

January 5, 2010

**Tompkins County Legislature  
January 5, 2010**

*Adopted 1-19-10*

**Call to Order**

Mrs. Covert, Clerk of the Legislature, called the organizational meeting of the Tompkins County Legislature to order at 5:30 p.m.

**Pledge of Allegiance to the Flag and Roll Call of Members**

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 15 Legislators:

- District No. 1 - Pam Mackesey, 323 Pleasant Street, Ithaca
- District No. 2 - Leslyn McBean-Clairborne, 528 West Clinton Street, Ithaca
- District No. 3 – Carol Chock, 39 Woodcrest Avenue, Ithaca
- District No. 4 - Nathan I. Shinagawa, 520 East Buffalo St., Apt. 2, Ithaca
- District No. 5 - Katherine Luz Herrera, 116 Utica Street, Ithaca
- District No. 6 – Pat Pryor, 150 Scofield Road, Freeville
- District No. 7 - Frank P. Proto, 2585 Slaterville Road, Slaterville Springs
- District No. 8 – David McKenna, 319 Douglas Road, Newfield
- District No. 9 – Brian Robison, 102 Beechwood Drive, Groton
- District No. 10 - Dooley Kiefer, 629 Highland Road, Ithaca
- District No. 11 – Peter C. Stein, 101 Brandywine Drive, Ithaca
- District No. 12 – Will Burbank, 132 Glenside Road, Ithaca
- District No. 13 - Martha Robertson, 1655 Ellis Hollow Road, Ithaca
- District No. 14 – Michael E. Lane, 42 East Main Street, Dryden
- District No. 15 - James P. Dennis, 47 Elm Street, Trumansburg

**Oath of Office**

Mrs. Covert introduced Aurora Valenti, County Clerk, who administered the Oath of Office to the elected members of the Legislature.

**Election of Temporary Chair**

Mrs. Covert announced the first order of business was the election of a temporary chair. Mr. Dennis nominated Mr. Proto as Temporary Chair, seconded by Ms. Mackesey. Mr. Dennis spoke of Mr. Proto having been a Legislator for over 23 years. After hearing no more nominations, it was Moved by Ms. Robertson, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote, to close nominations. A voice vote resulted as follows for Temporary Chair: Ayes - 15, Noes – 0. MOTION CARRIED. Mr. Proto took the chair as Temporary Chairman.

Mr. Proto thanked Legislators for the opportunity to be Temporary Chairman and awarded Legislators and staff humorous “gifts” relating to their unique personalities/interests. He also expressed pleasure that Mr. Blizzard’s recent surgery was successful.

Mr. Proto then opened nominations for a Permanent Chair, noting that the voting could be completed by either written ballot or by a show of hands. A paper ballot would require a signature by each Legislator to enable proper recording of the votes within the official record of the Legislature. The

January 5, 2010

names would be recorded with the votes of the meeting minutes. He also noted that if desired the nominated individuals could be allowed to speak briefly.

### **Election of Chair of the Legislature**

Mr. Shinagawa nominated Ms. Robertson as Chair for 2010, seconded by Ms. Chock. Ms. Shinagawa said Ms. Robertson was dependable, articulate, energetic, and focused. He supports her nomination because she is focused and devoted on issues and follows through with a vision, which is needed in a leader. Ms. Chock spoke of being impressed with the work completed under Ms. Robertson's leadership, noting Ms. Robertson thinks through issues, determines what could be accomplished, and provides follow through at each stage. She spoke of Ms. Robertson's work with the Comprehensive Plan, homeless issues, the Assigned Counsel study, as well as through New York State Association of Counties as exemplary examples. Ms. Chock further spoke of Ms. Robertson's participation in the Tompkins County Council of Governments on how to best influence the State regarding gas drilling issues, and setting up meetings with the New York State Department of Environmental Conservation, Chairs of New York State Legislative Committees, and the Governor's office. Ms. Chock said Ms. Robertson just came back from New York City Hall, representing Tompkins County's concerns.

