

Government Operations Committee
Regular Meeting Minutes
Thursday, May 20, 2010 9:30 AM
Scott Heyman Conference Room

Approved 6/17/10

Present:

Attendee Name	Title	Status
Michael Lane	Chair	Present
Carol Chock	Member	Excused
Dooley Kiefer	Member	Present
David McKenna	Member	Present
Pat Pryor	Member	Present

Staff: C. Covert, Clerk of the Legislature; J. Wood, County Attorney; J. Mareane, County Administrator; K. Creenan, Finger Lakes Library System; L. Holmes, Office for the Aging; M. Lynch, Public Information; D. Squires, Finance Director; J. Leccese, Planning Department; S. Kerr, A. Cole, A. Smith, Public Health Department; J. Kippola, County Administration

Legislator: M. Robertson, Chair

Call to Order

The meeting was called to order at 9:30 a.m.

Changes to Agenda

There were no changes to the agenda. *Mr. Lane said he did not schedule a department tour or budget review for this month, but will ask a department to provide a budget review for the next meeting.*

Report from the Committee Chair

Mr. Lane said Ms. Chock asked to be excused from this meeting. *He spoke briefly about redistricting and said he will be asking the Committee to begin discussing how to proceed with this issue at the next meeting.* Copies of the sections pertaining to Reapportionment in the County Charter were distributed to the Committee for review. It was noted that it is anticipated that the final number for the Census count will be available early next year. Discussion concerning the broadband issue continued and Mr. Lane said a small group would be having a meeting next Monday to discuss where we are and where we are going. This group will advise the Committee on how it recommends moving forward with this issue including the possibility of creating a special committee. A copy of the draft agenda for that meeting was circulated for Committee members to review.

Report from the County Administrator

Mr. Mareane distributed copies of the quarterly indicators report and briefly reviewed the trends that have an effect on the County's programs and budget. He reported that the process for developing target budgets is underway. The first estimates went out to departments yesterday for review. As a result of more accurately computing the local cost of fringe benefits, fiscal targets are being reduced by 6.9% to meet the 5% tax levy as directed by the Legislature.

Report from the County Attorney

Mr. Wood said he did not a report, but would like to request an executive session later in the meeting to discuss litigation.

Report from the Finance Director

Mr. Squires said that one of the statistics in the Annual Report as mentioned at the last Legislature meeting, is tax receivables. The balance sheet at year-end increased by 15% from \$4.5 million to \$5.3 million. This resulted in the County's cash position being decreased by approximately \$2 million at year end. Of the \$5.3 million in tax receivables, \$623,000 was attributable to Lakeside Nursing Home. The County received \$17,000 at the time of the sale from the seller, which is a pro-rated tax. The buyer did not remit its share. Mr. Squires said he had anticipated clearing all the delinquent taxes. The current taxes are in arrears.

Mr. Squires reported that the payroll conversion is on schedule. Today will be the first test of the new system with this week's payroll. He hopes the new system will be in full use by the third quarter this year.

He announced the property foreclosure auction is scheduled for June 15th. Because the inventory is so small this year, there will not be a publication.

Public Information Officer Report

Ms. Lynch reported that as the budget season gets underway, the Public Information Advisory Board is considering ways to effectively conduct outreach and get public opinions on the County budget. The Board meets on May 27th and will continue that discussion. One of the outreach efforts will be to reactivate the Facebook page. She announced that Information Technology Services Director has scheduled a demonstration for this Monday on content management systems for websites. The firm is already in town as it is handling the payroll system project. She believes in the long term, having a new system for the website would be more up-to-date, and allow departments to submit more information.

