

January 6, 2009

**Tompkins County Legislature
January 6, 2009**

APPROVED 2-3-09

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 - Michael J. Sigler, 218 Peruville Road, Freeville
- District No. 7 - Frank P. Proto, 2585 Slaterville Road, Slaterville Springs
- District No. 8 - Greg W. Stevenson, 130 Harvey Hill Road, Ithaca
- District No. 9 - Duane T. Randall II, 305 West Groton Road, Groton
- District No. 10 - Dooley Kiefer, 629 Highland Road, Ithaca
- District No. 11 - Michael A. Koplinka-Loehr, 124 Crest Lane, Ithaca
- District No. 12 - Will Burbank, 132 Glenside Road, Ithaca
- District No. 13 - Martha Robertson, 1655 Ellis Hollow Road, Ithaca
- District No. 14 - Michael R. Hattery, 4 Greystone Drive, Dryden
- District No. 15 - James P. Dennis, 47 Elm Street, Trumansburg

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 Mr. Koplinka-Loehr. Mr. Dennis spoke of Mr. Proto having been a legislator for over 23 years, with a perfect attendance record this past year. After hearing no more nominations, it was Moved by Ms. Mackesey, seconded by Ms. Chock, 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.

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 names would be recorded with the votes of the meeting minutes. A vote by show of hands to determine the method of voting resulted as follows:

Vote by Show of Hands: 11 (Legislators Chock, Dennis, Hattery, Herrera, Kiefer, Proto, Randall, Robertson, Shinagawa, Sigler, and Stevenson);

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Vote by Written Ballot: 4 (Legislators Burbank, Koplinka-Loehr, Mackesey, and McBean-Clairborne).

Mr. Proto announced the vote would be taken by show of hands.

Election of Chair of the Legislature

Nominations were opened. Mr. Shinagawa nominated Mr. Koplinka-Loehr as Chair for 2009, seconded by Ms. Mackesey. Ms. Shinagawa spoke of Mr. Koplinka-Loehr's work during a difficult, transitional year requiring the selection of a new County Administrator and other crucial decisions relating to budget. He believes the County has weathered many hardships and that Mr. Koplinka-Loehr has done a good job; with the challenges facing us in the year to come he believes Mr. Koplinka-Loehr will assist in continuing to move the County forward. Ms. Mackesey echoed Mr. Shinagawa's sentiment.

Mr. Hattery nominated Mr. Proto as Chair for 2009, seconded by Mr. Randall.

At this time Mr. Proto read the Duties of the Chair of the Legislature from the County Charter.

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

A vote by show of hands to elect Michael Koplinka-Loehr Chair of the Legislature resulted as follows: Ayes - 11 (Legislators Burbank, Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, Shinagawa, and Stevenson). A vote by show of hands to elect Frank Proto Chair of the Legislature resulted as follows: Ayes - 4 (Legislators Hattery, Proto, Randall, and Sigler).

Mr. Koplinka-Loehr was declared Chair of the Legislature for 2009.

At this time Mr. Proto turned the meeting over to Mr. Koplinka-Loehr, Chair.

Mr. Koplinka-Loehr stated that Committee meeting schedules would continue under the 2008 structure until the next Legislature meeting, at which time updated information would be made available. He thanked his fellow Legislators for their support.

Election of a Vice Chair of the Legislature

The next order of business was the election of Vice Chair and Mr. Koplinka-Loehr opened nominations. Ms. Chock nominated Ms. Robertson as Vice Chair, seconded by Ms. Kiefer. Ms. Chock said many Legislators work hard for our residents in many ways, with her colleagues all being excellent choices for Chair or Vice Chair. She said Ms. Robertson has worked tirelessly, and shared information on the work completed by Ms. Robertson as Chair of the Planning, Development, and Environmental Quality Committee, her thorough and collaborative manner in completing tasks, and tireless efforts representing Tompkins County residents. Ms. Kiefer supported Ms. Chock's comments, stating Ms. Robertson would make a good Chair, and is happy to support Ms. Robertson as Vice Chair.

Ms. Herrera nominated Mrs. McBean-Clairborne as Vice Chair, seconded by Mr. Burbank. Ms. Herrera said Mrs. McBean-Clairborne works well with others and believes she would work well beside Mr. Koplinka-Loehr. Mr. Burbank stated his pleasure to second the nomination of Mrs. McBean-Clairborne and said he recognizes the difficultness of this decision and hopes this Legislature can move forward in a positive manner.

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Mr. Proto read the Duties of the Vice Chair from the County Charter, noting there is no shared authority between the Chair and Vice Chair of the Legislature.

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

Mr. Koplinka-Loehr announced the vote for Vice Chair would be taken by show of hands as was done for the election of Chair of the Legislature, indicating those in favor of each candidate.