Ms. Herrera nominated Mrs. McBean-Clairborne as Chair for 2010, seconded by Mrs. McBean-Clairborne. Ms. Herrera read the following statement:

"At this time it's an honor for me to nominate someone for Chair of the Tompkins County Legislature who is imminently qualified, having demonstrated administrative and delegation skills as she earned the respect and trust of employees, staff, and the public while serving as Vice Chair of the Tompkins County Legislature in 2009, 2008, 2007, and 2006.

"She has served in County government with distinction, capably resolving internal and external County issues with little fuss or fanfare, offering guidance where needed and support when necessary.

"Recognizing our stated community values of diversity and inclusion, this nominee has shown leadership in her chairmanship of the Workforce Diversity and Inclusion Committee, and through this committee's efforts the County has broadened and continues to improve its efforts at recruitment, hiring, and retention of underrepresented groups.

"Moreover, this nominee is inclusive and supportive in her Legislative actions, reaching out beyond traditional boundaries of party, race, and class.

"As Chair of the Facilities and Infrastructure Committee, she has encouraged collaboration, innovation, and award-winning environmental programs while supporting our talented managers in stellar job performance. She chaired Public Safety Committee in past years, and earned the trust of – and engendered the cooperation of – the entire Public Safety community.

"Her excellent interpersonal and mediation skills may be exceeded only by her compassion and generosity of spirit. Her professional capabilities pale only in comparison to her passion and energy.

"A community leader in her own right, our election of Leslyn McBean-Clairborne to the Chairmanship of the County Legislature will support and inspire staff of County Government even as it demonstrates this body's recognition of proven County leadership consistently using impeccable professional qualifications, conflict resolution skills, diversity and inclusion, collaboration, environmentalism, and best practices in human resource and performance management.

"Accordingly, it is my honor and privilege to nominate Leslyn McBean-Clairborne as Chair of the 2010 Legislature."

January 5, 2010

Hearing no more nominations, it was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, and unanimously adopted by vote by show of hands, to close nominations.

Following a brief discussion, nominees were granted permission to speak if they wished.

Mrs. McBean-Clairborne expressed appreciation for the opportunity to speak and to Ms. Herrera for the nomination. She said that often when working in public service an individual doesn't think of their accomplishments until it is pointed out. She takes pride in being a Legislator and doing work to the best of her ability in the timeframe available. She said during the coming year, with the economic crisis and how the State handles their budget, it will be important to make early forecasts and assessment of what the County is doing rather than wait until budget deliberations in the fall. Regardless of who is the leadership the budget is a place to put focus.

Mrs. McBean-Clairborne would like more thought about the negotiation process and what happens. She would like to try to have employees become part of the bigger team and reach a point of satisfaction by employees over wages and benefits as well as having County taxpayers satisfied. She would also like to see continued work on diversity and inclusion; although there is much being done in that area, there is a long way to go. She recognizes that each Legislator has an area they are passionate about and that it is good business.

With regard to leadership, Mrs. McBean-Clairborne said she enjoys being Chair and Vice Chair of committees and has come to appreciate and trust staff for their knowledge and assistance when making policy decisions regarding spending and priorities. Over the past several years, the Legislature has been fractured as a body and she is looking for leadership that would help to repair that trust and bring back to the Legislature the silver reputation it had among staff, community, and elected officials in the County. Her expectation is that regardless of who is Chair, that time would be taken to build comradery. She said the Legislature is fifteen distinct people representing fifteen different districts; there is a need to develop a relationship of being honest and open with one another and to have the ability to agree to disagree in a positive manner.

Ms. Robertson said she would agree with many of the things Mrs. McBean-Clairborne said. She has reached out and spoken to most individually about her vision. She agrees there is a need to pull together as a team on the very critical issues in front of us. She said the phrase "disagree without being disagreeable" has been on her mind a lot; it is something that needs to be done. Ms. Robertson expressed appreciation to Mr. Shinagawa and Ms. Chock for their statements. She sees the role of the Chair as having a different relationship to specific causes she may personally feel are important; it is a role to bring together everybody's best thinking of issues important to Tompkins County. She should not just express her own views, but to be sure there is some common thinking and where appropriate be an advocate for the issues. Ms. Robertson thanked Mr. Proto for his humorous gifts, noting it is important to be able to laugh.

