

MINUTES

Approved 8/14/09

GOVERNMENT PERFORMANCE AND WORKFORCE RELATIONS COMMITTEE

JULY 10, 2009 3:30 P.M. SCOTT HEYMAN CONFERENCE ROOM

Present: N. Shinagawa, Chair; L. McBean-Clairborne; D. Kiefer

Excused: J. Dennis; M. Hattery

Staff: C. Covert, Clerk of the Legislature; J. Mareane, County Administrator; J. Wood, County Attorney; M. Lynch, Public Information; D. Squires, Finance Director; J. Franklin, Assessment; V. Coggin, Assessment Director; J. Thomas, Personnel; J. Leccese, Planning Department; E. Marx, Planning and Public Works Commissioner

Call to Order

The meeting was called to order at 3:32 p.m.

Changes to Agenda

A budget adjustment submitted by the Board of Elections was distributed to Committee members as information only. Mr. Shinagawa withdrew his item concerning the actions of the New York State Senate. Mr. Mareane commented that the Senate has passed the bills that apply to Tompkins County.

Chair's Report

Mr. Shinagawa said he did not have a report.

Report from the County Administrator

Mr. Mareane distributed and reviewed in detail the July 2009 Quarterly Indicators Report. The report highlights the most recent data available to provide insights into the major social, economic, and fiscal trends that impact Tompkins County and its budget.

Mr. Mareane updated the Committee on the status of the SMSI benefits program and said pending the approval by the Town of Dryden, the goal of 2000 contracts will have been exceeded. There are still several municipalities that have not yet acted, but there have been no municipalities that have declined approval to date.

Report from the County Attorney

Mr. Wood said he did not have a report. However, he is working with Jackie Kippola, Contracts Coordinator, putting together risk management numbers of expenses since the program began. *He expects to have a report for the Committee at the next meeting.*

Public Information Officer Report

Ms. Lynch said the Public Information Advisory Board met June 18 and began discussing strategies and making plans for community outreach in regard to the County budget. They are also looking at new ways to supplement the public forum. The advisory board meets next on July 30th.

Ms. Kiefer asked Mr. Mareane for an update on the hiring of a Program Analyst. Mr. Mareane said interviews are complete. There were good quality candidates and the interview team met yesterday and agreed to begin looking at the references and hopes that early next week an offer will be made. The team was very careful with informing the candidates that the County could only commit to a nine-month timeframe as it is only one-time funding be utilized. In response to a question by Mrs. McBean-Clairborne, Mr. Mareane reviewed the diversity of the candidates.

Mrs. McBean-Clairborne asked for an update on the sales tax information and what the County's estimates were. Mr. Mareane said \$1.5 million is being used as the shortfall estimate; now he believes there needs to be more flexibility and said the estimate is now between \$1.5 and \$2 million.

In response to a question from Ms. Kiefer concerning the payroll request for proposals, Mr. Mareane said a preferred vendor has been identified and negotiations are underway to improve the price.

Report from the Workforce Diversity and Inclusion Committee

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

Assessment Department

Ms. Coggin stated the study done by Mr. Franklin was done on his own time and it is just a summary he is sharing.

Mr. Franklin said essentially the Real Property Tax Administration program in New York State is broken. There are over 1,120 assessing jurisdictions. Only two counties in New York State have county-wide assessing; Tompkins County is the only true countywide assessing agent with "one-stop shopping". In Nassau County, there are two local assessing jurisdictions (village/city assessing units).

Mr. Franklin said there is no state-wide standard for assessing in New York State including properties being assessed at different percentages of value, lack of reappraisal cycle, and inconsistency of important dates such as grievance days.

The Office of Real Property Services established a centralized property tax administration program for the counties to take a look at their assessment programs to see how they can be improved. A \$50,000 grant is being offered as well; however, Tompkins County is not qualified to apply as it has already met the goals of the Office of Real Property Services. The goal of the program is to achieve common treatment (including a common level of assessment/equalization rate) for all parcels in a county, benefiting taxpayers and creating transparency, equity, and efficiency.

Mr. Franklin spoke briefly about staffing levels in the Assessment Department and said it currently consists of 14 professional staff, which is a reduction from 19 in 2000 and includes a total budget of approximately \$800,000.

At this time, Mr. Franklin reviewed three other existing alternative assessment options: Single Town/city Assessing Units, Coordinated Assessment Program (CAP), and RPTL (Real Property Tax Law) 1537 Agreements.

Administration

Administrative Manual Policies

Ms. Lynch began by distributing the List of Policies/Procedures not Updated for 15 Years or More.