During the initial vote by show of hands, the vote began as those in favor for Ms. Robertson, which was counted to be 8 votes, followed by the question of those not in favor, which was counted to be 7, then those in favor of Mrs. McBean-Clairborne, which was counted as 8. It was recognized that the vote could not stand as the initial vote indicated eight individuals for each, Mr. Koplinka-Loehr stated he had initially voted in error and in fact was voting for Mrs. McBean-Clairborne. In addition, members recognized confusion regarding the vote, as the procedure outlined by Mr. Koplinka-Loehr above was not followed. Therefore, the Legislature agreed to a revote on the two candidates. The revote resulted as follows:

A vote by show of hands to elect Martha Robertson Vice Chair of the Legislature resulted as follows: Ayes - 7 (Legislators Burbank, Chock, Dennis, Kiefer, Mackesey, Robertson, and Shinagawa). A vote by show of hands to elect Leslyn McBean-Clairborne Vice Chair of the Legislature resulted as follows: Ayes - 8 (Legislators Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson).

Following the vote, Ms. Kiefer said she had voted in the majority for the position of Chair of the Legislature and asked to reconsider and revote on the position. Ms. Herrera requested a caucus occur at this time.

Mr. Proto requested clarification of Ms. Kiefer's request, saying it was his understanding that once the vote was announced it could not be changed. Mr. Wood said the motion to reconsider would be handled in the same manner as normally practiced by the Legislature. Mr. Sigler disagreed, stating he believed that once seated as Chair, Mr. Koplinka-Loehr would hold the position for the next year.

A recess to allow Mr. Wood to research the matter was requested and unanimously agreed upon by show of hands by members of the Legislature. A recess was declared at 5:55 p.m. The meeting reconvened at 6:18 p.m.

Chair Koplinka-Loehr announced that due to the confusion on the vote for Vice Chair there would be a revote. The revote by show of hands to elect Martha Robertson Vice Chair of the Legislature resulted as follows: Ayes - 8 (Legislators Burbank, Chock, Dennis, Kiefer, Koplinka-Loehr, Mackesey, Robertson, and Shinagawa). A revote by show of hands to elect Leslyn McBean-Clairborne Vice Chair of the Legislature resulted as follows: Ayes - 7 (Legislators Hattery, Herrera, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson).

Mr. Koplinka-Loehr declared Ms. Robertson Vice Chair of the Legislature for 2009.

At this time, Ms. Kiefer withdrew her motion to reconsider the vote of Chair of the Legislature.

Mr. Proto asked that Mr. Wood read the rule on reconsideration of the vote. Mr. Wood stated there are several provisions regarding the rule, that are relevant. Mr. Koplinka-Loehr indicated it was moot as the motion was withdrawn. Mr. Proto disagreed and Mr. Wood then reviewed the relevant rules regarding a motion to reconsider and voting on officers, noting any matter not governed by the Rules of the Legislature would refer to Robert's Rules of Order. He indicated that if he had to make a ruling regarding voting of officers, Robert's Rules of Order govern and once accepted by the individual elected

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it would then be too late to reconsider a vote for an election. Mr. Proto offered Ms. Kiefer's motion to reconsider was on the vote for the Chair, not the Vice Chair; she did not vote on the prevailing side of the initial vote for Vice Chair and no one had proposed a revote on the Vice Chair position; therefore, he believes the vote taken declaring Ms. Robertson Vice Chair is incorrect. Mr. Proto then challenged that the vote for Mrs. McBean-Clairborne as Vice Chair should stand.

Ms. Kiefer stated she had suggested a reconsideration of the vote for Chair, since having voted in the majority it was her right, she had not addressed the vote for Vice Chair. She said the vote following recess was called by Chair Koplinka-Loehr due to his earlier confusion. Mr. Koplinka-Loehr said initially he had voted for both candidates and the vote could not stand with each having eight votes, therefore he determined to have the revote due to his confusion. Mr. Sigler and Mr. Proto did not agree that there was confusion on the vote.

Mr. Wood indicated if there is a challenge of the Chair's decision being made regarding the revote, the Rules provide the Chair with the opportunity to explain the reason for the decision and a roll call vote taken regarding the challenge.

A motion for recess to review rules was made by Ms. Robertson, seconded by Ms. Kiefer. A voice vote on the motion resulted as follows: Ayes – 10 (Legislators Burbank, Chock, Dennis, Hattery, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Robertson, Shinagawa, and Stevenson); Noes – 5 (Legislators Herrera, McBean-Clairborne, Proto, Randall, and Sigler). MOTION APPROVED.

A recess was declared at 6:26 p.m. The meeting reconvened at 6:34 p.m.

Upon return from recess, Mr. Koplinka-Loehr said the decision to have a revote for Vice Chair was because of his interpretation of the confusion, which has now been challenged, and asked that the rule relating to a challenge of the ruling of the Chair be read by Mr. Wood. Mr. Wood was asked by Mr. Sigler to read the rule regarding the seating of officers.

Mr. Proto said it is his opinion that it is now too late to Challenge the Ruling of the Chair. He stated the election of Vice Chair was official and a vote to reconsider that election was not appropriately made. He said according to Mr. Wood's interpretation of the Rules the election of Vice Chair became official after the vote and acceptance by the nominee. Mr. Wood said the Chair has ruled that there was confusion and ordered a revote, and if Mr. Proto does not agree with that action the appropriate action would be to challenge the ruling of the Chair.

Mr. Koplinka-Loehr said there is a challenge to the ruling of the Chair and stated his reasons for having a revote were due to confusion on his part.

Mr. Sigler shared Mr. Proto's opinion that the initial vote for Vice Chair was valid, therefore, the revote is not appropriate. He said it seems like any time the Chair is not satisfied with a vote a revote could occur.

