

## MINUTES

Approved 5/9/09

### GOVERNMENT PERFORMANCE AND WORKFORCE RELATIONS COMMITTEE

APRIL 10, 2009 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: N. Shinagawa, Chair (arrived at 2:06 p.m.); D. Kiefer; L. McBean-Clairborne; J. Dennis; M. Hattery  
Staff: C. Covert, Clerk of the Legislature; J. Mareane, County Administrator; M. Lynch, Public Information Officer; S. Estes, Deputy Personnel Commissioner; P. Younger, Deputy County Administrator; J. Wood, County Attorney; J. Franklin, Assistant Assessment Director; S. Dewitt, Elections Commissioner; E. Cree, Elections Commissioner; A. Fitzpatrick, Personnel Commissioner; D. Squires, Finance Director  
Guests: T. Ashmore, Ithaca Journal Reporter; Legislators Sigler and Robertson; M. Koplinka-Loehr, Chair of the Legislature

#### **Call to Order**

The meeting was called to order at 2:04 p.m.

#### **Changes to Agenda**

Ms. Kiefer distributed a copy of a proposed resolution for the Committee to consider relating to the agenda topic New York State Fair Pay Act of 2009.

Mr. Shinagawa arrived at this time.

#### **Report from the Committee Chair**

Mr. Shinagawa said he did not have a report, but would like to have an extensive discussion later in the meeting concerning the items listed under Committee goals.

#### **Report from the County Administrator**

Mr. Mareane said he did not have a report.

#### **Report from the County Attorney**

Mr. Wood did not have a report.

#### **Public Information Officer Report**

Ms. Lynch said the Public Information Advisory Board has begun to discuss the budget forum for the 2010 budget year. She reported that Tompkins County was again asked to do another supplement for the Legislative Gazette. The issue date is June 7<sup>th</sup>. Some of the major topics will include workforce diversity and inclusion efforts, tourism programs, health benefits share program, etc.

#### **Report from the Finance Director**

Mr. Squires said he did not have a report.

#### **Report from the Workforce Diversity and Inclusion Committee**

Mrs. McBean-Clairborne said she did not have a report.

**Assessment Department**

**Resolution**

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval. In response to a question by Mrs. McBean-Clairborne on how candidates were solicited, Mr. Franklin said Committee members were informed of this vacancy and asked for suggestions of individuals they wished to put forward. In addition, banks and real estate agencies were also contacted. Mr. Franklin said that because it could be considered a conflict of interest, the Department does not like to make recommendations for appointments. He said having an individual with commercial and rural expertise to serve on the temporary panel is desired and he presented the name of George Gesslein for the Committee to consider.

Mr. Dennis said he has known Mr. Gesslein for many years and believes he has a great amount of expertise in the areas being desired. Mr. Hattery concurred with Mr. Dennis's comments. Mrs. McBean-Clairborne asked how many individuals were considered; Mr. Franklin said Mr. Gesslein was the only individual recommended.

A voice vote resulted as follows on the resolution: Ayes – 5, Noes – 0. RESOLUTION CARRIED.

**RESOLUTION NO. – REPLACING ONE APPOINTMENT OF TEMPORARY BOARD OF ASSESSMENT REVIEW HEARING MEMBERS TO SERVE ON ADMINISTRATIVE HEARING PANELS**

WHEREAS, Real Property Tax Law 523-a permits the compensation of Temporary Board of Assessment Review Members, and

WHEREAS, by Resolution No. 23 of 2009, six Temporary Board of Assessment Review members were appointed by the County Legislature pursuant to Real Property Tax Law 523-a to serve on Administrative Review Panels, and

WHEREAS, Robert Walpole, one of the six members, is unable to serve in this capacity, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That George Gesslein be appointed as a Temporary Board of Assessment Review Member, to replace Robert Walpole on the Administrative Review Panels.