Policy 01-25 – Open Meetings

Discussion followed concerning the revised policy on open meetings and it was noted that there may be some language from the "old" policy that should be included in the proposed policy. Following further comment, Ms. Kiefer believes under the section for minutes that language should be added that states: "Minutes should contain sufficient summary of discussion so that the public can understand

County officials' decisions.” She asked if this was addressed in any other policy or rule of the Legislature. Mrs. Covert stated that a separate policy about minutes does exist in the Administrative Manual and that it requires action-only minutes.

Ms. Kiefer asked that the definition of Executive Session be looked at and that the definition in Public Officers Law be used.

Ms. Kiefer referenced the statement concerning the availability of minutes following a meeting and believes when minutes should be made available to the public should be included in this policy if it is not covered in another policy. Mrs. McBean-Clairborne and Mr. Shinagawa stated their support for making minutes available within two weeks as proposed in the policy.

It was suggested and the Committee agreed to postpone action on this policy to the next meeting to allow the comments and suggestions made be reviewed and researched. The policy below highlights the changes the Committee agreed to as suggested by Ms. Kiefer:

OPEN MEETINGS

(Title)

Objective:	To establish procedures for Tompkins County's compliance with the Open Meetings Law	Policy Number:	01-25
Reference: <i>(Laws both state and local)</i>	Public Officers Law - Article 7 (Open Meetings Law)	Effective Date:	March 1, 1983
		Responsible Department:	
		Modified Date (s):	
Legislative Policy Statement:	It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this County be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.	Resolution No.:	
General Information:		Next Scheduled Review:	
I. Definitions	<p><u>Meeting</u> is defined as the official convening of a public body for the purpose of conducting public business.</p> <p><u>Public body</u> is defined as any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the County or for an agency or department thereof, or for a public corporation as defined in Section 66 of the General Construction Law, or committee or subcommittee or other similar body of such public body.</p> <p><u>Executive Session</u> means that portion of a meeting is not open to the general public <u>as outlined in the provisions of Article 7 of the Public Officers Law.</u></p>		
II. Policy: Procedure:	1. All meetings of the Legislature and of all committees, standing, ad hoc or special, of the Legislature, and of all boards, committees, commissions and other groups whose members are appointed by the Legislature, shall be open to the		

public.

2. Executive sessions may be voted by a majority of the total membership only after the body convenes in public. While in executive session, no action by formal vote shall be taken to appropriate public moneys. Executive sessions may only be voted when the subject matter to be discussed falls under the provisions of Article 7 of the Public Officers Law.

3. Public Notice. **A)** Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two (72) hours before such meeting. **B)** Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto. **C) It shall be the responsibility of each committee, board, or subcommittee chair to notify the Clerk of the Legislature of meeting times, locations, and subjects. It shall be the responsibility of the Clerk of the Legislature to notify the public and the news media.**

4. Minutes. **A)** Minutes shall be taken at all open meetings of a public body, which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. **B)** Minutes of executive session must consist of a record of summary of the final determination of action that was taken, and the date and vote thereon. However, such summary need not include any matter, which is not required to be made public by the Freedom of Information Law. **C)** Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the Freedom of Information law within two weeks from the date of such meeting except that minutes of an executive session when action was taken shall be available to the public within one week from the date of the executive session.

Policy 04-03 – Attendance Rules

Ms. Kiefer commented that the policy needs more consideration and that some of the information and questions on the impact review form from Department Heads were not addressed. Following a brief discussion, Ms. Thomas noted that the impact review form was different than what Committee members received. Mrs. McBean-Clairborne said she also has some questions and would like to have the policy further reviewed at the staff level. Ms. Lynch requested that Committee members submit their suggestions in writing and prepare a revised draft for the Committee to consider at the next meeting.

Planning Department

Disposition of Fall Creek Road Parcel, Town of Dryden

Ms. Leccese said this parcel was withheld from the 2008 auction for one year to review any environmental impacts and work with organizations that may be interested in purchasing it. The Nature Conservancy has offered the County \$1,000. The parcel was originally assessed for \$1,500; however, the Assessment Department was contacted and with the additional information provided including the parcel being foreclosed, the pre-assessed value is 50% less at \$750. The parcel is now landlocked, reducing the value.

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer suggested some minor changes to the Environmental Assessment Form that the Committee accepted as friendly. A voice vote resulted as follows: Ayes – 3; Noes – 0; Excused – 2 (Hattery and Dennis). RESOLUTION CARRIED.

RESOLUTION NO. MAKING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE IN RELATION TO RESOLUTION NO. ____ OF 2009: AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED WITH THE NATURE CONSERVANCY FOR THE SALE OF TAX PARCEL NO. 24.-1-17.32, LOCATED IN THE TOWN OF DRYDEN

WHEREAS, in Resolution No. __ of 2009, the Tompkins County Legislature authorized the County Administrator to execute a deed with The Nature Conservancy for the sale of tax parcel no. 24.-1-17.32 in the Town of Dryden, and

WHEREAS, the Tompkins County Legislature has reviewed and accepted as adequate an Environmental Assessment Form with respect to that action, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the County Legislature believes the sale of tax parcel no. 24.-1-17.32 has a positive impact on the environment and the County's natural resources,

RESOLVED, further, That Resolution No. ____ of 2009 is an unlisted action,

RESOLVED, further, That the County Legislature hereby makes a negative declaration of environmental significance in regard to Resolution No. ____ of 2009.