Ms. Herrera asked Mr. Wood to provide an opinion on the initial vote for Vice Chair. Mr. Wood indicated he would need additional time to review.

Ms. Kiefer said the County Attorney is advisory to the Legislature and provides his best interpretations of rules and laws, however, the Legislature is not bound by his interpretation. She offered a different interpretation, stating she believes the rules adopted by the Legislature are binding. Although Robert's Rules offer information specific to elections, one can say since the County rules are often silent on some details on elections, that motions to reconsider apply across the board.

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Ms. Mackesey asked for clarification of whether there is a challenge to the Chair. Mr. Proto clarified he has not made a challenge to the ruling of the Chair; he believes the election was appropriately held.

Ms. Robertson gave a brief statement of discussions with her colleagues noting a majority of the Democratic caucus had asked her and Mr. Koplinka-Loehr to serve together as a new kind of leadership team. She noted Mr. Koplinka-Loehr had indicated confusion regarding his initial vote for Vice Chair but the last vote was clear and she does not feel it is beneficial to question his current intentions.

Ms. Chock said both candidates are both fine women and capable representatives and expressed a desire to work forward and come to agreement regarding the matter.

Mr. Hattery stated the Rules of the Legislature should be followed and the revote that occurred prior to recess seated Mrs. McBean-Clairborne as Vice Chair. He said it was clear to him that there were Legislators who were unhappy with that result and who supported the calling of a recess, as well as a reconsideration of the position of Chair. Mr. Hattery said a vote of the full Legislature resulted clearly in a majority electing a Vice Chair.

Ms. Herrera recalled a comment made by former Legislator Daniel Winch who said each Legislator was entitled to one vote. She said she was one who didn't vote in the majority of the democratic caucus; however, her vote is still valid. She said she is hopeful this Legislature can reach a fair and honest conclusion to this debate.

Mr. Proto agreed with Mr. Hattery, Ms. Chock, and Ms. Herrera's comments, and spoke of Legislators representing constituents from all political parties. When making decisions as a Legislature, all members should be viewed as individual Legislators and not as a member of a political party. He said he was "taken aback" by the comments stating decisions were made within the Democratic caucus. Mr. Proto said that is inappropriate and decisions being made behind closed doors give the impression of non-transparent government. He clarified the request being debated is to obtain clarity on the Rules and to be certain the process is correct.

Mr. Sigler expressed concern that there is an impression that the Democratic party and its leadership are restructuring the County's Charter by creating a "leadership team" and this is clearly not in the Charter. He also noted there was an option to have a written ballot and that may have resulted in a different outcome.

Ms. Robertson clarified earlier comments and said the intent was to elect only one Chair and to develop a sense of working together collaboratively. She does not think Mr. Koplinka-Loehr should be held to a vote he made in error. She stated she had been asked by a majority of Legislators to hold this office and while she did consider withdrawing from consideration, her colleagues have asked her not to.

Mr. Burbank noted he sits directly between Mrs. McBean-Clairborne and Ms. Robertson and said both candidates are wonderful individuals and would do an admirable job. He asked Mr. Wood to clarify a point contained in his January 5 e-mail communication concerning the Rule of the Legislature pertaining to elections and serving one year or until a successor is elected. Mr. Wood reviewed the law, and provided additional information with regard to the circumstances when there is not a majority vote for the position of Chair, noting Tompkins is a Charter County, and has taken from State law only certain portions to include in the Charter.

Mr. Randall expressed his disappointment that the question of clarity appears to be a party issue. He believed the vote was clear and the majority supported the candidate who had done a good job. He does not believe there was confusion on his part or that of his colleagues.

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Mrs. McBean-Clairborne said she will accept whatever outcome develops. She said there is a need to clarify that the Legislature is taking the vote seriously as well as continuing to do what is in the best interest of the County.

At Ms. Chock's request Mr. Wood provided an interpretation of Robert's Rules of Order since County rules are silent, that a motion to reconsider would not apply to elections. Mr. Wood said there are two different views on who was elected as Vice Chair; however, the issue at hand is how to proceed. He suggested the way to move forward is to Challenge the Ruling of the Chair.

Ms. Robertson asked if the regular agenda could be undertaken at this time, since members of the public and staff were waiting for other business; we could come back to this topic. Mr. Proto felt the matter at hand was important enough to continue the discussion. Mr. Sigler said while he agrees it is important he would not have an objection to moving forward. In his opinion, Mrs. McBean-Clairborne is the Vice Chair. Ms. Herrera agreed with Mr. Sigler with regard to the Vice Chair, and has no objection to moving on.

Mr. Wood said there are two views regarding the election with the primary being the issue of how to proceed at this point. He believes it requires a Challenge to the Ruling of the Chair. Mr. Wood summarized the three votes that have taken place. There was certainly confusion on the first vote because there were more than 15 votes; the second vote sounded like it was 8 to 7 however, there have been cases of revotes when confusion was indicated. The Chair has ruled that the third vote stands and in his opinion the only way to move forward is to accept or challenge that ruling.

Ms. Herrera expressed concern with challenging the ruling of the Chair because to do so would indicate the initial election was not valid when many feel it was a valid selection.