A vote by show of hands to elect Martha Robertson Chair of the Legislature resulted as follows: Ayes - 13 (Legislators Burbank, Chock, Dennis, Kiefer, Lane, Mackesey, McKenna, Proto, Pryor, Robertson, Robison, Shinagawa, and Stein). A vote by show of hands to elect Leslyn McBean-Clairborne Chair of the Legislature resulted as follows: Ayes - 2 (Legislators Herrera and McBean-Clairborne).

Ms. Robertson was declared Chair of the Legislature for 2010.

At this time Mr. Proto turned the meeting over to Ms. Robertson, Chair.

Ms. Robertson thanked the Legislature for electing her Chair.

January 5, 2010

### **Election of a Vice Chair of the Legislature**

The next order of business was the election of Vice Chair and Ms. Robertson opened nominations. Ms. Mackesey nominated Ms. Kiefer as Vice Chair, seconded by Mr. Dennis. Ms. Mackesey said Ms. Kiefer has worked long and hard on the Legislature, is very knowledgeable about how the government functions, has tremendous details about the history and structure of our local government, and is an advocate of best practices. She said Ms. Kiefer has tremendous integrity and offers her opinion on issues without hesitation. Mr. Dennis said he is clearly in agreement that Ms. Kiefer utilizes best practices and assists in maintaining records of meetings. He believes Ms. Kiefer would work well with the Chair and that she has an excellent reputation with Department Heads and other members of the government.

Mr. McKenna nominated Mr. Proto as Vice Chair, seconded by Mrs. McBean-Clairborne. Mr. McKenna said Mr. Proto has many years of experience on the Legislature as well as an excellent working association with State and Federal representatives. He also believes that electing Mr. Proto would assist with bipartisanship.

Hearing no more nominations, it was MOVED by Mr. Burbank, seconded by Ms. Pryor, and unanimously adopted by vote by show of hands, to close nominations.

A vote by show of hands to elect Dooley Kiefer Vice Chair of the Legislature resulted as follows: Ayes - 10 (Legislators Burbank, Chock, Dennis, Kiefer, Lane, Mackesey, Pryor, Robertson, Shinagawa, and Stein). A vote by show of hands to elect Frank Proto Vice Chair of the Legislature resulted as follows: Ayes - 4 (Legislators McKenna, Robison, McBean-Clairborne, and Proto). (Legislator Herrera did not vote.)

Ms. Robertson declared Ms. Kiefer Vice Chair of the Legislature for 2010.

### **Privilege of the Floor by the Public**

No one wished to speak.

### **Privilege of the Floor by Municipal Officials**

No one wished to speak.

### **Privilege of the Floor by Legislators**

Ms. Kiefer, District No. 10 Legislator, spoke of discovering last night the start of a three-part public broadcast series "This Emotional Life" running Monday through Wednesday this week. Last night's broadcast was on bullying in schools and was excellent. Tonight's broadcast is regarding negative emotions, fears, etc., with Wednesday's installment covering happiness. She suggested members of the Legislature and public view this program.

Ms. Pryor, District No. 6 Legislator, said it is an honor and privilege to serve on the Legislature and that she is grateful to participate. She expressed appreciation to Lansing constituents who are in attendance.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the 16<sup>th</sup> annual Martin Luther King, Jr., Community Breakfast hosted by the Greater Ithaca Activities Center (GIAC) will be held on Saturday, January 16<sup>th</sup> from 9:00 a.m. to 10:30 a.m. at Beverly J. Martin school. This event, the largest held by GIAC, has a theme of "Many voices, one action." Guest speaker is Derrick McQueen, a doctoral student at Union Theological Seminary in New York City. He is also a poverty scholar with the Poverty

January 5, 2010

Initiative, an organization dedicated to raising generations of religious and community leaders committed to building a movement to end poverty, led by the poor. In addition, the annual Peacemaker award ceremony will include a second award for a youth peacemaker. On January 18<sup>th</sup> the Holiday Community Build Committee will meet at the Women's Community Building at 9:00 a.m. and have two sessions. One of the sessions is the Martin Luther King, Jr. Freedom Walkway Committee and will be seeking input on individuals to be recognized along the walkway.