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval. Ms. Kiefer suggested some minor changes to the Environmental Assessment Form that the Committee accepted as friendly. A voice vote resulted as follows: Ayes – 3; Noes – 0; Excused – 2 (Hattery and Dennis). RESOLUTION CARRIED.

RESOLUTION NO. AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED WITH THE NATURE CONSERVANCY FOR THE SALE OF TAX PARCEL NO. 24.-1-17.32, LOCATED IN THE TOWN OF DRYDEN

WHEREAS, the County acquired the 1.54 acre (0.62 hectare) tax parcel no. 24.-1-17.32 in the Town of Dryden in 2008 through the foreclosure process, and

WHEREAS, the parcel contains many significant natural features, including Unique Natural Area "North Malloryville"; Fall Creek; a NYS Freshwater Wetland; location within The Fens Natural Features Focus Area and an Agricultural Resource Focus Area; and an abandoned railroad bed (the proposed Lime Hollow trail) runs adjacent to the west of the parcel, and

WHEREAS, to the north and west of the parcel lies The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, the County approached The Nature Conservancy (TNC) about TNC acquiring the parcel to preserve unique functions and values as an addition to The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, The Nature Conservancy has made a purchase offer for the parcel of \$1,000.00 (one thousand dollars), and

WHEREAS, County Administrative Policy No. 01-07 (Land Transactions) requires that whenever the Legislature decides to negotiate a sale for less than the fair market value for real property, the resolution conveying the property shall clearly state the public purpose served by conveying for this price and it shall include the estimate of the fair market value of the property at its highest and best use as prepared by the Assessment Department, and

WHEREAS, the Assessment Department has determined that the fair market value of the parcel is \$1,500 (one thousand five hundred dollars), and

WHEREAS, the County will provide only a quit claim deed with the sale of this property, and

WHEREAS, the reason that this property is being conveyed for less than fair market value is to increase recreational opportunities for residents of the County, protect significant unique natural areas in the County, and enhance The Nature Conservancy's 143-acre O.D. von Engeln Preserve at Malloryville, and

WHEREAS, through the process of foreclosure the property has become landlocked and therefore reduced the full assessed value of the parcel, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee that the purchase offer of \$1,000 submitted by The Nature Conservancy on June 5, 2009 is accepted and that the County Administrator is authorized to execute the deed and closing paperwork.

SEQR ACTION: UNLISTED

Executive Session

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to hold an executive session to discuss real property negotiations. An executive session was held from 4:51 p.m. and returned to open session at 4:56 p.m.

Legislature

Resolution – Fair Pay Act of 2007

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature for approval. Mr. Shinagawa said in principle this needs to happen. Mrs. McBean-Clairborne said she was surprised to see how big a discrepancy there was in some cases after doing research and a presentation two years ago for the Federal Employees Women's Association. She also commented that the military has equal pay and believes it should be duplicated.

**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 amending Capital Labor Law to ensure pay differential if not based on a person's sex, national origin, or race, and

WHEREAS, another bill (A2351/S2968) amends Executive Law to make it a violation of Human Rights Law to discriminate between male and female employees by compensating employees of different genders differently for work of comparable worth, and

WHEREAS, both of these bills should result in 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 its companion bill and urges the New York State Assembly and Senate to pass, and the Governor to sign, this important Legislation,

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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).

SEQR ACTION: TYPE II-20

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Appointment – Ethics Advisory Board

Following discussion and review of the three applicants to fill one vacancy, it was MOVED by Mr. Shinagawa, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve and submit to the full Legislature for approval the appointment of Brian Eden to the Ethics Advisory Board for a term that expires December 31, 2011.

Committee Goals – Update

The Committee reviewed the status of the Committee goals and Mr. Shinagawa said he will work with Ms. Fitzpatrick to bring information forward for the next meeting concerning goal no. 8 – Professional Development Feedback.

Meeting Schedule

Committee members confirmed the new meeting time of 3:30 p.m. for the remainder of the year.

Approval of Minutes

June 12, 2009

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer, and unanimously adopted by voice vote by members present, to approve the minutes of the June 12, 2009, meeting as corrected. MINUTES APPROVED.

Report from the Finance Director

Mr. Squires said he did not have a report.

Adjournment

On motion, the meeting adjourned at 5:15 p.m.