Ms. Mackesey stated it is her opinion that there was confusion surrounding the vote and it would be an exception not to allow a revote as has been done in the past.

Mr. Dennis said it had appeared Mr. Koplinka-Loehr had voted twice; if so, there should have been a revote.

Mr. Proto said the Legislature has had a history of revoting when confused, however, that is not what occurred; Mr. Koplinka-Loehr had indicated he wanted to change his vote; the revote provided him the opportunity to do so and resulted in Mrs. McBean-Clairborne being elected Vice Chair. The request prior to recess was not for a revote for Vice Chair, but one to reconsider a revote on the Chair made by Ms. Kiefer. Mr. Proto noted Mr. Koplinka-Loehr requested and has been given the opportunity to change his vote for Vice Chair.

At this time, Ms. Kiefer asked to proceed with the agenda, and to return to this discussion thereafter. Mr. Koplinka-Loehr agreed to proceed with the agenda, returning to the discussion later in the meeting.

Privilege of the Floor by the Public

Michael E. Lane, Dryden Resident, requested that the Legislature think seriously before asking for State legislation to amend use of Room Occupancy Tax revenue. If the funds were to be used for a purpose other than the initial intention, he is concerned it would expand to other uses as well. Although a strong proponent of economic development who believes the County should spend more in this area, he does not believe this is the way to go about that.

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Mr. Koplinka-Loehr said Mr. John Bentkowski, Ithaca, New York, was present earlier speak to the Legislature but was unable to wait for Privilege of the Floor. His information will be distributed to Legislators.

Paul Mazzarella, Executive Director of Ithaca Neighborhood Housing, spoke in favor of housing affordability, the proposed trust fund, and the importance of implementation of programs. He expressed appreciation to the Legislature for the leadership shown in the past five years to bring awareness to housing. Mr. Mazzarella spoke of the 2006 Needs Assessment outlining a need for an additional 3,000 homes by 2014 and that one-half of the homes should be affordable. He said the next step would be to assist local governments in understanding how to proceed with the Housing Strategy, moving past the study, and beginning discussions on how to implement the new housing that is required. He hopes the Legislature will move forward in approving the funding for this vital need.

John Spence, Executive Director of Better Housing for Tompkins County, expressed appreciation to Mr. Marx and Planning Department staff for their work relating to housing needs. He is in support of affordable housing and the discussions among the County, City of Ithaca, Cornell University, as well as the Chamber of Commerce and Tompkins Consolidated Area Transit. Mr. Spence appreciates the amount of thought, effort, conversation, and collaboration put forth and is in support of the recommended funding.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, encouraged the Board of Elections and the Election Commissioners to educate the public on the use of the new voting machines prior to the Fall elections. He noted the State is in the process of certifying the machines, which is expected to occur by March or April 2009. Mr. Proto then spoke of the designated newspaper for County notices and concerns raised as a result in publication date changes made by *The Ithaca Journal*. Those changes have resulted in classified advertisements being published in only Wednesday through Saturday issues of the newspaper. He is concerned this may affect legal notice requirements and recommended the County look to see if other local publications should also be considered for designation.

Mr. Randall, District No. 9 Legislator, expressed appreciation on behalf of himself and family to fellow Legislators and staff for their support during the past year. He also thanked his wife, Phyllis, for all she has done to assist with his needs, noting his recent surgery was successful and he has much gratitude for her care. Mr. Koplinka-Loehr welcomed Mr. Randall back.

Ms. Chock, District No. 3 Legislator, announced the Light in Winter events will occur from January 23 through January 25. This is an incredible festival of science and arts that is creative and illuminating. More details may be found at www.lightinwinter.com.

Ms. Kiefer, District No. 10 Legislator, in response to Mr. Proto's concerns regarding the designation of newspapers, indicated it is her understanding the County is not limited to designating a single newspaper, it just costs more.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced a variety of events that would occur in January, including: the Northside/Southside Center lunch on January 15th; Greater Ithaca Activities Center (GIAC) Martin Luther King (MLK) community breakfast on January 17th, with the Human Rights Commission MLK awards for art and poetry; the Community Dispute Resolution Center January 19th awarding of the Peacemaker Award; the unveiling of the dual-designation naming of Martin Luther King/West State Street on January 19th. She will attend the inauguration ceremonies January 20th in Washington, D.C. as a chaperone for students. She hopes there will be good discussions of the importance of the inauguration and wished the new President well.

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Mr. Stevenson, District No. 8 Legislator, spoke of the difficulty constituents are having relating to recycling pick up. He reported that the hauler, due to “weather conditions” has not been picking up recycling on the scheduled day. He has reviewed the guidelines, which does not state there would not be pick up due to inclement weather and is concerned. When this occurs, the hauler has indicated they would pick up on the next business day, which could be several days depending on the day of the week and holidays occurring. Mr. Stevenson believes the hauler should maintain the schedule, regardless of weather conditions. He then spoke of a concern regarding Continental Airlines not having a customer-service representative available for the subcontractor providing service at the Newark airport. Customers going to the Continental Airline desk are informed that even though the ticket may have been purchased through them they are unable to assist them. He believes it could jeopardize the carrier’s future business at the airport.