Mr. Shinagawa, District No. 4 Legislator, expressed his appreciation to Mrs. McBean-Clairborne for her service as Vice Chair of the Legislature from 2006 through 2009. Other members of the Legislature joined him in expressing appreciation.

Mr. Proto, District No. 7 Legislator, asked Mrs. McBean-Clairborne if the Greater Ithaca Activity Center's Martin Luther King's events were a joint effort with the events taking place at Ithaca College; he was informed although separate they both have mutual participants. Mr. Proto announced that Alex Wickham who recently received the Tompkins County Youth Award had received an appointment from Congressman Hinchey to the United States Naval Academy.

Ms. Mackesey, District No. 1 Legislator, shared information with the new Legislators about the Cornell University, City of Ithaca, and Tompkins County partnership on various projects that included affordable housing. As part of this joint venture, a Notice of Funding Availability (NOFA) for pre-development funding was laid out providing criteria for applicants. The deadline for the NOFA was December 31<sup>st</sup>, and six applications were received. She noted it was exciting to see so many applicants for this project.

Mr. Lane, District No. 14 Legislator, expressed appreciation to the voters in his district. He also thanked Mr. Hattery for his representation on the Legislature for the past four years. Mr. Lane introduced his mother, Viola Lane, and shared information on her work at Curtis Wright airplane factory in Buffalo during World War II, subsequent work at Smith Corona in Cortland, and her active participation in organized labor. He is proud and glad she is with him as a supporter. Mr. Lane spoke of the Legislature being a special group brought together by voters. Although last year was troublesome he expressed a need to work together and show courtesy and congeniality. He is anxious to work on the difficult things facing the County and anticipates the New York State Association of Counties delegate will have important information about what is occurring in Albany.

Mr. Burbank, District No. 12 Legislator, welcomed Mr. Lane back to the Legislature and said he hopes the Legislature can move forward together to complete work. He announced the Light in Winter events that would be held January 21 through 24, noting people can attend one or all events held. Mr. Burbank said he has previously volunteered and it is an amazing event.

Mrs. McBean-Clairborne expressed appreciation for the support provided by her family, J. R., Kelsey, and Indira. Her husband, J.R. is on the Ithaca Common Council and they have a very political, busy household that without their support would make it difficult for her to do work. She also thanked new members for coming forward to serve their constituents and is looking forward to working with them.

Mr. Dennis, District No. 15 Legislator, thanked the Sciencenter for providing each Legislator with the book, Plan B by Lester Brown, which addresses global warming.

Mr. Robison, District No. 9 Legislator, thanked the voters in his district for their confidence and Mr. Randall for his previous service. He noted he is not a partisan individual, recognizing the tough work ahead and hopes everyone works together to get through it.

### **Chair's Report**

January 5, 2010

Ms. Robertson spoke of Mr. Blizzard who produces the broadcast of Legislator meetings, expressing her pleasure that he is healthy and back working with the Legislature. She also thanked staff and their families, saying all the work done is a team effort. Ms. Robertson said Committee meetings would temporarily be on the 2009 schedule and suggested new Legislators to fill the spots left open by their predecessors. On January 19<sup>th</sup> the new Committee assignments would be completed. She encouraged any interested member to attend any committee meetings being held.

Ms. Robertson requested volunteers to assist in forming a group to work on the February Department Head/Legislature retreat when a discussion regarding budget would take place. Ms. Mackesey asked that a schedule of all Department Head/Legislator retreats for 2010 be established.

Ms. Robertson said Ms. Covert would be providing Legislators with a list of Chair's appointments to various advisory boards. She asked that Legislators review the list and express their interest by no later than Monday, January 11<sup>th</sup>. She also asked that Legislators interested in attending the New York State Association of Counties Legislative Conference (February 8-10) contact Ms. Fuller by no later than Friday, January 8<sup>th</sup>.