**SEQR ACTION: TYPE II-20**

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Mr. Franklin announced that on May 5<sup>th</sup> at 9:00 a.m., the Department of Assessment will be holding a Local Board of Assessment Review hearing training session and encouraged Legislators to attend.

**Board of Elections**

**Report and Update on Voting Machines and 2008 Election**

Ms. Cree said the Justice Department recently became involved as the voting machines in New York State are not yet certified. However, the machines meet Federal guidelines. In the most recent discussions, the State Board of Elections was asked to develop a plan that Ms. Cree believes will involve pilot projects. Conference calls were held yesterday with all the Boards of Elections throughout the State. Ms. Cree said in their conversation it was stated that a pilot project could possibly be done within the City of Ithaca. She expects to know more about this in early May.

Ms. Cree continued reporting on the voting machines and spoke of the difficulties they will experience with rolling out an implementation plan, educating the public in a timely manner, and learning how to operate the machines. Mr. Dewitt believes the County will need to be ready to roll out the plan.

Ms. Kiefer asked about the testing of machines by New York State. Mr. Dewitt said certification is underway and test plans are being discussed. If all goes well, the State expects to complete certification by August or September.

At this time, two documents were distributed to the Committee: a plan submitted to the State for HAVA (Help America Vote Act) funding for training voters and the 2008 Affidavit Ballot Review for the February 5, 2008, Presidential Primary. In addition, all Legislators should have received the Department's 2008 Annual Report. He spoke briefly about the concern raised about people being eligible to vote and believes the confusion was during the Presidential Primary election. To be eligible to vote during a primary election, a voter must be registered in either the Republican or Democratic party.

Mr. Dewitt reported that for the 2009 election, the polling site location at GIAC is being temporarily relocated to Lifelong due to building renovations.

### **Workforce Diversity and Inclusion Committee (WDIC)**

#### **Report**

Mrs. McBean-Clairborne said work has begun on a budget plan for the monies appropriated this year. The Committee has also started work on the collaborative movement for thinking through options for civil service reform. She hopes by the next meeting the spending plan will be completed. In the interim, the committee continues to support training and educational opportunities for County staff and residents.

#### **Resolution**

Mrs. McBean-Clairborne reported the Diversity Consortium Roundtable event is held every two years. As an initiative started by Tompkins County and as a county-wide organization, the Diversity Consortium formed in 1999 serves to promote the benefits of diversity and inclusion through education, enhancing awareness of, providing a supportive network, and sharing best practices. As part of the work of the WDIC, it is looking to sponsor part of this event. More than 150 people attend this conference including many County employees.

It was MOVED by Mrs. McBean-Clairborne, seconded by Mr. Dennis, to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer said she had asked at a previous meeting what the County's funds would be used for. Secondly, she asked what other entities might be sponsoring the event. Mr. Estes said Cornell University took the lead for the last event and sponsored \$2,500. The City of Ithaca and Ithaca College have also sponsored events in the past. A brief overview of the event's budget was provided. Mrs. McBean-Clairborne said there is an unspoken rotation of sponsorship and spoke of the support from other entities and organizations involved. In response to a question by Mr. Dennis concerning the City of Ithaca's contributions, Mr. Estes said they sponsored the event a few years ago and although he could not recall the dollar amount he said it was a significant amount.

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

**RESOLUTION NO. – SPONSORSHIP OF THE 2009 DIVERSITY CONSORTIUM  
COMMUNITY ROUNDTABLE EVENT**

WHEREAS, the members of the Tompkins County Workforce Diversity and Inclusion Committee understand the importance of, and are committed to providing education and promoting best practices in the field of diversity and inclusion throughout the County, and

WHEREAS, the members of the Tompkins County Workforce Diversity and Inclusion Committee have an interest in maintaining and expanding efforts that advance equal opportunities for all community members in both securing employment and in promotion opportunities at all levels and in all occupational categories, and

WHEREAS, the Diversity Consortium of Tompkins County, Inc., exists to promote the benefits of diversity and inclusion through education, enhancing awareness of, providing a supportive network for, and sharing best practices in the field of diversity and inclusion throughout the Tompkins County community, and

