

**Tompkins County Legislature
May 5, 2009**

Approved 5/19/09

Call to Order

Mr. Koplinka-Loehr called the meeting 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 (Legislator McBean-Clairborne arrived at 5:35 p.m.).

Presentation of Proclamations

Mr. Koplinka-Loehr presented the following proclamation(s):

Youth Leadership Week in Tompkins County – May 3 – 9, 2009, to Kathy Schlather, Chair of the Youth Services Board. At this time Ms. Schlather, with the assistance of Asher Hockett, member of the Youth Services Board, and Nancy Zahler, Director of Youth Services, presented awards to TST BOCES students volunteering at Foodnet, Sister to Sister mentoring workshop facilitators, and members of Vitamin L, a positive-motivational chorus. Ms. Schlather announced there would be a Youth Plan Teen Empowerment Forum on Saturday, May 9th and that many other groups would be receiving certificates for their work. Ms. Schlather expressed appreciation for the support provided to cultivate and channel the positive energy of Tompkins County youth.

Mrs. McBean-Clairborne arrived at this time.

County Government Week in Tompkins County – May 3 – 9, 2009, to Paula Younger, Deputy County Administrator. Mr. Koplinka-Loehr thanked employees for their dedication and effort to the County.

Special Orders of the Day

Mr. Koplinka-Loehr announced that at 7:00 p.m. there would be a presentation on the Health Benefits Consortium.

Privilege of the Floor by the Public

Vonnie Dawson, Groton Resident, provided a call narrative relating to her daughter's efforts to receive custody of her own daughter. She reviewed various discussions and requests for assistance and asked Legislators to contact her to discuss the matter further.

Michael E. Lane, Village of Dryden resident, spoke of the previous difficulties experienced when voting at the Organizational meeting and suggested rather than voice votes or votes by show of hands, the Legislature purchase an electronic voting system to provide clear outcomes of voting. He believes it would be affordable and not only would provide a better method for casting votes but also could cue in Legislators wishing to address the issues on the floor.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, announced the Farmers' Market held an Earth Day event, with Mr. Mareane, County Administrator, participating as the keynote speaker.

Mr. Burbank, District No. 12 Legislator, announced the Ithaca Festival buttons are now available for sale in various stores. He encouraged the purchase of the buttons, which are a major portion of the revenue required to hold the annual festival, noting they also provide discounts the week prior to the festival.

Ms. Robertson, District No. 13 Legislator, referred to a recent article in *The Ithaca Journal* that reported on a Chamber of Commerce meeting. In the article there were recommendations from John Neuman on efficiencies that could be made within County government. She said that Mr. Mareane, Mr. Dennis, and she are planning to meet with Chamber representatives to discuss them further.

Mr. Randall, District No. 9 Legislator, announced the tax assessment grievance day for Groton would take place on May 14th at the Groton Town Hall. He also announced there would be a TST-BOCES Annual Plant Sale which includes flowers and vegetables, will be starting May 9th, 8 a.m. to noon, and subsequently Monday through Friday 8:30 a.m. to 2:45 p.m. Also happening on May 8th and 9th, McLean will be celebrating Happenings in the Hamlet.

Mrs. McBean-Clairborne, District No. 2 Legislator, spoke of the importance of youth recognition. She announced that the Youth Council, which was developed following meetings held several years ago by youth expressing concerns, would hold its first public meeting on May 7th, 7:00 p.m. in the City Council Chambers. The Council is made up of ten teenage council members from multiple municipalities. They are asking for public input to share thoughts, concerns, hopes, etc. in order to develop conversations with appropriate municipal officials in an effort to improve the lives of Tompkins County youth.

Presentation of Resolution(s) from the Budget, Capital, and Finance Committee

RESOLUTION NO. 73 - ENDORSING STATE LEGISLATION S3984 AND A1753 EXTENDING EXISTING SALES AND USE TAX AUTHORITY OF THE COUNTY OF TOMPKINS

MOVED by Mr. Dennis, seconded by Ms. Robertson. Ms. Herrera said she voted against this at Committee as she believes it to be a regressive tax. Although she recognizes that the County relies on the sales tax revenue for its budget she would not support it.

Mr. Burbank will not support the resolution, he also believes it to be inherently regressive.

Mr. Proto noted he has always voted against the sales tax, which had been requested years ago for the specific purpose of increasing revenues due to a shortage experienced when the County was doing landfills; it has outlived its purpose.