Ms. Robertson reported on her attendance at the press conference held at New York City Hall, joining environmentalists to express concern about the State's proposed regulatory document issued by the Department of Environmental Conservation (DEC). She was invited by the Sierra Club Atlantic Chapter, organizer of the event. Other speakers included Congressmen Eric Massa, Michael Arcuri, and Jerrold Nadler, State Senators Tom Duane and Eric Schneiderman, and Assemblymen James Brennan and William Colton, as well as a number of New York City officials. While unable to attend, local Assemblywoman Barbara Lifton was one who submitted a written statement of support. Ms. Robertson said it was impressive to have a show of support for protecting water supplies statewide and that there were strong statements that it is a state and national issue.

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

Mr. Mareane congratulated the new Chair and Vice Chair as well as new members of the Legislature. He has studied the financial climate, the extent it will have a bearing on the County budget, and is prepared to clarify the situation. He said County staff has shown willingness and ability to work out solutions and this will be the focus at the Department Head/Legislator retreat in February. Mr. Mareane spoke about the State's troubled deficit budget, with the gap expected to grow to over \$19 billion in the next few years, with pension costs increasing rapidly that affect the direction of the County's finances. He has been working on a three-year financial projection that will assist in understanding the budget elements and anticipates working on a model to lay out strategic issues available to the County. He will be providing a draft working form to staff and department heads in order to have a more complete document ready in February. The document will look at revenues and expenditures as well as belt-tightening and prioritization. He anticipates the document will work through the Committee structure (Budget, Capital, and Finance and Government Performance and Workforce Relations Committees) and he will be seeking input.

Mr. Mareane spoke of having budgeted for a lean-office training program in 2010. This program is an approach to remove waste and inefficiency in the workplace. Tompkins Cortland Community College has used the program successfully and he has communicated with TC3biz to introduce the concept to County staff within the next few weeks.

Mr. Mareane spoke of the County proposal to increase the mortgage recording tax to 1 percent. He explained that previously the County did not receive the revenue collected and that once in place the County would receive ¼ percent of what is collected. For the benefit of new members and the public, he explained it is a Home Rule action, requiring the State to authorize the request; historically the State waits

January 5, 2010

until the end of their legislation session to take action. It has been suggested to the New York State Association of Counties (NYSAC) to make an effort to change this process and move Home Rule actions to the beginning of the State legislation session. He said that the current State budget actions create a situation that is somewhat like “borrowing money” from municipalities and school districts by withholding payments. In addition to this practice, significant State revenue cuts also affects departments and agencies such as Tompkins Cortland Community College and Tompkins Consolidated Area Transit. He anticipates conversations about the impact of the State’s reductions to take place.

Mr. Mareane reported he has scheduled several appointments with new Legislators and will provide each with briefings regarding the County as well as invite them to attend the Department Head meeting on January 13<sup>th</sup>. When speaking about the best way to connect with departments he will suggest making arrangements with departments connected to Committee assignments first. Ms. Robertson said her experience has been that staff members are happy to reach out and set up meetings and that Legislators would also be willing to have discussions with new members.

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

Mr. Wood reported that Ms. Korherr filed an appeal regarding her Human Rights claim against the Tompkins County Sheriff.

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

Mr. Squires reported that the County has, as expected, experienced a dramatic decline in liquidity as of year’s end, reflecting the decline in sales tax revenue during 2009 coupled with the delayed release of State aid. He told legislators that State aid did come through at the last minute for Tompkins Cortland Community College, as did \$300,000 in reimbursements of the \$1.1 million owed to the Health Department for 2009, and that a payment of State Transit Operating Aid for Tompkins Consolidated Area Transit was received today. He said he will continue to manage how much to disburse on a weekly basis since the first sixty days of the year is hard until sales tax receipts are received. He also said the County’s financial position will be maintained, but will be weakened through the State’s inability to support us. As a result, there may be delays of agency payments.

Mr. Lane asked if Cortland County is making the necessary payments to Tompkins Cortland Community College; he was informed they were.

Ms. Chock said the County’s recent bond issue rate was 0.34 percent and asked about using the \$20 million borrowing limit that was approved by the Legislature. Mr. Squires explained the bond approval was designated for capital projects and would not be used for cash shortages.

