2009

Mr. Hattery spoke briefly about the goals in general and said having these communicated helps the Committee guide and move items forward such as the Communications Policy.

Mr. Shinagawa asked that further information and discussion take place at the next meeting regarding the two departments (Administration and Personnel) expanded goals. In response to a question by Ms. Kiefer, Mr. Shinagawa said he has not been in contact with all the departments that report to this Committee but would consider sending an e-mail to them.

Mr. Hattery was excused at 4:08 p.m.

Approval of Minutes

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the minutes of the December 12, January 20, and February 13 meetings as corrected.

Adjournment

The meeting adjourned at 4:10 p.m.