Presentation – Community Housing Affordability Fund and the Community Housing Trust Fund – Memorandum of Understanding and Notice of Funding Availability

Mr. Marx, Commissioner of Planning and Public Works, provided an overview of the Community Housing Affordability and Community Housing Trust Programs that were the result of the 2006 Affordable Housing Needs Assessment. As a result of the assessment, the Housing Strategy was undertaken in 2007, and resulted in four principal strategies: (1) use of inclusionary zoning and incentive zoning, (2) employer-assistance programs, (3) Community Housing Affordability Program, and (4) Community Housing Trust.

The Community Housing Affordability Program is designed to provide initial funding to developers to fill a funding gap and reduce the risk of undertaking a new affordable-housing construction project. This is accomplished through local funds to assist with the pre-development costs associated with residential and mixed-use real estate development projects that provide affordable housing. The funds would be provided as a zero-interest loan to be repaid. The eligible uses for the funding include cost of options or purchase of land, environmental assessment, site design or building design, and approvals, permits, financing, or legal costs.

The Community Housing Trust Program is designed to ensure that newly constructed housing units or rehabilitated housing units remain affordable to future generations of buyers. This is achieved by separating the ownership of the land from the ownership of the housing unit, whereby (1) only the housing unit is purchased by the homebuyer, and (2) the amount of equity that the homeowner can take from the housing unit upon sale is limited to keep it affordable. Eligible uses for the funding are the cost of land, provided that the housing unit remains affordable through the Community Housing Trust or another acceptable mechanism.

Overall funding for the programs is a collaborative effort among the County, City of Ithaca, and Cornell University. The County contribution would come from the Community Development Block Grants Homeownership Program income funds that have been repaid by borrowers. The funds are only used for Housing and Urban Development eligible activities. The total contribution for the County is \$600,000 over a six-year period. The City of Ithaca would also be contributing the same, with Cornell University doubling their contribution to \$1,200,000 for six years. As a result, \$400,000 would be available annually for the program, with a total of \$2,400,000.

Program administration would be done through appointed representatives from each entity. The application-review committee would be appointed by the program administration representatives and would include members of housing professionals from outside Tompkins County and appointed local professionals with experience in real estate development, housing, planning, or real estate finance.

Ms. Robertson said Planning Department staff has been working for several years to develop the programs. This has included working with the Economic Development Revolving Loan Fund through

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Tompkins County Area Development (TCAD). The shift of that program from the County to TCAD has helped to provide the ability to staff the housing initiative without adding personnel.

In response to a question posed by Mr. Proto, Mr. Marx said it is not anticipated that administrative fees will be needed. He believes at present the work staff would be undertaking would be funded within the current budget.

Ms. Kiefer suggested members be appointed to the oversight committee who have skills in the areas of sustainability and human services. Mr. Marx stated he would try to accommodate the request. She then asked if the funds would be pooled or maintained by each funder. Mr. Marx said funds would be controlled by each funder, as there are restrictions on the use of the funds. Ms. Kiefer suggested that since applications are proposed to be rated through a scoring of points, more should be given to the energy-efficiency and land-location portion and less to the house. Mr. Marx said the oversight committee would have to finalize it and that at the present time he would not suggest modifications that would require approval by all parties, causing a delay.

Ms. Chock disclosed her relationship to Paul Mazzarella, Executive Director of Ithaca Neighborhood Housing, and asked Mr. Wood if it would require her being excused from votes on the program. Mr. Wood advised her that the only at the time she would need to abstain from voting would be during the consideration of a contract with INHS.

Mrs. McBean-Clairborne shared her fellow Legislators' pleasure to see the affordable housing programs becoming a reality.

Chair's Report

Mr. Koplinka-Loehr said at the present time the State is not requiring Legislators maintain a record of time spent in their positions; it may be required in early February 2009. He called attention to the listing of advisory board vacancies provided to members and recommended Legislators encourage their constituents apply for these positions.

Report from the County Administrator

Mr. Mareane did not have a report. He requested an executive session at the end of the meeting to discuss personnel matters and labor negotiations.

Report from the County Attorney

Mr. Wood did not have a report.

Report from the Finance Director

Mr. Squires reported the financing on the \$11.1 bond anticipation notes went well, with a 1.14 percent rating, which is the second lowest rate in the past 12 months and below his original estimate of 2 percent. He attributed this to the County's excellent rating, noting a benchmark is a double A or better rating, resulting in a \$300,000 savings in interest cost. There will be another financing for the renovations to the Health Department.

Report from Staff – Youth Services

Ms. Zahler, Youth Services Director, addressed concerns regarding the proposed Governor's budget that would reduce funding for programs due to the recommendation of funding through a Youth Programs Block Grant, taking all funding that flows through her department and local government,

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combined with the State funding for partial reimbursement of the cost of detention services. Statewide, the present \$118 million would shrink to \$95 million, a 25% cut. She spoke of the expense of detention services, \$350-\$500 per day and since it depends on the number of youth affected, the cost is volatile, unpredictable, and can be very expensive. The other part of the Governor's budget that concerns her is that the Governor's proposal to repealing sections of law that provided per capita reimbursement for youth prevention programs. Ms. Zahler is requesting the Governor separate youth development and detention services. Also, the proposal stipulates a January 1st implementation date to determine program funding levels when it is not yet known what the full implication of the proposal would be.