Planning Department

Other - Action Item (DOC ID: 2017): Foreclosure Report

Ms. Leccese reviewed the 2010 Foreclosure Report and said the following actions by the Committee were being requested:

- Approval to withhold one parcel (Taughannock Boulevard Parcel) from the 2010 auction to allow one year to determine protection options. (Foreclose and not sell)
- Approval to withhold one parcel (West King Road Parcel) that was withheld last year from the 2009 auction for an additional year to finalize protection options. (Foreclose and not sell)
- Approval to include in the 2010 auction one parcel (Fall Creek Road Parcel) that was withheld from the last year's auction.

She stated the Planning Department's recommendation is to proceed with the 16 parcels to auction as outlined in the report distributed to the committee. The parcels do not have any significant environmental features. She said the New York State Parks are interested in purchasing both the Taughannock Boulevard and West King Road parcels as mentioned above and she hopes that one purchase offer will be made for both properties.

Ms. Leccese said the parcel in the Town of Dryden known as Howser Meadows, Inc., is no longer in litigation as stated in the description of the report.

Mr. Squires commented that there are more abandoned properties this year than in past years. He also noted that he has been in contact with the owner, Bob Orshalom, of the parcel on Five Mile Drive. The owner lives in Hawaii and only owes taxes for the year 2007. This individual has been fully informed and advised of the auction. The other two properties that he is uncertain about are located on

Sheffield Road. The owner is a graduate assistant in Canada and said his mother lives on the property. The sister was supposedly taking care of matters for the mother. The owner has stated he is involved with trying to refinance the properties and has two loan applications filed with banks; however, Mr. Squires said he has not heard from this individual since filing the applications.

Ms. Robertson asked if there was any information available on gas leases and if there was any interest in these parcels by the gas companies. Mr. Squires said gas lease information can be seen at the time of title searches. He does not believe there is interest by the gas companies but will check on the Howser Meadows property in the Town of Dryden as that is one of the largest parcels being foreclosed.

Mr. Lane disclosed to the Committee that there are two parcels on Ringwood Road owned by the Blake family and that in past years he has contacted people about the foreclosure, but because he is representing the estate of Hazel Blake in his legal practice, which is an adjoining property, he has chosen not to make any contact. However, he is not representing either of the owners of the two parcels on the foreclosure list.

Ms. Kiefer spoke about the County's ability to withhold mineral rights and suggested the Committee may want to discuss that. She also spoke about the Planning Department's guidelines for stream buffers and when a parcel includes a wetland and it is being resold, the County could protect the wetland boundaries of said parcel. She was referring to two parcels in the report located in the Town of Dryden: Hurd Road (owner Howser Meadows, Inc.) and Dryden Road (owner Courtside Racquet & Fitness).

Ms. Leccese said that has been done in the past, for example, with the Breed Road parcel. In reviewing the parcels this year, the Planning Department determined that there were no parcels appropriate for that type of action.

Mr. Squires said there is a cost to having easements including surveys and it can also diminish the sale of a property. In reference to mineral rights, in Broome County and Chemung County, the mineral rights are stripped away at the time of sale. That has been a controversial issue in both those counties and it also complicated when transferring property by a quitclaim deed.

Mr. Wood said the mineral rights issue could be explored, but agreed that it has been a very controversial issue.

Mr. Lane said as a real estate attorney, it affects the marketability of the properties and scares off potential buyers.

Ms. Robertson suggested having Mr. Franklin, Assessment Director, come to a meeting and discuss the mineral rights issue.

Following discussion, Ms. Kiefer MOVED, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, to accept the Foreclosure report with the following modification: request the Planning Department to investigate the following two parcels for the inclusion at the time of sale an easement protecting the wetlands: Town of Dryden: Hurd Road (owner Howser Meadows, Inc.) and Dryden Road (owner Courtside Racquet & Fitness).

Mr. Squires spoke about the process and said if it is determined that an easement is to be done, he does not believe the properties can be offered for sale prior to the easement process being completed. Following a brief discussion, the Committee agreed to have a special meeting, if necessary, to review this prior to the June 15th auction.

