

MINUTES
BUDGET AND CAPITAL COMMITTEE
AUGUST 11, 2008 3:30 P.M. SCOTT HEYMAN CONFERENCE ROOM

APPROVED

Present: N. Shinagawa, Chair; J. Dennis; M. Hattery, K. Herrera
Excused: P. Mackesey
Staff: S. Whicher, N. Jayne, M. Lynch, County Administration; D. Squires, Finance Director; P. Carey, DSS Commissioner; A. Valenti, M. Reynolds, County Clerk; M. Pottorff, Chief Deputy Clerk of the Legislature; R. Deluca, Commissioner of Mental Health
Guests: T. Ashmore, Ithaca Journal

Call to Order

The meeting was called to order at 3:31 p.m.

Changes to Agenda

There were no changes to the agenda.

Approval of Minutes – July 28, 2008

It was MOVED by Ms. Herrera, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to approve the minutes of the July 28, 2008, as submitted. MINUTES APPROVED.

Comments from the Public

No member of the public was in attendance.

Chair's Report

Mr. Shinagawa reported this afternoon the Governor released details of his budget and it is a cause for concern. Mr. Whicher stated the Governor has a limited amount of authority in the current budget and when changes become significant they have to go through the legislative process. He also said this new information should not interrupt the County's current budget process. Mr. Whicher would like to receive additional information in order to get a better understanding before there is an overreaction to this new information.

Report from the Finance Director

Mr. Squires distributed a Contingent Fund report and major mandate budget year-to-date status report. He said he expects costs related to the boarding of inmates to other jails will expend all of the funds earmarked in the Contingent Fund for that purpose, as there was only \$25,000 budgeted in the Jail boardout line. The Assigned Counsel Program is trending slightly higher than budget but is not a concern because of the amount of State reimbursement that is received for those expenses.

Mr. Squires reported he received the retirement bill and it is \$200,000 less than it was last year (6% reduction). Last year the County's share of retirement was \$3.2 million; this bill is approximately \$3 million. He noted that although County payroll went up, the actual amount paid has gone down and this is good news.

County Administrator's Report

Mr. Whicher said he continues to work on the 2009 budget; at this time there is only one departmental budget that has not been submitted. He said he expects to be able to deliver a budget that meets the Legislature's goal; however, there will be several over-target requests to deal with.

Mr. Hattery commented that the Jail overcrowding operating impacts continue to show up on the Contingent Fund report and not in the Sheriff's Department budget. Mr. Whicher said the Legislature had previously asked that this appear on the Contingent Fund Report in order to clearly track the expenses separately, however, this tracking could be done if placed as a mandated account in the Sheriff's budget.

Mr. Whicher said he continues to look health insurance and is exploring what other counties are doing with regard to health benefits. He is awaiting the receipt of data before putting a budget proposal together.

It was MOVED by Ms. Mackesey, seconded by Mr. Dennis, to approve the following resolution and submit to the full Legislature.

Mental Health

RESOLUTION NO. - INCREASE OF HOURS – SENIOR ACCOUNT CLERK/TYPIST AND FORENSIC COUNSELORS – TOMPKINS COUNTY MENTAL HEALTH DEPARTMENT

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve the following resolution and submit to the full Legislature. MOTION CARRIED.

Mr. Whicher commented that his is an example of a department reorganizing in a way that allows the reclassification of a position downward and re-allocating hours to other employees. Mr. Deluca said he expects this to work on a multi-year basis and will not be requesting funding in the future for this purpose.

WHEREAS, the Tompkins County Mental Health Department has reorganized the Billing and Records Units within its Administration as well as the Forensic Unit of the Mental Health Clinic, and

WHEREAS, this reorganization requires the increase of hours in one (1) Senior Account Clerk/Typist, position number (568) Labor Grade I (9), and two (2) Forensic Counselors, position numbers (617 and 604) Labor grade P (16) from 35 hours per week to 40 hours per week, and

WHEREAS, due to departmental reorganization, no new monies are needed to fund these position changes, now therefore be it

RESOLVED, on recommendation of the Health and Human Services and the Budget and Capital Committees, That the positions of Senior Account Clerk/Typist, position number (568) Labor Grade I (9), and Forensic Counselor, position numbers (617 and 604) Labor grade P (16), be increased to 40 hours per week effective immediately.