There was a brief discussion regarding the State Retirement System requirement of logging Legislators time occurred, with members asking questions regarding the process. It was noted that Legislators could begin logging time now and that a resolution would be acted upon at a later date. Mr. Squires said a CD was received that provides information about the requirements. Mrs. Covert said there would be a calendar provided to members of the Legislature at the next meeting and a request to complete the time-log information for the month of February. Mr. Proto thought a presentation would be helpful to Legislators.

Mr. Proto asked if the funds received by the Health Department are only for the first quarter of 2009. Mr. Squires said they were, and that other departments are also experiencing delays. It is due to delays in State reimbursements that the County has to borrow funds. With the decline in timely reimbursements from the State and a decline in sales tax revenue the County needs to work with a smaller cash balance. Mr. Squires anticipates this to be a multi-year issue.

January 5, 2010

Mr. Stein wondered if we are operating with a cash balance of essentially zero, and when that will change. Mr. Squires said our cash balance is not zero but he's concerned it could be as we approach April, when there is an influx of revenue. The cash balance peaks in April, and declines from September on. He needs \$8 million on hand, and at year's end we were not much above \$8 million.

Ms. Herrera was excused at this time (7:15 p.m.).

Ms. Chock asked about the reserve account status and was informed it is expected to decline and that the cashflow would be needed to back up the account.

With regard to recording of Legislator time, Ms. Kiefer recalled a two-page handout that Mr. Squires had provided indicating what activities are allowed to be included when creating the record; she suggested providing the information to the new members.

#### **Addition of Resolution(s) to the Agenda**

There were no resolution(s) added to the agenda.

#### **Withdrawal of Resolution(s) from the Agenda**

There were no resolution(s) to be withdrawn from the agenda.

#### **Approval of Appointment(s) Under the Consent Agenda**

It was MOVED by Ms. Chock, seconded by Mr. Burbank, and unanimously adopted by voice vote by members present, to approve the following appointment(s) under the Consent Agenda:

##### Environmental Management Council

Lucia Tyler – Town of Ulysses representative; term expires December 31, 2011

Stanley T. Marcus – Town of Dryden representative; term expires December 31, 2011

##### Board of Health

Frank P. Proto, County Legislator (appointed on an interim basis)

#### **Approval of Resolution(s) Under the Consent Agenda**

There were no resolutions under the Consent Agenda.

#### **Report from the Public Safety Committee**

Ms. Robertson, Chair, said the next meeting would be on January 13<sup>th</sup>. Agenda highlights include discussions on the public defibrillator program, gas drilling and emergency responder role, and information from the Alternatives-to-Incarceration program.

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

Mrs. McBean-Clairborne, Chair, reported the Committee met on December 17<sup>th</sup> and discussed the 2009 spending plan. She expressed her appreciation to the Legislature for providing money that would assist in moving forward initiatives including civil service testing issues. The next meeting is scheduled for January 28<sup>th</sup>.

#### **Report from the Legislative Rules and Procedures Committee**

January 5, 2010

Ms. Kiefer, Chair, said the meeting for December 21<sup>st</sup> was cancelled due to lack of members. She will be meeting with Mr. Proto following the Legislature meeting to determine the next meeting date and said it may be a different time than the normal schedule.

**Report from the Health and Human Services Committee**

Mr. Proto, Chair, reported the Committee would meet on January 12<sup>th</sup> and encouraged all new members to attend. He announced upcoming H1N1 vaccination clinics and said there has been an upgrade on who should be inoculated; individuals over 65 are now encouraged to be vaccinated.

**Report from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee met briefly prior to the Legislature meeting to act on audits of final payments for projects at the airport. The next meeting will be January 21<sup>st</sup> at 3:30 p.m.

**Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee**

**Resolution No. 1 - Establishing 2010 Meeting Dates**

It was MOVED by Mr. Shinagawa, seconded by Mr. Dennis, to adopt the following resolution.