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Administration

Resolution (DOC ID: 2015): Authorization to Extend by Five Years a Lease Agreement with the Finger Lakes Library System

Mr. Mareane briefly explained the resolution and said it is a County-owned facility and is operated and maintained by the County. He noted that the rent was to be adjusted by the average CPI for the operating and maintenance element of the rental agreement; however, that adjustment did not occur during the last lease period. He is not recommending the County go back and retroactively adjust that but rather begin a new extension of the lease to reflect that growth in the base rent over that period of time, and continue with the approach of adjusting the rent by the prior three years average inflation rate.

Ms. Creenan said the Finger Lakes Library System (FLLS) has always appreciated the County's support. She said the FLLS works very closely with the staff of the Public Library and spoke of the many advantages with the co-location.

In response to Ms. Kiefer, Mr. Mareane agreed to add a note to the resolution that describes the new rental amounts.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Dooley Kiefer, Member
SECONDER:	Pat Pryor, Member
AYES:	Michael Lane, Dooley Kiefer, David McKenna, Pat Pryor
EXCUSED:	Carol Chock

WHEREAS, The Finger Lakes Library System currently occupies approximately 6,112 square feet of space within the County-owned and maintained Tompkins County Public Library building at 115 East Green Street under a ten year lease agreement with the County, and

WHEREAS, the current lease agreement expires December 31, 2010, and

WHEREAS, the Finger Lakes Library System is desirous of extending the period of the lease for an additional five years, and

WHEREAS, the terms of the lease extension shall include an annual adjustment in the portion of rent attributable to operating and maintenance based on the 3-year rolling average change in the Consumer Price Index and a provision allowing either party to terminate the agreement upon two years notice, and

WHEREAS, the request for lease extension is supported by the Tompkins County Public Library, and

WHEREAS, the co-location of the Finger Lakes Library System and the Tompkins County Public Library has been mutually beneficial, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the County Administrator is hereby authorized to sign a lease agreement with the Finger Lakes Library System for the period January 1, 2011, through December 31, 2015, services.

Note: The rental rate in 2011 will consist of an operating and maintenance element of \$7.88 per square foot, adjusted by the average inflation rate over the past three years, plus a capital element of \$4.37 per square foot plus. In each year thereafter, operation and maintenance element of the rent shall be adjusted by the average inflation rate over the prior three years and added to the capital element of \$4.37 per square foot.

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Resolution (DOC ID: 2014): Develop a “Smart Work” Training Program for Tompkins County Departments

Following a brief explanation of the proposal by Mr. Mareane, Committee members expressed their appreciation to staff for all the efforts that have gone into the “lean training” initiative.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	David McKenna, Member
SECONDER:	Pat Pryor, Member
AYES:	Michael Lane, Dooley Kiefer, David McKenna, Pat Pryor
EXCUSED:	Carol Chock

WHEREAS, the adopted 2010 Tompkins County Budget earmarked contingent funding in the amount of \$50,000 for “lean office training,” recognizing its potential for long-term efficiencies, and

WHEREAS, this training is a results-based process that uses expert facilitators working with County employees within specific work units or program areas to identify process improvements that can enhance efficiency and effectiveness, provide relief to employees, and maintain or improve services to citizens, and

WHEREAS, it is believed that the spirit and intent of the training is best captured by naming the training approach “Smart Work” training, and

WHEREAS, the Smart Work initiative parallels Tompkins-Cortland Community College’s ongoing “lean office training” projects that have been described as effective and highly beneficial by TC3 employees, administrators, and students, and

WHEREAS, working with a group of Departments the County Administrator has developed a plan for the first phase of this initiative that will include:

- Health Department - WIC Program
 - Office for the Aging - PERS Program
 - Personnel Department - Human Resource and Payroll System Processing
 - Tompkins Workforce New York/One Stop Career Center - General workflow processing
- and is expected to cost approximately \$22,000, and