WHEREAS, the Diversity Consortium's Community Roundtable Event held every two years plays a significant role in forwarding the vision of the Tompkins County Legislature and the Workforce Diversity and Inclusion Committee, now therefore be it

RESOLVED, on recommendation of the Workforce Diversity and Inclusion and Government Performance and Workforce Relations Committees, That the Director of Finance is authorized to disburse \$2,800 from Account No. 1010.54486 to the Diversity Consortium of Tompkins County in support of the Diversity Consortium's 2009 Community Roundtable Event, to be held on May 7<sup>th</sup>.

**SEQR ACTION:** TYPE II-20

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### **Tompkins County Legislature**

#### **Resolution – Clarify 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. Mr. Dennis clarified that currently in New York State political parties are allowed to caucus; the Committee agreed.

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

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

WHEREAS, in 1985 the New York State Open Meetings Law was amended to exclude political caucuses, and

WHEREAS, political caucuses are an important and appropriate tool to deal with policies and priorities of political parties, but should not be used to make decisions on public issues, 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 urges 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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#### **New York State Fair Pay Act of 2009**

Ms. Kiefer read the following resolution:

**“RESOLUTION NO. - SUPPORTING THE NEW YORK STATE FAIR PAY ACT OF 2007 (ASSEMBLY BILL NO. A3911; SENATE BILL NO. S955)**

“WHEREAS, the very first bill signed into law by President Obama was the Lilly Ledbetter Fair Pay Act, which restored the 1964 Civil Rights Act’s Equal Pay Protection for persons whose jobs involved the same work,

“WHEREAS, the Ledbetter Act does not address pay inequities across different but equally valued job titles, and

“WHEREAS, the New York State Fair Pay Act (A3911, S955) addresses this problem by removing discrimination in job titles traditionally done by women and people of color, now therefore be it

“RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature recognizes the need for the New York State Fair Pay Act and urges the New York State Assembly and Senate to pass, and the Governor to sign, this important Legislation,

“RESOLVED, further, That copies of this resolution be sent to our State Senators and Assemblywoman, the Chairs of the relevant State legislative committees, the Governor, and the New York State Association of Counties (NYSAC).”

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Discussion followed and Mr. Shinagawa said in principle he supports this. He clarified that when these laws pass, that an employee’s pay would not decrease; Ms. Kiefer agreed. He then asked what the potential economic impact to Tompkins County would be. Ms. Kiefer said that typically there are economic impact statements accompanying these types of bills, but said she has not seen one. Mr. Dennis asked if this already exists at the State level and what the current practice is. Mrs. McBean-Clairborne asked if the legislation was an enforcement of existing laws. She is aware that there is a Federal Law and believed there was a State Law as well. Ms. Kiefer said it is her understanding that a State Law does not exist.

Ms. Robertson asked Ms. Fitzpatrick to address the County’s Pay Equity Study done in the late 1980’s and early 1990’s. Ms. Fitzpatrick said in 1988, Tompkins County began a reclassification study of all positions. The County worked with the State and developed a rating system of 13 factors that was adopted. There was great participation by employees and unions. The rating system was used by both the State and County on all positions. Labor grades were established and positions classified accordingly. An appeal process was also provided at the County level.

Mr. Hattery reiterated his concern that the Legislature is spending too much time on resolutions that do not pertain to the substantive work of County government. Mr. Dennis agreed with some of the comments made by Mr. Hattery. Mrs. McBean-Clairborne commented that Legislators need to monitor their own behavior and also recognizes Legislators have constituents that have an interest in some of the issues discussed. She also believes this resolution relates to County business as there may be individuals in the County that do not receive equal pay.

Mrs. McBean-Clairborne asked if further discussion on the resolution could be postponed until the question of whether a State Law already exists or not. *Mr. Shinagawa suggested discussion continue on the resolution at the next meeting and invite an aide from Assemblywoman Lifton’s office to address this issue.*

### **Committee Goals**

Mr. Shinagawa said the topics below relate to the goals the Committee accepted at the last meeting.

