

MINUTES

Approved 6/13/08

GOVERNMENT OPERATIONS COMMITTEE

APRIL 11, 2008 2:00 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: M. Hattery, Chair; G. Stevenson; M. Sigler; P. Mackesey (arrived at 2:05 p.m.); D. Kiefer (arrived at 2:05 p.m.)

Staff: C. Covert, Clerk of the Legislature; S. Whicher, County Administrator; D. Squires, Finance Director; P. Younger, Deputy County Administrator; S. Dewitt, Elections Commissioner; E. Cree, Elections Commissioner; J. Wood, County Attorney; J. Franklin, Deputy Assessment Director; V. Coggin, Assessment Director; G. Potter, Information Technology Services Director; S. Etherington, State Archives and Records Administration; E. Marx, Commissioner of Planning and Public Works; J. Leccese, Planner; S. Varner, Information Technology Services; S. Doyle, Planner

Guests: T. Ashmore, Ithaca Journal Reporter

Call to Order

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

Changes to Agenda

The resolution entitled In Support of the Council of Governments' Review of Health Benefits for New York State Shared Municipal Services Program was added to the agenda. *The following items were deferred to the next meeting:*

- *Committee goals*
- *Courthouse building security – discussion*

Ms. Mackesey and Ms. Kiefer arrived at this time.

Report from the County Administrator

Mr. Whicher reported on a meeting he had with Russ Oechsle, Sixth Judicial District Executive, and other State and County representatives regarding County Courthouse parking for State employees and staffing for the court attendants. At the time the State took over the court system, the County provided parking spaces for court personnel. The State's position now is that any additional court employees hired are entitled to parking spaces. The County's position is that the original number of spaces provided is what was agreed to. In the intervening years, the County has tried to accommodate some of the court's growth. This issue has been an ongoing argument for many years. Another issue the courts have been raising is their need for more space and their desire to takeover the Legislature's space. The Chair of the Legislature signed an agreement in 2007 that the County would hire a consultant to assist with this process and access the feasibility of reconfiguring space within the Courthouse. Mr. LeMaro will be asked to follow-up with this issue.

Report from the Finance Director

Mr. Squires said he conducted the field investigations of the properties on the foreclosure list. Two properties have redeemed: the County employee from the Town of Caroline and an owner of a single-family home in the Village of Lansing. The only property owner home during the inspection was in the Town of Newfield and he anticipates payment from that individual. At this time he explained the process and the information included in the letter that is left at the property during the investigation. The

auction is scheduled for June 12 and anticipates 9 to 10 properties on the list. At the next Committee meeting, the Planning Department will present their recommendations for properties to be sold.

County Administration

Resolution

It was MOVED by Mr. Stevenson, 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. ___ - IN SUPPORT OF THE COUNCIL OF GOVERNMENTS' REVIEW OF HEALTH BENEFITS FOR NEW YORK STATE SHARED MUNICIPAL SERVICES PROGRAM

WHEREAS, Tompkins County joined the Tompkins County Council of Governments (TCCOG), and

WHEREAS, in 2007, the County, on behalf of TCCOG, accepted an incentive grant award under the New York State Shared Municipal Services Program,

WHEREAS, the grant will assist the municipalities in Tompkins County to create a local health care consortium, and

WHEREAS, the health care consortium will seek to develop health benefits coverage for all municipalities with the intent to provide a net savings to the taxpayers of Tompkins County, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Chair of the Tompkins County Legislature is authorized to execute an inter-municipal agreement with TCCOG members to participate in the review of the development of the health benefits consortium, and

RESOLVED, further, That Tompkins County understands that upon a complete review and plan design of a health benefits program, Tompkins County will have the option of joining a health benefits consortium that would require Tompkins County to sign another inter-municipal agreement.

SEQR ACTION: TYPE II-20

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Code of Ethics

Local Law No. a of 2008

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, to approve and submit the following local law to the full Legislature for approval. Following a brief discussion, a voice vote resulted as follows: Ayes – 4; Noes – 1 (Hattery). MOTION CARRIED.