Ms. Robertson expressed appreciation for the report and spoke of the need for the full Legislature to have information as it becomes available. In response to her question, Ms. Robertson was told the County receives \$300,000 state aid for detention (one-half of the total cost) and approximately \$364,000 for youth development. Mr. Mareane explained the approximate \$600,000 for youth detention would have a 25 percent reduction, if another youth were put in detention for a year it would be at a cost of \$150,000, which would significantly impact the other youth programs.

Mr. Koplinka-Loehr said Mr. Mareane has sent a letter to State representatives. The Governor indicated he would accept letters until January 16th.

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 Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the following appointment(s) under the Consent Agenda:

Youth Services Board

Peter Daniel Barrow – Village of Freeville representative; term expires December 31, 2011

Environmental Management Council

H. Roger Segelken – Village of Cayuga Heights representative; term expires December 31, 2010

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 1 - FUNDING OF COMMUNITY CELEBRATIONS GRANTS

MOVED by Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote under Consent Agenda.

WHEREAS, Tompkins County has a grant program for community celebrations using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, the Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Planning, Development, and Environmental Quality Committee and the Tompkins County Legislature, and

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WHEREAS, the Planning, Development, and Environmental Quality Committee has reviewed and approved the recommendations of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

City of Ithaca	2009 Slush Fest	\$1,200
Town of Ithaca	Celebrating Community on Cayuga Lake	<u>1,700</u>
		\$2,900

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 2 - FUNDING OF TOURISM MARKETING AND ADVERTISING GRANTS

MOVED by Mr. Randall, seconded by Ms. Mackesey, and unanimously adopted by voice vote under Consent Agenda.

WHEREAS, Tompkins County has a grant program for Tourism Marketing and Advertising using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, the Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Planning, Development, and Environmental Quality Committee and the Tompkins County Legislature, and

WHEREAS, the Planning, Development, and Environmental Quality Committee has reviewed and approved the recommendations of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grants are approved:

Ithaca Triathlon Club	2009 Cayuga Lake Triathlon	\$1,000
Light in Winter, Inc.	2009 Light in Winter Festival	\$4,369
PRI/Museum of the Earth	Charles Darwin After the Origin Exhibit	\$5,000
Finger Lakes Wine Center	Grand Opening	<u>\$5,000</u>
		\$15,369

RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

Report from the Public Safety Committee

Mr. Stevenson, Chair, deferred to Mr. Hattery, Vice Chair. Mr. Hattery reported the Committee met last prior to the December 16th Legislature meeting to act on resolutions presented at that time. The first meeting of the Assigned Counsel/Public Defender Task Force will take place on January 13th.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on December 17th 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 28th.

Report from the Health and Human Services Committee

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Mr. Proto, Chair, reported the Committee would meet on January 20th prior to the next Legislature meeting to address action items.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, reported the Committee is scheduled to meet on January 15th.

Report from the Human Resources Committee

Mr. Dennis, Chair, reported the Committee is not scheduled to meet until February. He reminded Legislators of the training regarding direct report reviews is scheduled for January 29th at 5:30 p.m. He asked that members confirm attendance at the training.

Report and Presentation of Resolution(s) from the Government Operations Committee

Mr. Hattery, Chair, reported the Committee would meet on January 9th.

RESOLUTION NO. 3 - ESTABLISHING 2009 MEETING DATES

MOVED by Mr. Hattery, seconded by Mr. Stevenson.

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, to amend the resolution to cancel the August 4, 2009 meeting. Ms. Kiefer said she does not believe it is necessary to have two meetings a month in the summer. A brief discussion followed, during which Ms. Chock felt the suggestion may be worthwhile to enable vacation planning. Ms. Robertson, Mr. Stevenson, and Ms. Herrera expressed their opinion that due to individual schedules it is difficult to pick a specific time to not hold a meeting. A voice vote on the amendment resulted as follows: Ayes – 3 (Legislators Burbank, Chock, and Kiefer); Noes – 12 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, Mackesey, McBean-Clairborne, Proto, Randall, Robertson, Shinagawa, Sigler, and Stevenson). MOTION TO AMEND LOST.

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

RESOLVED, on recommendation of the Government Operations Committee, That the 2009 regular meetings of the Tompkins County Legislature are as follows:

Tuesday,	January 6,	2009 at 5:30 p.m.
Tuesday,	January 20,	2009 at 5:30 p.m.
Tuesday,	February 3,	2009 at 5:30 p.m.
Tuesday,	February 17,	2009 at 5:30 p.m.
Tuesday,	March 3,	2009 at 5:30 p.m.
Tuesday,	March 17,	2009 at 5:30 p.m.
Tuesday,	April 7,	2009 at 5:30 p.m.
Tuesday,	April 21,	2009 at 5:30 p.m.
Tuesday,	May 5,	2009 at 5:30 p.m.
Tuesday,	May 19,	2009 at 5:30 p.m.
Tuesday,	June 2,	2009 at 5:30 p.m.
Tuesday,	June 16,	2009 at 5:30 p.m.
Tuesday,	July 7,	2009 at 5:30 p.m.
Tuesday,	July 21,	2009 at 5:30 p.m.