Ms. Robertson spoke of the need to have a balance of sales, income, and property taxes. She believes the present tax structure is wrong, noting schools depend too much on property taxes and the fact that Medicaid is a significant piece of the property tax charged to New York residents. She said the sales tax provides some form of revenue from residents using local services who do not pay a property tax. She will support the resolution.

Mrs. McBean-Clairborne spoke of former Legislator Michael Lane's attempts to pass the resolution to reduce sales tax on clothing items; she hopes that it may be considered at a later date to assist low-income individuals during this tough economic time.

A roll call vote on the resolution resulted as follows: Ayes – 11; Noes – 4 (Legislators Burbank, Herrera, Proto, and Randall). RESOLUTION ADOPTED.

WHEREAS, the County of Tompkins has had the authority to enact an additional one cent of sales and use taxation since December 1, 1992, and has enacted such taxation, and

WHEREAS, this authority has been exercised since that date and expires November 30, 2009, and

WHEREAS, this Legislature by Resolution No. 255 of 2008 requested the members of the New York State Senate and Assembly who represent Tompkins County to sponsor and support legislation extending this authority beyond November 30, 2009, and they have done so and have introduced S3984/A1753 "AN ACT to amend the tax law, in relation to authorizing the County of Tompkins to continue imposing an additional one percent sales tax" that extends this authority to November 30, 2011, now therefore be it

RESOLVED, on recommendation of Budget, finance, and Capital Committee, That this Legislature endorses and requests State approval of legislation known as S3984 and A1753, and urges its elected representatives in the Senate and the Assembly to support this legislation.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 74 - ESTABLISHMENT OF 2010 COUNTY FINANCIAL GOAL

MOVED by Mr. Dennis, seconded by Mr. Shinagawa. Mr. Dennis said many viewpoints were discussed at the retreat. He understands not all members of the Committee agree with the resolution coming out of Committee he appreciates their support to bring it to the floor.

Ms. Kiefer spoke of a resolution she offered for consideration at the Committee meeting that provided an explanation that the 14.8 percent tax levy increase includes approximately 5.5 percent tax levy increase just to cover New York State mandates and automatic payments, without providing any money toward locally controlled programs. The three percent increase is unconscionable; it would mean not even covering what we are required to do. Ms. Kiefer pointed out by way of illustration, a six percent tax levy increase would only increase taxes on a \$100,000 home by just under \$16 per year; and a 14.8 percent tax levy increase, the full maintenance-of-effort level, would equate to \$67.50 on a \$100,000 home. She does not believe the three percent level would provide appropriate assistance to our constituents and therefore will not support it.

Mr. Proto noted that in order to have a zero percent tax levy increase it would require a \$5.5 million decrease in program changes and only have an \$18 decrease on a \$100,000 home.

Ms. Robertson agreed with Ms. Kiefer's statements regarding the proposed tax levy increase not covering expected increases in mandated expenses. She said the County Administrator recommended at least five percent and leaning more toward a six percent increase in the tax levy. She believes setting the target too low causes stress on staff, causing some to leave county government, and also stress at the public level.

It was MOVED by Ms. Robertson, seconded by Ms. Mackesey, to amend the resolution to reflect a four percent tax levy increase. At this time Ms. Robertson spoke of the proposed increase in salary for Management employees, noting the Legislature had a choice of whether to approve an increase. She said the increase would be an additional expense of \$132,000, which over a two-year period would require

\$264,000. Although she would like to include the Management staff for a raise, if the Legislature passes a three-percent-tax levy increase it would be illogical to approve a Management raise if at that level.

Ms. Chock noted it is irresponsible to not find a way to cover mandated items. The County needs to tighten belts, which is necessary at any level under a 14.8 percent tax levy increase. She believes it is fair to look at what is under County control to reduce the tax levy, however, she believes that New York State government needs to recognize that counties cannot keep having mandates sent without funding and with the expectation that counties can absorb the difference. She will support the amendment, though it isn't enough and believes the County will have to make cuts in its budget.

Ms. Herrera said mandates, whether agreed to or not, are sent down by Federal and State government to the county level and must be paid, even as counties are working at changing this practice. She does not believe it is irresponsible to pass a tax levy lower than what the mandates require for funding. Ms. Herrera spoke of the increased demands that are presently placed on health and human service programs and other aid programs, and does not think anyone wants to cut vital programs at this time of crisis. She thinks the County can find places to reduce costs and maintain Tompkins County standing as one of the strongest counties in the state and maintain its staff. She realizes there is not enough support for a zero percent budget, which is why she supported the three percent resolution in retreat and at the committee level in order to provide deliberation by the full Legislature. She would not support the increased percentage and would rather go lower to aid poor and unemployed residents who cannot afford the increase.