A Local Law Amending Chapter 32, Section 32-4, of the Tompkins County Code - Code of Ethics

Section 1. Chapter 32 of the Tompkins County Code is hereby amended as follows:

The first Paragraph of Section 32-4 is amended to read as follows:

Elected officials and key employees of Tompkins County shall file by January 30 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.

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

Local Law No. b of 2008

It was MOVED by Mr. Sigler, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve and submit the following local law to the full Legislature for approval. Ms. Kiefer referenced the minutes from the last meeting where she drafted some additional language for the Committee to consider adding to the local law. The language is from the plain language guide to government that Nassau County uses. Mr. Hattery asked if the Ethics Advisory Board discussed including language that reflected the use of one's position to influence or interfere with the affairs of government inappropriately. A majority of the Committee members spoke in support of the proposed language and following further discussion, a voice vote resulted as follows: Ayes – 5; Noes – 0. MOTION CARRIED.

A Local Law Amending Chapter 32 by adding a new Section 32-3(i) of the Tompkins County Code - 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.

Board of Elections

Budget Shortfall

Ms. Cree spoke about the Department's anticipated budget shortfall this year and said it is a result of the court order that requires the County to use the ballot marking devices which means there will be two systems used. The special election on April 22 will cost approximately \$5,000. The Department will have an estimated \$30,000-\$35,000 in rollover monies this year as a result of having only one primary election last year and will be able to apply it towards the shortfall. She believes the total shortfall will be approximately \$70,000.

Ms. Kiefer said she appreciated the "heads up" but noted it is too early in the 2008 budget year to act on this. *Ms. Kiefer requested specific numbers for the shortfall at the time information is presented to the Committee.*

Voting Machines

Ms. Cree said ten percent of the 45 ballot marking devices will be arriving within the next month. The remainder of the machines will be ready in July. She said they were to be able to consolidate to 43 election districts. Warehouse space will be needed to store and set the machines up and perform acceptance testing. Storage space is also needed for tables, chairs, signs, etc.

Mr. Whicher spoke to the issue of space needs for the Board of Elections and said three locations have been identified. The overall costs for leasing space the Department needs will run between \$25,000 and \$40,000. Following a thorough review, he proposed that a building be built on Bostwick Road at the Public Works Department that could house the machines on an interim basis until a better solution is available. The building could then be used for storage by the Facilities Division which Mr. LeMaro has been requesting for a number of years. The cost of the building would be approximately \$100,000-

\$150,000. Ms. Kiefer recalled the earlier Public Works storage proposal was neither heated nor fully enclosed, so this would be different. Mr. Whicher said the simple building he is proposing for election machine storage could be added on to for large Public Works equipment storage.

The Committee did not express any objection to this proposal.

Budget Adjustment

It was MOVED by Ms. Mackesey, seconded by Mr. Sigler, and unanimously adopted by voice vote, 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>
A1450.43089	Revenue State Aid	\$20,658	A1450.54400	Program Supplies

Explanation: 2007 Unspent grant money that needs to be transferred to the 2008 Board budget for polling place improvements.

Assessment Department

Annual Reassessment and Triennial Revaluation

Ms. Coggin distributed copies of a three-year budget stabilization report comparing the costs of annual reassessment versus triennial revaluation. She believes it is her responsibility to recommend that Tompkins County return to Annual Reassessment starting with the 2009 Assessment Roll. The budget stabilization report shows that there would be no increase in staff for either option. She reported that very little change is expected in the market. If the County were to return to Annual Reassessment, which is a more efficient program, the Department would be almost guaranteed to receive \$150,000 in State Aid.

A brief discussion followed concerning the reduced number of complaints filed and Ms. Coggin believes the fact there have been only 2,350 complaints or requests for disclosure hearings compared to 4,000 in 2000 is a result of a better understanding of the program and public outreach.