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Tuesday,	August 4,	2009 at 5:30 p.m.
Tuesday,	August 18,	2009 at 5:30 p.m.
Tuesday,	September 1,	2009 at 5:30 p.m.
Tuesday,	September 15,	2009 at 5:30 p.m.
Tuesday,	October 6,	2009 at 5:30 p.m.
Tuesday,	October 20,	2009 at 5:30 p.m.
Wednesday,	November 4,	2009 at 5:30 p.m. (Tuesday, November 3 - Election Day)
Tuesday,	November 17,	2009 at 5:30 p.m.
Tuesday,	December 1,	2009 at 5:30 p.m.
Tuesday,	December 15,	2009 at 5:30 p.m.

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Report from and Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee

Ms. Robertson, Chair, reported the Committee would meet on January 8th, when there would be a resolution at that time there would be a resolution regarding the Industrial Development Agency Civic Facility Legislation as well as continued discussion regarding the proposal for Room Occupancy Tax funds to be designated for economic development.

RESOLUTION NO. 4 - FUNDING OF NEW TOURISM INITIATIVE GRANTS

MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborne. Ms. Kiefer asked for the location of the Wine Center and was informed it would be located under the Cayuga Street Parking Garage. A voice vote on the resolution resulted as follows: Ayes – 13; Noes – 2 (Legislators Proto and Randall). RESOLUTION ADOPTED.

WHEREAS, Tompkins County has a grant program for New Tourism Initiatives using funds drawn entirely from Room Occupancy Tax, and

WHEREAS, the Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Planning, Development, and Environmental Quality Committee and the Tompkins County Legislature, and

WHEREAS, the Planning, Development, and Environmental Quality Committee has reviewed and approved the recommendations of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following grant is approved:

Finger Lakes Wine Center	Temporary Interim Director & Fundraiser	\$25,000
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RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned projects.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 5 - FUNDING FOR FESTIVAL OUTREACH

MOVED by Ms. Robertson, seconded by Mrs. McBean-Clairborne.

It was MOVED by Mr. Proto, seconded by Mr. Sigler, to separate the resolution as follows: \$10,000 for the broad-based core assistance and \$10,000 for the targeted technical assistance. A discussion followed during which Ms. Herrera noted what the various components were and requested additional information regarding the proposal. Ms. Chock asked whether the organization would deliver the program if only one-half of the funding were approved. Ms. Robertson did not know if it would be

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possible to do so. She said the project is a result of multiple requests for information to County staff and it would help provide direction to volunteers working on festivals.

Ms. Herrera stated she read more information and is in favor of the proposal that would provide needed services. Ms. Mackesey is hesitant to separate the pilot project; if it were to be separated she would like it tabled to provide time for further discussion. Ms. Kiefer asked what Mr. Proto's objection to the resolution was that resulted in his request for separation. Mr. Proto said it was due to providing a salary for an individual to do the work. Ms. Robertson would not object to the separation, but hopes it is approved. A voice vote to separate the resolution resulted as follows: Ayes – 7 (Legislators Dennis, Hattery, Kiefer, Proto, Robertson, Sigler, and Stevenson); Noes – 8 (Legislators Burbank, Chock, Herrera, Koplinka-Loehr, Mackesey, McBean-Clairborne, Randall, and Shinagawa). MOTION TO SEPARATE FAILED.

With regard to the original motion, Mr. Sigler indicated that he feels many people do the type of work the project is addressing. He is concerned that if all future festivals use the templates provided through the project there would not be variety in local festivals. Mr. Stevenson agreed in part with Mr. Sigler and indicated he would not be opposed inherently, but without additional information is not comfortable. Ms. Herrera supports the resolution as tourism is important and requires support. Mrs. McBean-Clairborne said the Strategic Tourism Planning Board brought forth the recommendation and would like to see their recommendation respected.

A voice vote on the resolution resulted as follows: Ayes – 10 (Legislators Burbank, Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, Mackesey, Mcbean-Clairborne, Robertson, Shinagawa,); Noes – 5 (Legislators Hattery, Proto, Randall, Sigler, and Stevenson). RESOLUTION ADOPTED.

WHEREAS, the Tompkins County Tourism Program administrators receive numerous requests each year for technical assistance from festival producers, and

WHEREAS, the grant applicants often request financial support for the production of festivals, and

WHEREAS, the Strategic Tourism Planning Board (STPB) recognizes the demand for a proactive approach to such requests, and that there is a scale of economy to be achieved in joint purchases, planning, and coordination for festivals county-wide, and

WHEREAS, there are adequate funds earmarked for festival outreach in the 2009 Tompkins County Tourism Program budget,

WHEREAS, the Strategic Tourism Planning Board has requested and reviewed grant applications for recommendation to the Planning, Development, and Environmental Quality Committee and the Tompkins County Legislature, and

WHEREAS, the Planning, Development, and Environmental Quality Committee has reviewed and approved the recommendations of the Strategic Tourism Planning Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following amount is approved for the proposal:

Downtown Ithaca Alliance	2009 Festival Outreach	\$20,000
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RESOLVED, further, That the County Administrator or designee shall be authorized to sign any documents related to the aforementioned project.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 6 - TOMPKINS COUNTY LEGISLATURE POSITION ON TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY (IDA) MEMBERSHIP, ACCEPTING THE RECOMMENDATION OF THE IDA

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MOVED by Ms. Robertson, seconded by Mr. Hattery. Ms. Robertson reviewed the information regarding the resolution, noting it is the result of a recommendation by the Industrial Development Agency's (IDA) Governance Committee following the Public Authority Accountability Act. The reason provided by the State is that it is not best practice to have the majority of the IDA be from the body that created it. The IDA chose to adopt the recommendation and amend membership to three County Legislators, one elected official from a municipality, and one elected official from a school board. At present, four of the seven members are Legislators and there are no slots designated for other elected officials. Although the Legislature is not bound by this recommendation, Ms. Robertson believes it is important to finalize a decision prior to the time the members of the IDA are appointed.