Mrs. McBean-Clairborne expressed her hope that the tax levy would not go to two percent. She said there is a great deal of hard work to be done regarding the 2010 budget. She spoke of her inability to attend the budget retreat and is concerned with hearing the suggestion that the people who work to put policies in place as well as working hard daily to benefit others would not be compensated.

Mr. Sigler said if the County does not attempt to reach a zero percent increase tax levy now he does not believe it would ever occur. He also does not believe the State would cover the financial responsibility for mandates, therefore we need to plan our budgets accordingly. Mr. Sigler knows how for many, if more money is available, it is spent. He wishes the State had more carefully prepared their budget and only time will tell what happens with the State funding.

Ms. Kiefer said listening to Ms. Robertson's introductory remarks she had anticipated a higher figure would be offered for the tax levy. She will not support the amendment.

Ms. Robertson spoke of the difficult choices the Legislature has to make within the budget, noting that even a four percent increase in tax levy would not be adequate. She said it is unclear whether the State will make further reductions in the current budget that would affect us locally and does not believe it makes sense to pass a three percent tax levy increase.

Mr. Dennis will not support the four percent tax levy increase. He said residents should be assured that mandates and basic service area programs would be taken care of. He said the three percent figure was not an official vote but a sense of the members present at the retreat. Mr. Dennis said the challenge is to the Administrator and Department Heads to see if there is the ability to meet the goal; anything less than a 14.8 percent tax levy increase will create stress on everyone.

Mr. Burbank will not support the four percent tax levy increase as it won't address the core issues.

Minutes
Tompkins County Legislature
May 5, 2009

A roll call vote on the amendment resulted as follows: Ayes – 4 (Legislators Chock, Mackesey, Robertson, and Shinagawa); Noes – 11 (Legislators Burbank, Dennis, Hattery, Herrera, Kiefer, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson). AMENDMENT FAILED.

With regard to the main motion, Mr. Burbank said he would not support the resolution as it is not a sensible approach since there is no way to know what financial considerations would occur in the future.

Mr. Dennis would like to see what the County Administrator and Department Heads do in meeting the three percent goal.

Mr. Shinagawa recognized that due to the present economic situation there would be reductions in all areas and that the County is responsible to control costs. Although he knows it will be difficult, he will support the resolution.

Mr. Koplinka-Loehr offered an explanation of why a target tax levy is set at this time; it is taking the best information and coming up with assumptions based on the knowledge. At the retreat there were twenty-eight assumptions regarding the budget. At this point the entire organization is provided the goal set and will work with administration to attempt to meet it. Previously, the Legislature had a proposed budget presented in September and then determined how to amend the recommendation.

Ms. Herrera spoke of previous experiences during the budget process, noting that while this process seems stringent it is the appropriate direction to take. She will support the resolution.

Ms. Robertson reviewed budgets for various departments to provide examples of how extensive a \$4.4 million reduction in spending could be. She will not support the resolution, which she believes is too low.

Ms. Kiefer spoke of this being the sixteenth budget process she has experienced and noted the recent rationale for a low target has been stated as a process that lets the public know what would be lost and allow them to provide input; after which we may increase funding; conversely, this process puts stress on staff, agencies, etc. Ms. Kiefer would like to encourage the County Administrator to show his priorities rather than have a three percent or any such target.

A roll call vote on the main motion resulted as follows: Ayes – 7 (Legislators Dennis, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Shinagawa, and Stevenson); Noes – 8 (Legislators Burbank, Chock, Hattery, Kiefer, Mackesey, Randall, Robertson, and Sigler). RESOLUTION FAILED.

It was MOVED by Mr. Sigler, seconded by Ms. Herrera, to adopt a zero percent tax levy increase as the 2010 County Financial Goal. A voice vote on the motion resulted as follows: Ayes – 4 (Legislators Hattery, Herrera, Sigler, and Stevenson); Noes – 11 ((Legislators Burbank, Chock, Dennis, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, Proto, Randall, Robertson, and Shinagawa). MOTION FAILED.