Mr. Hattery asked if the Committee wished to forward a recommendation, what the timeframe the Department would require. Ms. Coggin said there fiscal year begins in July. Mr. Stevenson said as a supporter of the Triennial Revaluation, he expressed interest in having constituent feedback prior to taking any action. Copies of the proposed resolution to direct the Assessment Department to value real property in one-year intervals was distributed. *A brief discussion followed concerning the resolution and whether it should supersede or amend the previous resolution, the Committee agreed to consider a resolution at the next meeting. Mr. Franklin said he would have better market trends available prior to the meeting.*

Planning Department

Breed Road Parcel

Ms. Leccese said the Breed Road parcel was withheld from the auction last year to allow an evaluation of the property to determine what action should be requested. The Planning Department is recommending a conservation easement on the parcel. Ms. Leccese referenced the resolution in Committee members' packets and said that action is not required today, but she would bring forward a final resolution for consideration at the next Committee meeting.

Ms. Kiefer clarified that the County through the Planning Department would be responsible for the administration and monitoring of the easement. Mr. Doyle agreed and anticipates the monitoring would be done annually. Ms. Kiefer expressed her preference for twice-a-year monitoring; Mr. Whicher noted the Finger Lakes Land Trust monitors easement properties once a year.

Currently the County owns the parcel but will be selling it with the easement. The County would continue to hold the easement and work with the landowner to continue the monitoring of the parcel.

The Committee requested language be added to the resolution that explains the maintenance and enforcement with an easement. Mr. Whicher also requested that a copy of the easement be attached to the resolution. Ms. Kiefer asked if the second Whereas could include the numbers in the metric system as well of acres (and miles). Mr. Hattery asked if the estimate on what the cost of having an easement is could be included. Ms. Kiefer feels a map showing the topography would be helpful.

No further discussion was held, and Ms. Leccese said she would be bringing the annual foreclosure report to the Committee for review in May.

Information Technology Services/Tompkins County Legislature

Grant – Electronic Document Management System (EDMS)

Mr. Potter explained the Information Technology Services (ITS) and Tompkins County Legislature offices applied for a \$75,000 grant and expect to hear in June if it is approved. The ITS office also has been assisting the Legislature's office with bringing the backlog of Journal of Proceedings up to date. He provided a brief overview of the grant submitted. Over the last several months, a Business Process Analysis (BPA) was completed which documented all the information, processes, and the flow of that information through the Legislature's office. If the funds are received the next step will be to do a briefing on the whole project prior to Legislative approval.

Ms. Kiefer asked for a copy of the full grant application.

E-mail Usage by Legislators

Mr. Potter introduced Suzanne Etherington, the County's Regional Director of the State Archives and Records Administration. Mr. Potter said the purpose of bringing the issue of e-mail use by Legislators forward is to introduce the topic and to discuss the direction the Committee wished to pursue. There is a policy side to this and how e-mail is used as a communication and its relevance to policy and decisions within County government; following that discussion, a technical solution needs to be discussed.

He explained that some communications and documents are required to be retained under the New York State Records Management Program. There is a need for discussion on how organizational and institutional memory of information gets managed and saved. Accountability is another area that needs to be addressed.

Ms. Etherington spoke about New York State's Retention requirements and stated that when it comes to public records format is irrelevant. A record is being created when an e-mail is being used in an official capacity as a method of communication and most likely needs to be kept as a record for a period of time, sometimes permanently. As public officials, Legislators are accountable to the public who should be able to monitor County activities by gaining access to records.

Mr. Potter spoke about the current e-mail system the County uses and said although it is a good program, it is not designed for records retrieval and retention. However, that is one of the next steps to be taken. The County's system does back up e-mail messages but not if they are deleted the same day they are received.

Further discussion followed and Mr. Potter noted that the County's e-mail system can be accessible from any place. The question and issue is ITS support and user support. When an employee is

on their own personal computer connected to a network at home and cannot connect to the system it is not a problem for ITS to deal with.