It was MOVED by Ms. Kiefer, seconded by Mr. Burbank, to delete the meeting of August 3, 2010. Ms. Kiefer noted the summer months do not produce as heavy an agenda and that canceling the meeting at this time provides individuals time to make arrangements for other activities. Mr. Proto does not support the amendment and noted a meeting could be cancelled at a later date. Mr. Dennis agreed with Mr. Proto. Mr. Lane does not support the amendment and said having only one meeting in a month could put an extra burden on staff to amend procedures. Ms. Mackesey believes it would be better to cancel a meeting at this time rather than a future date. Ms. Chock thinks it would be better to cancel a meeting in February or March rather than in August. In response to Mr. Stein's question, it was noted the Legislature does not normally cancel any scheduled meetings.

Mr. Dennis called the question. A voice vote resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). MOTION CARRIED.

A voice vote on the amendment to delete the August 3, 2010, meeting resulted as follows: Ayes – 3 (Legislators Burbank, Kiefer, and Mackesey); Noes – 11; Excused – 1 (Legislator Herrera). MOTION FAILED.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator Herrera). RESOLUTION ADOPTED.

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the 2010 regular meetings of the Tompkins County Legislature are as follows:

Tuesday,	January 19,	2010 at 5:30 p.m.
Tuesday,	February 2,	2010 at 5:30 p.m.
Tuesday,	February 16,	2010 at 5:30 p.m.
Tuesday,	March 2,	2010 at 5:30 p.m.
Tuesday,	March 16,	2010 at 5:30 p.m.
Tuesday,	April 6,	2010 at 5:30 p.m.
Tuesday,	April 20,	2010 at 5:30 p.m.

January 5, 2010

Tuesday,	May 4,	2010 at 5:30 p.m.
Tuesday,	May 18,	2010 at 5:30 p.m.
Tuesday,	June 1,	2010 at 5:30 p.m.
Tuesday,	June 15,	2010 at 5:30 p.m.
Tuesday,	July 6,	2010 at 5:30 p.m.
Tuesday,	July 20,	2010 at 5:30 p.m.
Tuesday,	August 3,	2010 at 5:30 p.m.
Tuesday,	August 17,	2010 at 5:30 p.m.
Tuesday,	September 7,	2010 at 5:30 p.m.
Tuesday,	September 21,	2010 at 5:30 p.m.
Tuesday,	October 5,	2010 at 5:30 p.m.
Tuesday,	October 19,	2010 at 5:30 p.m.
Wednesday,	November 3,	2010 at 5:30 p.m. (Tuesday, November 2 - Election Day)
Tuesday,	November 16,	2010 at 5:30 p.m.
Tuesday,	December 7,	2010 at 5:30 p.m.
Tuesday,	December 21,	2010 at 5:30 p.m.

**SEQR ACTION:** TYPE II-20

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**Resolution No. 2 - Endorsement of H.R. 2894 and S. 1431 to Amend the Help America Vote Act of 2002 to Require a Voter-Verified Permanent Paper Ballot**

It was MOVED by Mr. Shinagawa, seconded by Mr. Burbank. Mr. Shinagawa said although individuals are sometimes hesitant to weigh in on Federal legislation, this legislation would affect our local Board of Elections. The County chose to go to a paper ballot with optical scanner in 2005, and now the Federal government is making the same choice as well as stipulating that a recount of ballots occur in the event of a close race. The legislation includes \$1 billion in funding for States to change to the permanent paper ballot machines. In response to a question by Mr. Proto, it was noted that State already is in compliance with the proposed legislation. Mr. Proto spoke of the high debt the country is carrying and does not believe the resolution should be supported; States should fund the change themselves. Mr. Burbank believes it is worth funding to provide open, transparent elections that provide the ability to utilize a paper ballot for recounts.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 3 (Legislators McKenna, Proto, and Robison). RESOLUTION ADOPTED.