It was MOVED by Mr. Sigler, seconded by Ms. Herrera, to reconsider the resolution setting a three percent tax levy increase. A roll call vote on the motion resulted as follows: Ayes – 9 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Shinagawa, Sigler, and Stevenson); Noes – 6 (Legislators Burbank, Chock, Hattery, Kiefer, Mackesey, Randall, and Robertson). MOTION TO RECONSIDER CARRIED.

It was MOVED by Ms. Robertson, seconded by Ms. Chock, to amend the resolution to indicate a 3.5 percent tax levy increase. A voice vote on the motion resulted as follows: Ayes – 6 (Legislators

Minutes
Tompkins County Legislature
May 5, 2009

Burbank, Chock, Kiefer, Mackesey, Robertson, and Shinagawa); Noes – 9 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Sigler, and Stevenson). AMENDMENT FAILED.

A roll call vote on the main motion resulted as follows: Ayes – 8 (Legislators Dennis, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Shinagawa, Sigler, and Stevenson); Noes – 7 (Legislators Burbank, Chock, Hattery, Kiefer, Mackesey, Randall, and Robertson). RESOLUTION ADOPTED.

WHEREAS, Tompkins County, as part of its budget policy and process, wishes to establish a guideline for development of the 2010 budget, and

WHEREAS, as of April 27, 2009, the County Administrator estimates that maintenance of effort would require a 14.8 percent tax levy increase, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the Legislature establishes the goal of a maximum tax levy of three percent (3%) for 2010 resulting in a 0.1 percent tax rate decrease for 2010 (\$5.93 tax rate) and also resulting in a projected decrease of \$4.4 million in locally controlled spending over 2009 projections resulting in a \$.59 decrease in taxes on a \$100,000 home.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 75 - RATIFICATION OF BARGAINING AGREEMENT CIVIL SERVICE EMPLOYEES ASSOCIATION, WHITE COLLAR UNIT AND AUTHORIZING TRANSFER OF FUNDS FOR SALARY ADJUSTMENTS

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

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson, to amend the resolution to strike the words “and Management” from the first resolved. Ms. Mackesey said tough choices are not pleasant; Management does spectacular work but in trying to minimize layoffs and share the burden by removing Management would save over \$260,000. She believes this would be a signal that the Legislature is serious and is in line with the prevailing thoughts. Ms. Robertson agreed with Ms. Mackesey and noted there needs to be consistency in actions.

Ms. Herrera said the amendment is designed to get attention. She said management staff are the very people who will be assisting to reduce expenses and will not support the amendment.

Mr. Dennis agreed with Ms. Herrera and will not support the amendment. He noted the Legislature received a raise in 2009 and that the resolution does not address 2010.

Mr. Stevenson stated he would need to recuse himself from voting on the White Collar portion of the resolution as it would directly affect his household income and asked that the White Collar portion be separated. Mr. Koplinka-Loehr indicated that at the appropriate time the matter would be taken into consideration.

Mr. Proto asked if longevity bonuses were still being made. Mr. Mareane said the resolution provides for the salary increase and maintains all present agreements; if entitled, staff would receive longevity bonuses. Mr. Proto spoke of the New York Times Union, which agreed to a five percent wage decrease in order to maintain their employment. At the appropriate time he will propose an additional amendment.

Special Orders of the Day – Presentation – Health Benefits Consortium

The Legislature and other municipal officials heard an updated presentation from consultant Steve Locey concerning the proposed shared-services-health benefits program for Tompkins County municipalities, which has been under study for the past two years. The goal of the consortium approach is for individual municipalities to pool their resources in an effort to provide health insurance plans less costly than can be purchased by each municipality on its own, without diminishing benefits. Detailing cost projections and 2010 premium rates, Mr. Locey estimated 2010 premium increases for Tompkins County at 6 percent and for the City of Ithaca at 3 percent; taken together, those two municipalities would hold more than 85 percent of the contracts within the consortium. The consultant stressed that benefits offered through the consortium will be equal to or better than existing plans, with municipal employers retaining control of the collective bargaining process, including such factors as benefits eligibility and the plans available to their employees. Each legislative body would choose a representative to the consortium Board of Directors. Municipalities are being asked to approve resolutions by July 2009 to participate in the consortium, then to sign the consortium agreement by September, with the plan scheduled to begin operation as of the beginning of 2010.