Mr. Potter said he brought this to the Committee's attention for guidance and opinions before he spent too much time on drafting a policy. Mr. Hattery believes this discussion needs more than just this Committee's guidance as it involves the culture of how the Legislature communicates. Mr. Whicher commented that the Committee should define the issues and bring them forward and get some direction from the Legislature. Mr. Hattery clarified that the issue is complying with a FOIL request or legal discovery.

Mr. Stevenson expressed his opinion that the Legislature does not have to change the way it communicates, but should change the way business is done to comply with the appropriate laws. Mr. Hattery said that behaviors would have to change as well as accounts and communication tools.

Following a brief discussion about Records Management, the Committee agreed to consider a joint presentation by Greg Potter and Aurora Valenti, County Clerk and Records Manager, for the Legislature.

Resolution – Funding for Lansing Community Library Center

Mr. Sigler announced that the Lansing Library is now a library (officially a school district library) and became a chartered library on March 18, 2008. He is requesting funding for the library for the nine months it is a library in 2008 and explained his reasons for the request.

It was MOVED by Mr. Sigler, seconded by Ms. Mackesey, to approve and submit the following resolution to the Budget and Capital Committee.

Mr. Stevenson recalled asking if the Lansing library had budgeted to receive funding from the County similar to the other rural libraries in 2008 with the answer being no. He supports adding the Lansing Library to the 2009 budget, but opposes taking action at this time.

Mr. Whicher spoke of his concerns with the overall County budget and he had expressed the same concern to the Lansing Library representatives.

Mr. Sigler said he was the one to put this request forward as he believes out of fairness, the Town of Lansing has a library and should receive the same amount of money as any other rural library.

Ms. Kiefer expressed her opinion that this request should be done during budget deliberations. Ms. Mackesey agreed with Ms. Kiefer.

Mr. Sigler spoke about the \$20,000 for the rural libraries to become electronically linked and asked if the Committee would consider funding an appropriate amount for the Lansing Library as one time funding. Mr. Hattery asked that a separate resolution be presented if Committee action is desired.

A voice vote resulted as follows on the original resolution: Ayes – 1 (Sigler); Noes – 4 (Hattery, Kiefer, Mackesey, and Stevenson). MOTION LOST.

RESOLUTION NO. FUNDING FOR LANSING COMMUNITY LIBRARY CENTER

Minutes
Government Operations Committee
April 11, 2008

WHEREAS, the Lansing residents voted to change the Lansing Reading room to the Lansing Community Library Center, making it a member of the Finger Lakes Library System, on December 11, 2007, and

WHEREAS, as of March 2008 Lansing Library has been chartered by the New York State Department of Education, and

WHEREAS, Tompkins County funds the libraries within the Finger Lakes Library System, and

WHEREAS, the 2008 Adopted Tompkins County budget includes \$131,000 target funding for libraries, which represents \$29,000 for each Rural Library and \$15,000 for the Fingerlakes Library, and

WHEREAS, the 2008 Tompkins County budget also includes \$1,000 one-time funding for the Danby, Lansing, and Caroline Reading Rooms, now therefore be it

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

From: Contingent Fund	1990.54400	\$21,000
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To: Lansing Community Library Center	7410.54400	\$21,000
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RESOLVED, further, That the rural libraries' 2008 fiscal target be increased by \$29,000 to \$160,000.

Appointments

Library Board of Trustees

This appointment was deferred to the next meeting.

Public Information Advisory Board

It was MOVED by Mr. Stevenson, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve and submit the appointment of Larry Roberts to the Public Information Advisory Board for a term that expires December 31, 2009, to the full Legislature for approval.

Approval of Minutes

It was MOVED by Mr. Stevenson, seconded by Ms. Kiefer, and unanimously adopted by voice vote, to approve the minutes of the March 14th meeting as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 4:16 p.m.

Minutes
Government Operations Committee
April 11, 2008