SEQR ACTION: TYPE II-20

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County Attorney

It was MOVED by Mr. Hattery, seconded by Mr. Dennis, and unanimously adopted by voice vote by members present, to approve and submit the following resolution to the full Legislature. Mr. Whicher said this employee's work that is related to the advisory board has been absorbed through the County

Attorney's office up to this point; however, there is a need to now allocate additional hours for these responsibilities. The County Attorney has agreed to cover the cost of this expense through the current year's budget but will be requesting additional funding in 2009. *Mr. Whicher was asked to provide an explanation to include a dollar amount when this resolution is presented to the full Legislature.*

**RESOLUTION NO. INCREASE OF HOURS -PARALEGAL TO THE COUNTY ATTORNEY
– TOMPKINS COUNTY'S OFFICE OF THE COUNTY ATTORNEY**

WHEREAS, the Paralegal to the County Attorney has had an increase in workload due to Criminal Justice Advisory/Alternatives to Incarceration (CJA/ATI) Board work creating a need for additional hours, and

WHEREAS, this requires an increase of hours from 37.5 hours to 40 hours per week, and

WHEREAS, the County Attorney's budget can cover the cost for this year but in future years it is desirable to have a separate budget line created, now therefore be it

RESOLVED, on recommendation of the Government Operations and the Budget and Capital Committees, That the position of Paralegal to the County Attorney, budgeting unit number 1420.51000312, be increased to 40 hours per week effective August 25, 2008.

RESOLVED, further, That no new monies are needed in the current year to fund this position change, and

SEQR ACTION: TYPE II-20

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County Clerk – Local Law (Privacy Protection and Increase in Fees)

MOVED by Mr. Hattery, seconded by Ms. Herrera.

Ms. Herrera said while she supports both of the actions contained in the local law; however, combining these two matters confuses the issue. Ms. Reynolds and Ms. Valenti arrived at this time. Ms. Reynolds spoke to the issue of redacting and said the County Clerk's is presently not allowed to alter legal documents. She said this will allow staff to redact information such as social security numbers, birth dates, and cause of death. Ms. Valenti said she, too, was surprised that this local law was received in a form that combined both issues. However, this is the format submitted and recommended by NYSAC for approval by counties. Ms. Herrera said because her concerns have been voiced and entered in to the record she will support moving this from Committee to the full Legislature.

A voice vote on forwarding this local law to the full Legislature resulted as follows: Ayes – 4, Noes – 0, Excused – 1(Mackesey). MOTION CARRIED.

**LOCAL LAW NO. (Insert Local Law No.) OF 2008
STATE OF NEW YORK
COUNTY OF TOMPKINS**

A local law providing for enhanced personal privacy protection for documents recorded in the office of the county clerk, and authorizing an increase in fees collected by the county clerk for the recording, entering, indexing and endorsing a certificate on any instrument.

Section 1:

A new Article III shall be added to Chapter 114 of the Tompkins County Code which read as follows:

§. 114-22 Title

This article shall be known as the “Enhanced Personal Privacy Protection for Recorded Documents Law.”

§. 114-23 Declaration of intent

In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Tompkins County Legislature authorizes the Tompkins County Clerk to increase the fees charged for certain documents recorded with the county clerk’s office.

§. 114-24 Fees for recording documents

For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Tompkins county clerk has placed an image of such cover page on line, the county clerk shall make a good faith effort to redact such information.

§. 114-25 Severability

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 2: Effective date

This local law shall take effect thirty days after filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.

Adjournment

The meeting adjourned at 4:00 p.m.