Following the presentation Mr. Sigler asked Mr. Locey what the premium increase would be if not a part of the consortium. It was explained that while an exact figure would be unknown, reviewing statistics of premiums over a 3.5 year period indicated a savings of 11 percent. He said that the consortium would have the same pressures as a standard insurance company and hopes to have a more efficient model to hold cost down over a period of time. The consortium is looking to utilize reasonable rates that would provide an equity-building opportunity. The historic increase has been between eight to ten percent over the last two years.

Mr. Dennis asked if a municipality chooses to leave the consortium would they be able to rejoin. Mr. Locey said there is no control over how many times a municipality could leave and come back, however, there is a three-year period after leaving before a municipality could rejoin; however, the consortium Board of Directors may waive this waiting period if desired. Mr. Locey stressed joining the consortium is a long-term commitment and that if the City or County opted out it would destroy the consortium.

It was noted that any questions Legislators have regarding the consortium should be directed to Jackie Kippola in Administration or Dave Sanders, Program Manager for Locey and Cahill.

Ms. Robertson requested a document that would compare what coverage the County has at the present time with a comparison of coverage through the consortium. Mr. Locey said a side-by-side comparison will be ready soon.

Ms. Coles, Common Council member, asked what would be the downside if the City went into the consortium and a smaller municipality left. It was explained that due to the delays accompanying processing of claims the City could have a liability in the event of a catastrophic loss by an individual covered in the smaller municipality. He said the consortium would work to minimize exposure as much as possible.

Mr. Hattery spoke of the governance of the consortium. Mr. Locey said governance would be determined by the County. He also said if the consortium desires, other municipalities in adjoining areas could become part of the consortium if desired. He explained the larger the consortium is the more stable it would become. Mr. Locey said one of the largest health benefits consortium is the OCM BOCES, with over 14,000 contracts and \$120 million in expenses; it is extremely stable with no premium increase over five percent over the last five years.

Ms. Chock inquired if Mr. Locey would recommend what type of representative he would suggest for a member of the Board of Directors, and if there is anything that jumped out with regard to coverage. Mr. Locey suggested a representative having an understanding of health insurance, budgeting policies, etc. With regard to the actual coverage he said the consortium package is equal or better than present policies.

Ms. Kiefer inquired whether it is known how many of the municipalities are likely to join. Mr. Locey did not know at this time. He has met with each municipality with some with positive reactions and others showing some concern and are working through issues. He will be having two more meetings and will invite elected officials; subsequently he should have a better idea of how many would join the consortium, and will meet with those uncertain to determine if it could be made feasible for them.

Mr. Stevenson asked who would be the third-party administrator. Mr. Locey said the bids have been sent out to all of the larger firms such as Blue Cross as well as a large PPA; most have had Blue Cross/Blue Shield processing in one form or another. The bid should be back in several weeks and would be reviewed by the Shared Municipal Services Initiative group and the Council of Governments. Once a Board of Directors is in place it would formally adopt an administrator. The target is to have an administrator with the same level of service as Blue Cross/Blue Shield.

Mr. Proto asked about the process that would follow, particularly educating physicians and other medical firms. Mr. Locey said the third-party administrator firms are well known with the markets and would provide marketing information indicating their role as administrator. Mr. Proto then inquired if the consultant, legal fees, and other expenses estimated in 2010 were one-time expenses. Mr. Locey explained they would be built in annually due to the need to have professional assistance.

Ms. Coles spoke of employees being able to appeal if benefits are denied, and that presently the appeal process follows HIPPA regulations, and asked if this would also be part of the coverage. Mr. Locey said there would be an appeal process and the consortium would follow the New York State Insurance Department process; all regulations would be adhered to and it is believed the third-party administrator could handle most issues that may arise.

In response to Mr. Burbank's question, schools, BOCES, and fire departments could join the consortium, however quasi-governmental groups such as Soil and Water Conservation Districts, and operations such as Tompkins Consolidated Area Transportation, etc. could not.

Ms. Robertson inquired if there is any expectation of a reduction of rates. Mr. Locey explained the projection for the small municipalities is somewhat break-even, however they would gain an out-of-area benefit that does not exist at present. With regard to the Town of Ithaca, it was a dramatic decrease due to the catastrophic loss experienced over the last several years. It was also noted the plan would include same-sex partners as the present coverage does.

Recess

Chair Koplinka-Loehr declared a recess at 7:52 p.m. The meeting reconvened at 8:00 p.m.