#### **Dashboard/Quarterly Indicators Report**

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Mr. Mareane distributed copies of the Quarterly Indicators Report dated April 2009 and reviewed it in detail. Below is a summary of the report that includes the overview, areas of concern, and positive areas:

Overview and Commentary: The Quarterly Indicators Report uses the most recent data available to provide insights into the major social, economic, and fiscal trends that impact Tompkins County and its budget.

The global economic crises dominate our current environment, causing rising local unemployment rates, price deflation, and substantial belt-tightening by the area's largest employers. The deepening recession is eroding the County's revenue base, particularly in projected State Aid, sales tax, and investment earnings. Expenditure growth has not been markedly affected by the downturn, although early indicators of dependence on public assistance, such as food stamp caseloads, are rising rapidly. Commodity prices, including energy, are relatively stable.

Areas of concern:

- Following rapid increases over the past three months, the County's February *unemployment rate* rose to 5.9%, the highest jobless rate in at least 19 years. A year ago, local unemployment stood at 3.5%. U.S. unemployment in March reached 8.5%, a 26-year high.
- The number of households receiving *Food Stamp benefits* grew by 2% between December 2008 and January 2009, and is 18% higher than a year ago.
- *Welfare cases* grew for the third consecutive month in January, with overall caseloads up 7% over January 2008.
- Countywide year-to-date *sales tax collections* through February were down 5% from the same period last year. An April 9 statewide indicates first quarter County receipts will fall 10% below the first quarter of last year, reflecting both declining baseline revenues and a one-time audit adjustment last year.
- The number of children currently in *Foster Care* in February was up 20% over a year ago.
- *Interest rates* on County deposits averaged 0.7% in January, far less than the 4.2% the year before.

Positive areas:

- The County's average *jail population* (including board outs) in February was down by 15 from the year before. Generally, populations are down appreciably since 2006, resulting in fewer board-outs.
- *Overtime costs* through March are down 24% from last year and 25% from the year before.
- *Gasoline prices* paid by the County are relatively stable and fully 42% less than last year.

Mr. Mareane concluded the review by highlighting the Dashboard, a broader-based, red-yellow-green summary, which provides a snapshot of the trends that can have an effect on the County's programs and budget. This information will be shared with Department Heads on a monthly basis. In addition, following the initial review of this report at the last Department Head meeting, they requested that if Legislators have questions concerning the document that they come through the appropriate program committee of the Legislature.

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Committee members commended County Administration for their work in putting this document together. In response to Mr. Shinagawa's question, Ms. Lynch said there have been discussions about making this document available to the public and on the County's website.

Ms. Kiefer made reference to other possible indicators including environmental and food banks. She also commented that the report does not indicate how healthy people are in Tompkins County.

Ms. Robertson suggested this information could be shared at the Human Services Coalition forum and the Economic Development Collaborative.

Mr. Mareane said he will be sending this document to Legislators this afternoon and will give a report at the next Budget, Capital, and Finance Committee.

### Update on Administrative Manual Maintenance Task

Ms. Younger distributed an updated master list of the policies in need of updating. There are a number of policies that will be brought forward for Committee consideration and asked for guidance on what information members would like to have and how far in advance of the meeting. *Following a brief discussion, the Committee agreed to receive the policies electronically two weeks in advance and paper copies with the agenda packet one week in advance of the meeting.*

Ms. Lynch briefly reported on the progress with the "plain language guide" she has been working on for this process of updating policies. The guide is intended to recommend guidelines and tips for word use, sentence structure, style corrections, etc. to encourage clear and effective language for policies.

### Approval of Minutes

#### March 13, 2009

It was MOVED by Mr. Dennis, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve the minutes of the March 13, 2009, meeting as corrected. MINUTES CORRECTED.

### Adjournment

The meeting adjourned at 3:55 p.m.