WHEREAS, at the completion of these initial training projects, the County Administrator will, in conjunction with the Personnel Department and the involved departments, conduct an evaluation of the initiative and report their findings to the Legislature, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, that the Director of Finance is authorized to make the following appropriation from the Contingent Fund to reflect the additional spending authority:

From: 1990.54400	Contingent Fund - Program Expense	\$22,000
To: 1987.54442	In-service Training - Professional Services	\$22,000

SEQR ACTION: TYPE II-20

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Resolution (DOC ID: 1970): Approving Revisions and Abolishing Policies and Procedures of the Tompkins County Government Administrative Policy Manual - Policy 01-13: Faithful Performance Bonds

Ms. Kippola explained the purpose of the policy and said it protects the County as an employer. It is a faithful performance bond to protect the County from employee embezzlement. In addition to the employees identified by law, employees with the highest risk are also identified as having access to a large amount of money. The highest-risk employees are bonded for \$1 million and employees with a lower risk are bonded for \$100,000. *Mr. Lane said he would like to have a list of those positions identified as being bonded.*

Ms. Kiefer offered non-substantial changes (rearranging of paragraphs) in the policy as reflected below in the policy.

RESULT:	RECOMMENDED [UNANIMOUS]
MOVER:	Pat Pryor, Member
SECONDER:	David McKenna, Member
AYES:	Michael Lane, Dooley Kiefer, David McKenna, Pat Pryor
EXCUSED:	Carol Chock

WHEREAS, it is in the interest of Tompkins County government to have policies and procedures that are current, accurate, and consistent, and

WHEREAS, the following administrative policy requires revision to more accurately reflect current or desirable regulations and procedures, and

WHEREAS, Policy 01-13: Faithful Performance Bonds has been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

WHEREAS, this policy also has been reviewed by the Government Operations Committee, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the following revised Administrative Policy is hereby adopted: Policy 01-13: Faithful Performance Bonds.

FAITHFUL PERFORMANCE BONDS

Objective: To provide information on the faithful performance bonds (official undertakings) required by County Law for some County officers
Procedure Number: 01-13

Reference: County Law, Section 403; Public Officers Law, Section 11; Tompkins County Charter and Code, Section C-2.06 (o)
(Laws both state and local)
Effective Date: January 12, 1981
Responsible Department: County Administration
Modified Date (s): 03-31-2010
Resolution No.:

Legislative Policy Statement: The County shall comply with County Law, Section 403; Public Officers Law, Section 11; Tompkins County Charter and Code, Section C-2.06 (o)

General Information: County Law requires that the County Clerk, District Attorney, Sheriff, and such other County officers as are required by law, shall, before entering the duties of the office, execute an official undertaking (surety bond for faithful performance of the duties of the office) as provided in Section 11 of the Public Officers Law.
Next Scheduled Review: May 2013

I. Definitions

Employees and Public Officials: Includes all persons filling positions of any rank within County government, including elected or appointed officials, administrators, paid staff, and volunteers, and also including members of any administrative board, commission, or agency of that government.

Faithful-Performance Bond: A bond guaranteeing that the principal will discharge his/her obligation as required by law.

Surety Bond: A three-party agreement whereby one party (the surety) is bound with the person bonded (the principal) to a third party (the obligee). The bond guarantees the surety's performance or monetary compensation to the obligee should there be a failure by the principal to perform specified acts within a stated time period.

II. Administrative Policy

To comply with legal requirements issued by the State of New York and procure insurance coverage as needed, the County shall provide for and maintain a blanket public employees faithful-performance bond through an insurance carrier, which means that individual County officials do not need to file individual bonds.

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Executive Session

It was MOVED by Ms. Kiefer, seconded by Ms. Pryor, and unanimously adopted by voice vote by members present, to hold an executive session at 11:08 a.m. to discuss litigation. The meeting returned to open session at 11:19 a.m.