Continuation of Presentation of Resolution(s) from the Budget, Capital, and Finance Committee

Mr. Koplinka-Loehr announced the motion on the floor is the amendment to the resolution striking the words "and Management" from the first resolved paragraph.

It was MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne, to amend the proposed amendment by adding as a second Resolved: "That the base salaries for Management employees be increased by \$1,000 per employee, effective January 1, 2009, through December 31, 2009". She believed it would provide a compromise that recognizes the work of management staff as well as recognizing the percentage increase on higher salaries would be a significant amount of money.

Mr. Dennis will not support the proposed amendment, stating management personnel would be working along side those who received a 2.25 percent raise. Ms. Kiefer responded that the average Confidential employee raise, tracking the White Collar contract, is \$994.

Ms. Robertson said there are approximately 80 Management employees, which would result in \$80,000/year. She will oppose the amendment, stating she would like to have management removed at this time. Ms. Robertson said it does not preclude the Legislature from coming back in June or July based on new information to add the proposed amount, or 2.25 percent. She would prefer to have them excluded at this time.

Ms. Chock spoke of her having this issue a year ago, noting a 2 percent raise for someone earning \$100,000 is \$2,000 versus for a person earning \$20,000 is only \$400. She does not believe the significant difference is fair; the marginal costs needed at the lower income level affects basic needs, the upper level salary increase would mean tightening belts, but with more capacity to do so. She does not perceive the amendment as a lack of support for managers, rather a reality.

Mr. Sigler noted that the proposed increase is only for 2009 and is within the budget; while 2010 may require a zero percent increase it is presently within the budget lines.

In response to Mr. Proto's inquiry, the difference between the proposed \$1,000 and the 2.25 percent increase, it was noted the average of the 2.25 percent increase was \$1,650, which would save approximately \$100,000 over a two-year period if adopting the \$1,000 amount.

Mr. Burbank said the funds were budgeted this year for an increase, which would increase the base for next year. He would support Ms. Kiefer's amendment, noting a similar decision had been made by the Town of Ithaca as a simple percentage disadvantages those at the lower end of the scale.

Mrs. McBean-Clairborne would support the proposed amendment.

Ms. Kiefer noted that any funds not utilized from the budget in 2009 would assist in covering 2010 expenses.

Mr. Mareane said of the 80 management employees, 2/3 are mid-level managers whose salary level is not significantly different from the other staff members they are supervising. He asked that the management be provided the 2.25 percent salary increase in order not to have equity and parity issues. If no salary increase were given this year it would not be a level playing field in 2010. He further emphasized that Management is being called upon to assist in finding a way to cut the \$4.4 million.

Ms. Robertson disagreed with Mr. Mareane's statements and said she hopes that all employees will be actively working to find savings regardless of whether they get a raise. She reiterated she would prefer to wait and gather more information before acting upon a salary increase.

A voice vote on the amendment to the amendment resulted as follows: Ayes – 4 (Legislators Burbank, Kiefer, McBean-Clairborne, and Shinagawa); Noes – 11. AMENDMENT TO AMENDMENT LOST.

It was MOVED by Mr. Stevenson, seconded by Mr. Burbank, to separate the White Collar Unit from the resolution. A vote to separate the White Collar Unit resulted as follows: Ayes – 14; Noes – 1 (Legislator Randall). MOTION TO SEPARATE APPROVED.

It was MOVED by Mr. Proto to amend the separated resolution to indicate a zero percent salary increase. MOTION FAILED FOR LACK OF A SECOND.

Mr. Proto spoke of the Committee Chair meeting held the day prior that included discussions of changes in the budget due to State reductions. With concerns of potential budget shortfalls due to things such as swine flu, additional State reductions, etc. he does not believe it appropriate to provide a wage increase. He would like to see it postponed at this time.

Mr. Dennis stated the bargaining unit approved the increase and the Legislature has an obligation to vote on it; delaying or amending the matter is not appropriate.

Mr. Stevenson requested to recuse himself from the vote at this time due to conflict of interest.

Ms. Kiefer asked if her having been part of the negotiating team obligated her to vote in favor of the resolution. She was informed it did not.

Mr. Proto inquired whether the 2.25 percent figure could be amended; Mr. Dennis did not recommend amending the figure, if not in favor of that amount members of the Legislature could vote against it.

Ms. Herrera will support the resolution and spoke of the trust built during collective bargaining negotiations and thinks it is a good opportunity to show the trust placed.