WHEREAS, free and fair elections provide the backbone of our democracy, and public confidence in the election system is crucial, and

WHEREAS, in October 2002, in response to the election debacle in Florida, Congress passed the Help America Vote Act (HAVA) to help states replace antiquated and unreliable voting systems and make voting accessible to people with disabilities, and

WHEREAS, in January, 2005, the Tompkins County Legislature passed Resolution No. 3 - “Advocating Certification of Hava-Compliant Voting Machines and Related Election Law Improvements” calling for the state to select paper ballots and optical scanners as the voting equipment of choice for New York State, being the first county in New York to do so, and

WHEREAS, in 2008, more than one third of states still did not require votes to be recorded on paper, and

WHEREAS, without a voter-verified paper trail, there is no way to check against voter theft from hacking or malicious software in paperless electronic voting, and

WHEREAS, without a voter-verified paper trail, there is no way of conducting a true recount with paperless electronic voting, and

WHEREAS, counties across New York State, including Tompkins County, have recognized the importance of a paper ballot and have purchased optical scan voting machines, and

January 5, 2010

WHEREAS, Congress has introduced bills H.R. 2894 and S. 1431, bills that would amend the Help America Vote Act of 2002 to (1) require a voter-verified permanent paper ballot and support optical-scan voting, (2) would require a random hand count in close federal elections of 3 percent of precincts to verify the accuracy of the computer count, (3) would prohibit the use of any uncertified voting system technologies, (4) would prohibit the use of wireless communication devices in such systems, and (5) would prohibit such device's or system's connection to the internet at any time, and

WHEREAS, New York State already has most of these measures in place and Tompkins County has seen firsthand the value these reforms would bring nationwide, and

WHEREAS, these bills would support local governments by authorizing \$1 billion in financing to replace non-compliant voting machines and allow extra time for those governments that need to convert from paperless electronic voting, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature hereby endorses H.R. 2894 and S. 1431 and encourages their timely passage,

RESOLVED, further, That a copy of this resolution be sent to New York State Governor Paterson, United States Senators Schumer and Gillibrand, Congressmen Hinchey and Arcuri, and the New York State Association of Counties.

**SEQR ACTION:** TYPE II-20

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### **Report from the Planning, Development, and Environmental Quality Committee**

Ms. Mackesey, Chair, reported the next meeting is scheduled for January 13<sup>th</sup> at 3:15 p.m.

### **Report from the 2010 Complete Count Census Committee**

Ms. Mackesey, Chair, reported the Committee met on January 4<sup>th</sup>. The census will be mailed to residents for receipt by April 1<sup>st</sup>. The goal of the Committee is to assist in educating the public about the census and we will be developing working groups to help with outreach. Discussions included identification of what people are excluded due to barriers (language, disability, non-readers, etc.) and how best to distribute information. One large barrier is individuals fear and distrust of government; it is important to determine how to provide the reassurance that any information obtained would not be used against them. Ms. Mackesey said the student population creates a challenge for the count. When a form is not completed a door-to-door contact is made, however, this is not done until June when the students have left the area. Another challenge for the count is homeless and migrant individuals. The next meeting will be on January 15<sup>th</sup> and will have Janice Young from the Census Bureau in attendance to help answer questions and provide information on resources. Ms. Mackesey stressed the importance of the count, which provides us with our Federal representation as well as the award of funding for programs. Ms. Robertson said the previous count indicated just over 96,000 residents; the next bracket that triggers additional funding is 100,000 residents.

Mrs. McBean-Clairborne said the Workforce Diversity and Inclusion Committee is aware of diversity issues regarding the census and at some point would like to have joint conversations to discuss the best approach to take.

### **Chair's Appointment to the 2010 Complete Count Census Committee**

Ms. Robertson appointed Mr. Lane to replace her on the 2010 Complete Count Census Committee.

### **Report from the Budget and Capital Committee**

January 5, 2010

Mr. Dennis, Chair, reported he would contact members about the potential for holding a meeting on January 11<sup>th</sup>. He said that budgeting would be a large part of discussions during the year. Mr. Dennis welcomed the new members of the Legislature.

**Minutes**

It was MOVED by Mr. Proto, seconded by Ms. Chock, and unanimously adopted by voice vote by members present, to approve the minutes of December 15, 2009, as presented. MINUTES APPROVED.

**Adjournment**

On motion, the meeting adjourned at 7:44 p.m.

*Respectfully submitted by Karen Fuller, Deputy Clerk.*