Administration

Information Item: The Administrative Manual: The Policies and Procedures of Tompkins County Government (DOC ID: 2013)

Ms. Younger said updating the Administrative Manual began as a Committee goal in 2007. She provided an overview of the work activities of the Administrative Manual Maintenance Team over the last two years and reviewed the plan implemented in updating the Manual.

Meeting Schedule

Following a brief discussion, the Committee agreed to have longer meetings each month if necessary rather than have special meetings.

Legislature

Resolution (DOC ID: 2016): Resolution in Opposition of Assembly Bill No. A.9911, Amending the Public Officers Law, in Relation to Requiring Certain Records Which Are the Subject of a Discussion Conducted at an Open Meeting be Made Available to the Public

Ms. Pryor said she supports the resolution. Ms. Kiefer does not believe the bill is as burdensome as the resolution describes as the bill includes the language “to the extent possible”. She believes the availability of documents prior to a meeting is a good thing. Mrs. Covert stated that most Legislative Clerks are opposed to the bill and are proposing their county pass a similar resolution. She said that at the County level, the posting of full agenda packets and having extra copies available at meetings is being done. It is at the municipal level and with advisory boards that this would be much more of a concern and difficult to implement.

Ms. Pryor believes there could be interpretation concerns with the bill that could allow for challenges and more lawsuits. She agrees too that this information should be available and in a timely manner, but does have concerns with the proposed bill. Mr. Lane said this is another State mandate and will cause more administrative work.

RESULT:	RECOMMENDED [3 TO 1]
MOVER:	Pat Pryor, Member
SECONDER:	David McKenna, Member
AYES:	Michael Lane, David McKenna, Pat Pryor
NAYS:	Dooley Kiefer
EXCUSED:	Carol Chock

WHEREAS, the New York State Assembly has introduced Assembly Bill No. A.9911 requiring certain Agency records available to the public pursuant to article six, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that are scheduled to be the subject of discussion by a public body during an open meeting shall be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed, and

WHEREAS, Assembly Bill No. A.9911 further provides that such records shall be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to the extent practicable, at or prior to the meeting, and

WHEREAS, said legislation would be a significant burden on staff and resources at the local government level, let alone could cost counties more money to make additional copies and to expand its technology to accommodate such requirement, and

WHEREAS, said legislation would require all agency boards to make their records available to the public, in which Tompkins County has approximately fifty advisory boards, councils, and committees that this may affect, along with the eight legislative standing and special committees and the Legislature,

and

WHEREAS, Tompkins County also consists of some municipalities that do not have internet capability, therefore requiring them to make paper copies available and causing additional expenses for that municipality, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Tompkins County Legislature hereby opposes Assembly Bill A.9911 and urges the New York State Senate to also oppose such a bill,

RESOLVED, further, That a certified copy of this Resolution be sent to New York State Senators George H. Winner, Jr., James L. Seward, and Michael F. Nozzolio, Assemblywoman Barbara S. Lifton, and the New York State Association of Counties, and any others deemed necessary.

SEQR ACTION: TYPE II-20

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Ms. Pryor was excused at 11:45 a.m.

Appointments

Appointment (DOC ID: 1987): Library Board of Trustees

It was MOVED by Mr. McKenna, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve the appointment of Aloja Airewele to the Tompkins County Public Library for a term to expire December 31, 2012.

It was MOVED by Ms. Kiefer, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present, to approve the appointment of Peter McCracken to the Tompkins County Public Library for a term to expire December 31, 2011.

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Committee Goals

Mr. Lane asked if the Committee would like to revisit Core Performance. *Ms. Kiefer suggested that the Committee have a presentation and then make a decision on whether to bring it forward.*

Minutes Approval

It was MOVED by Ms. Kiefer, seconded by Mr. McKenna, and unanimously adopted by voice vote by members present, to approve the minutes of the April 15th and May 4th meetings as corrected.

Adjournment

The meeting adjourned at 11:52 a.m.