A roll call vote on the White Collar resolution resulted as follows: Ayes – 11; Noes – 3 (Legislators Hattery, Kiefer, and Proto); Abstained – 1 (Legislator Stevenson). RESOLUTION ADOPTED.

WHEREAS, the collective bargaining agreement between Tompkins County and the Civil Service Employees Association, White Collar Unit, expired on December 31, 2008, and

WHEREAS, subject to a series of negotiation meetings, the negotiating teams agreed to a one-year contract, which extends the terms and conditions of the previous one-year agreement with the following change: increase of 2.25 percent on base salary, retroactive until January 1, 2009, with no other changes, now therefore be it

RESOLVED, on recommendation of the Negotiating Committee and the Budget, Capital, and Finance Committee, That the bargaining agreement between Tompkins County and the Civil Service Employees Association, White Collar Unit, for the period of January 1, 2009 through December 31, 2009, is hereby ratified, and the Director of Finance is authorized to immediately implement pay adjustments for White Collar employees reflecting a pay adjustment of 2.25 percent effective January 1, 2009,

RESOLVED further, That the Director of Finance is authorized to transfer necessary funds from Budget Account 9041.51000 to the various departments to provide for the incremental cost of the pay adjustment,

RESOLVED further, That Departments Fiscal Targets be adjusted by the net salary adjustments, except for positions designated as onetime.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 76 – ESTABLISHING SALARIES FOR POSITIONS DESIGNATED AS MANAGEMENT AND CONFIDENTIAL AND AUTHORIZING TRANSFER OF FUNDS FOR SALARY ADJUSTMENTS

Mr. Koplinka-Loehr announced the motion on floor is the amendment of the following resolution to delete “and management”.

Ms. Robertson requested to defer a decision on a management salary increase at this time. If a four percent tax levy increase had been approved she would have supported the raise.

A voice vote on the amendment to delete “and management” resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Hattery, Kiefer, Mackesey, and Robertson); Noes – 9 (Legislators Dennis, Herrera, Koplinka-Loehr, McBean-Clairborne, Proto, Randall, Shinagawa, Sigler, and Stevenson). AMENDMENT LOST.

It was MOVED by Ms. Chock, seconded by Mrs. McBean-Clairborne, to amend the resolution to reflect salary increases for management to 2.25 percent up to a maximum of \$1,500.

Mr. Dennis did not believe the small amount gained, approximately \$12,000, was appropriate.

Mr. Sigler indicated the time to make a suggestion such as this should be done at a bargaining session. It was pointed out the Management employees are not covered by a bargaining unit.

A voice vote on the amendment resulted as follows: Ayes – 3 (Legislators Burbank, Chock, and McBean-Clairborne); Noes – 12. AMENDMENT FAILED.

A roll call vote on the resolution establishing salaries for management and confidential employees resulted as follows: Ayes – 9 (Legislators Dennis, Herrera, Koplinka-Loehr, Mcbean-Clairborne, Randall, Robertson, Shinagawa, Sigler, and Stevenson); Noes – 6 (Legislators Burbank, Chock, Hattery, Kiefer, Mackesey, and Proto). RESOLUTION ADOPTED.

WHEREAS, Resolution No. 12 of 2008 established salaries for management employees, and

WHEREAS, on May 15, 2007, by Resolution No. 77, the Legislature decided that Confidential salary adjustments and benefits shall be at the same level as those negotiated by the White Collar bargaining unit, now therefore be it

RESOLVED, That the Director of Finance is authorized to immediately implement pay adjustments for Confidential and Management employees reflecting a pay adjustment of 2.25 percent effective January 1, 2009,

RESOLVED, further, That the Director of Finance is authorized to transfer necessary funds from Budget Account 9041.51000 to the various departments to provide for the incremental cost of the pay adjustment,

RESOLVED further, That Departments Fiscal Targets be adjusted by the net salary adjustments, except for positions designated as onetime.

SEQR ACTION: TYPE II-20

Mr. Dennis announced the next Committee meeting would be held on May 11th.

Report from Municipal Officials

There were no municipal officials present at this time.

Chair's Report

Mr. Koplinka-Loehr noted an information sheet regarding the H1N1 (Swine) flu was provided by the Health Department to all Legislators. He asked that it be shared with constituents and posted in conspicuous areas. Mr. Koplinka-Loehr had a Committee Chair meeting on May 4th, if there are any questions about the agenda it should be addressed to either himself or a Committee Chair.