Ms. Herrera was on the IDA and its Governance Committee and believes it may be premature to support the resolution, indicating the Legislature is responsible to represent constituents with best interest in mind. Ms. Kiefer said the State recommendation is the result of other IDA's having significant problems, which ours has not had. Mr. Hattery noted the change was not just due to state regulatory recommendations but also to obtain diverse skills and representation. Mr. Proto said although he is in favor of a school board member on the board due to tax abatements, he is concerned about how the membership for the municipal and school board would be chosen.

A voice vote on the resolution resulted as follows: Ayes – 5 (Legislators Hattery, Proto, Randall, Robertson, and Sigler); Noes - 10 (Legislators Burbank, Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, Mackesey, Mcbean-Clairborne, Shinagawa, and Stevenson). RESOLUTION LOST.

WHEREAS, historically the membership of the Tompkins County Industrial Development Agency (IDA) has consisted of four members appointed from the Tompkins County Legislature, one Tompkins County Area Development (TCAD) Board representative, and two at-large members, and

WHEREAS, the New York State Public Authority Budget Office recommends, as a "best practice" with respect to board member independence, that there not be a majority of members from the entity that created the public authority (IDA), and

WHEREAS, in October 2008, the Tompkins County Industrial Development Agency revised its bylaws, including several changes to the membership categories and terms of service, and

WHEREAS, the new bylaws state that the membership shall consist of three members from the Legislature, one TCAD Board representative, one elected official from a municipality, one elected official from a school board, and one at-large member, and

WHEREAS, the revised bylaws also state that: "All members shall be County residents. The membership as a group should have representatives from both urban and rural areas of the County and should embody skills that would complement the work of the Agency including substantial finance and/or business experience and experience in workforce and labor issues. In addition, the Agency will seek to have a diverse representative board including but not limited to race, gender, sexual orientation, disability, and other legally protected classes.", and

WHEREAS, according to the County Attorney, those portions of the IDA's bylaws that concern membership are advisory to the Tompkins County Legislature. As statutory law provides that the right to appoint IDA members rests with the County Legislature, it has the final authority to determine the makeup of the IDA Board, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That despite its authority to maintain the status quo, the Tompkins County Legislature wishes to accept the Industrial Development Agency's recommendations,

RESOLVED, further, That the Tompkins County Legislature directs the Chair of the Legislature to nominate IDA members according to the goal of diversity on its board (cited above), and according to the following designations: three members from the Legislature, one Tompkins County Area Development Board representative, one elected official from a municipality, one elected official from a school board, and one at-large member,

RESOLVED, further, That such nominations will be subject to the approval of the committee overseeing the Industrial Development Agency and the full Legislature.

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Report from the Budget and Capital Committee

Mr. Shinagawa, Chair, reported the Committee would meet on January 12th and would take action on the resolution for housing, review 2009 goals, and other areas of concern relating to budget.

Minutes

The Minutes of December 16, 2008, were withdrawn.

Recess

A recess was declared at 8:52 p.m. with Ms. Herrera opposed. The meeting reconvened at 9:01 p.m.

Election of Vice Chair of the Legislature – Continued

Mr. Koplinka-Loehr stated he would make a ruling on the election of Vice Chair of the Legislature and reviewed the Rules of the Legislature relating to appealing the Rule of the Chair.

Mr. Koplinka-Loehr stated he bears full responsibility for the earlier confusion and apologized for the lengthened deliberation it caused. He said he received information earlier in the day that turned out to be incorrect, which he had not realized until the very moment that he called for a vote, and said he should have called for a recess before the first vote. He ruled that the vote taken after recess is final and valid and results in Martha Robertson being elected Vice Chair, with eight votes.

Mr. Proto said he is hesitant to challenge the ruling of the Chair and would seek counsel at the State level. Ms. Herrera shared Mr. Proto's opinion and believes it should be worked out. She does not agree challenging is the appropriate method and that the original vote selecting Mrs. McBean-Clairborne is correct.

At this time Mr. Proto requested that any tapes and notes be sequestered to be available for review at an appropriate time for anyone seeking counsel. He apologized to both individuals nominated and said he believes the Vice Chair had been chosen and the ruling is inappropriate. He stated he will not do anything further until determination is made by a counsel.

Executive Session

It was MOVED by Ms. Mackesey, seconded by Ms. Kiefer, and unanimously approved by voice vote, to enter into an executive session to discuss personnel matters and negotiations.

An executive session began at 9:08 p.m. The meeting returned to open session at 9:40 p.m.

Adjournment

On motion, the meeting adjourned at 9:40 p.m.