Report from the County Administrator

Mr. Mareane did not have a report.

Report from the County Attorney

Mr. Wood did not have a report. He requested a brief executive session at the end of the meeting to discuss a legal matter.

Report from the Finance Director

Mr. Squires reported the annual report has been filed with New York State and the audit is complete. The annual report will be available online next week. He also reported Mr. Mareane will be participating in a panel discussion with statewide peers regarding the difficult economic time. Mr. Koplinka-Loehr said one item Mr. Mareane will discuss is setting the tax levy goal early in the year. Mr. Squires said the annual report would be reviewed by the Budget, Finance, and Capital Committee at its next meeting.

Resolutions to be Added or Withdrawn from the Agenda

There were no resolutions to be added or withdrawn from the agenda.

Approval of Appointment on Consent Agenda

It was MOVED by Mr. Proto, seconded by Ms. Mackesey, and unanimously adopted by voice vote under the Consent Agenda, to approve the appointment of Asher O. Hockett - Town of Danby representative to the Youth Services Board for a term to expire December 31, 2010.

Report from the Public Safety Committee

Ms. Robertson, Chair, said the Committee would meet on May 18th. She reminded members of the Committee that the Traffic Safety Committee is scheduled to meet at 2:30 p.m. on May 7th. In response to a question earlier this year by Ms. Mackesey, Ms. Robertson shared jail population figures that indicated the average daily population for 2008 was 68.5, with a peak of 79. This compares to 2005 with 72 average daily population, with a peak of 100; 2006 was 91 average daily population with peak of 108; 2007 was 76 average daily population with a peak of 113. She reiterated there was not a single day in 2008 that the population went to 80.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on April 22nd. She announced the Diversity Consortium Roundtable would be held on Thursday, May 7th and expressed appreciation to the Legislature for supporting this event, which would have many workshops relating to diversity and inclusion. Mrs. McBean-Clairborne said the committee has been having discussions regarding civil

service change that would assist in obtaining diversity with the goal of engaging the State in dialogue. The City and Cornell University have been involved, however more groups would need to be involved in the discussions such as union members, municipalities, etc. Mr. Koplinka-Loehr noted the Government Performance and Workforce Relations Committee was provided a two-page spreadsheet that indicated the accomplishments of the Workforce Diversity and Inclusion Committee.

Report from the Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee has not met. She asked for direction as to what Committee would be appropriate to review the suggestion offered earlier in the meeting by Mr. Lane. She also reminded individuals the financial disclosure forms are due at this time.

Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee meets May 12th. He reminded Legislators about the H1N1 (Swine) Flu information provided by Public Health Director Alice Cole. Individuals should wash hands often with soap. He spoke of departments having been informed of budget cuts to programs; the Office for the Aging has been notified of a reduction in Federal funding of approximately \$9,000 for a performance review program. It is also anticipated the mental health clinical structure program will be a four-year project that will amend billing for services. He announced the Office for the Aging Annual Luncheon would be held May 13th at the Clairion.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, said the Committee will meet May 21st. She spoke of the Climate-Smart Communities Initiative press release that noted we are involved with this program.

Report from the Government Performance and Workforce Relations Committee

Mr. Shinagawa, Chair, said the next meeting is on May 8th and will be reviewing procedures for administrative policy amendments.

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, reported the Committee would meet on May 13th. It was announced a meeting would be held on May 6th at the Women's Community regarding what municipalities could do with regard to gas drilling. This meeting is expected to be taped and it is hoped to be placed on the website for the Tompkins County Council of Governments.

Approval of Minutes of April 21, 2009

It was MOVED by Mr. Proto, seconded by Mr. Shinagawa, and unanimously adopted by voice vote, to approve the minutes of April 21, 2009, as presented. MINUTES APPROVED.

Discussion Regarding Direct-Report Review Panel

A brief discussion regarding volunteers for the Direct-Report Review Panel occurred. Following the discussion it was determined Ms. Herrera would sit on the panel as an At-Large member.

Executive Session

Minutes
Tompkins County Legislature
May 5, 2009

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, and unanimously adopted by voice vote, to hold an executive session to discuss a legal matter. An executive session was held at 8:55 p.m. and returned to open session at 9:01 p.m.

Adjournment

The meeting adjourned at 9:01 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk, Tompkins County Legislature