

**Call to Order**

Chair Koplinka-Loehr called the meeting to order at 5:30 p.m.

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

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

Present: 12 Legislators (Mr. Shinagawa arrived at 5:35 p.m.). Excused: 3 (Legislators Burbank, Mackesey, and Randall).

**Moment of Silence**

Mr. Koplinka-Loehr requested a moment of silence in memory of Emergency Response employee Douglas Rutan's passing.

**Privilege of the Floor by the Public**

Mike Lane, Dryden, spoke of the need to be aware the economic recovery could be as bad as the recession itself. He said in light of the economic downfall it is important to maintain the basics: public safety, maintaining roads and bridges, appropriate health needs, and the safety net provided through Social Services. Upon recovery, other initiatives could be undertaken, but now is the time to hold the line.

**Privilege of the Floor by Legislators**

Greg Stevenson, District No. 8 Legislator, provided information on Mr. Rutan's memorial services and donations.

Mr. Shinagawa arrived at this time.

Mr. Proto, District No. 7 Legislator, called attention to an insert coming with New York State Electric and Gas Corporation billings regarding a two percent surcharge on the delivery portion of gas bills as a result of State Legislation. He announced the annual Veterans Watch Fire is scheduled for 6:00 p.m., September 18<sup>th</sup>, at Myers Park in Lansing.

Ms. Robertson, District No. 13 Legislator, spoke of her participation in a trip to Washington, D.C., to celebrate the 44<sup>th</sup> anniversary of Medicare and to meet with the Congressional delegation on behalf of single-payer health insurance. She met with staff from Senator Gillibrand's office as well as Congressman Arcuri and his key staff. The Congressional representatives are back in their home offices and she suggested individuals contact them to discuss the health plan. Ms. Robertson spoke of an NPR report concerning individual behaviors that have disrupted public meetings to the point where constituents have not been able to discuss concerns. She then spoke of bipartisan passage of the Kucinich amendment that would allow individual states to have a single-payer system if desired. She noted the report recently released by Governor Paterson's comparing costs of four types of health care systems showing that \$20 billion could be saved if the State went to a single payer system similar to Medicare.

Ms. Chock, District No. 3 Legislator, wished her mother-in-law a happy 90<sup>th</sup> birthday, and said she still does volunteer work at the hospital and library and is hopeful for the passage of the single-payer health insurance resolution. The Sciencenter's extended an invitation to the opening of the Asteroid Station Exhibit along the Carl Sagan Planet Walk on August 17<sup>th</sup> at noon. The exhibit was largely funded

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by a grant that utilized room occupancy tax funds. The 4½ billion year old asteroid is located on Seneca Street outside of the Tompkins Trust Company drive-through.

Mr. Sigler, District No. 6 Legislator, agreed with Ms. Robertson that constituents should contact their Federal representatives and voice any concerns they have. He said while disrupting meetings is not the best way to let concerns be known, it is the right of individuals to be angry and have their voices heard as well. Not all people are in favor of a public health plan or universal health care and they should be heard, but should be respectful.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced the National Night Out events that would occur this evening at Titus Towers and Conway Park. The event is held the first Tuesday in August and is designed to bring neighbors together as well as having public safety officers increase awareness about programs in communities, such as drug prevention, town watch, and other anti-crime efforts.

Ms. Herrera, District No. 5 Legislator, spoke about the disruption at town hall meetings and said she heard suggestions that participants must sign in and wear nametags, which leads to more civil discourse. In addition, a statement was made at one meeting about the history of public discourse, explaining this right to speak your mind at public meetings should be respected. She said this statement seemed to make a difference in the tone of the meeting, and could lead to public discourse that aids in reforming the health care system.

### **Report from a Municipal Official**

Bill Goodman, Town of Ithaca Board Member, reported the Codes and Ordinances Committee has been working on a stream setback law to regulate development and protect buffer zones. The Planning Committee is undertaking the initial review of the draft Route 96 Corridor Study. One recommendation was nodal development around the hospital, as well as one around Jacksonville. The Committee is also looking at requests from residents for a moratorium regarding development on West Hill. Neighbors have expressed concern with increased traffic as a result of the two projects: Holochuck Homes by the hospital with 105 homes, and Carrowmoor with 400 units on the north side of Route 79. As Chair of the Ad Hoc Committee regarding trails he is working on securing funds from Congressman Hinchey for the Gateway Trail. A recent survey of residents along trails indicates a favorable experience using and residing near them. The Committee is also looking into possible new trails on West Hill.

Ms. Chock asked if he was aware of the recent information regarding the Department of Environmental Conservation's recommendation of a one-hundred foot setback for streams. Mr. Goodman was not and noted his Committee has two different zones they are considering each based on the size of the watershed.

### **Presentation – Board of Elections**

Ms. Cree and Mr. DeWitt, Election Commissioners, provided Legislators with information on the normal functions and duties of the Board of Elections as well as an update on the new voting equipment. For the November 2009 Election, the new optical scan voting machines will be used as a pilot program in the City of Ithaca, with full implementation of the new equipment countywide in 2010. To accommodate the new voting machines, the polling sites have been modified, including the required staffing needed.

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

**RESOLUTION NO. 136 - ENDORSING THE GRANT APPLICATION OF CLARITY CONNECT, INC., TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP) AND THE BROADBAND INITIATIVES PROGRAM (BIP) FOR THE PURPOSES OF EXPANDING BROADBAND ACCESS TO UNSERVED AND UNDERSERVED COMMUNITIES OF TOMPKINS COUNTY**

MOVED by Ms. Chock, seconded by Ms. Kiefer. Ms. Chock provided an overview of the Notice of Funding Application, and noted, if successful, it would bring Federal dollars into the County. At the Committee meeting the County Attorney clarified that the term “endorsement” is not a legal and binding term with regard to the County. She reported Cayuga County passed a similar resolution on behalf of Clarity Connect, Inc., yesterday and urged the Legislature to support the resolution.

In response to a question regarding the terminology “private-public partnership”, Chuck Bartosch of Clarity Connect, Inc., explained it means a public entity with private partners or a private entity working with other partners. The term does not have any legal weight and is one of the items being reviewed within the application.

Mr. Hattery asked who would control and maintain the infrastructure once complete. Mr. Bartosch explained as the lead agency he is responsible unless specific approval to sell or give such rights is provided from the Federal government. With regard to Mr. Hattery’s question about competitors, Mr. Bartosch said he has contacted other service providers who have indicated support of Clarity Connect, Inc., to make the proposal. Due to the competitive nature of the business, Mr. Bartosch offered to meet privately to indicate the companies he has had discussions with. Mr. Hattery said the government does not have any record of who is unserved or underserved and asked how that would be determined. Mr. Bartosch explained that Clarity is in the process of entering addresses and doing testing now but he did not have specific information at this time.

Mr. Proto thanked Ms. Chock for her assistance with questions regarding the resolution. He said he is not opposed to broadband and noted Mr. Bartosch is working with individuals in Danby on the project. He also is aware that Dryden recently was awarded \$400,000 for a broadband project. He has concerns that the term “endorse” that , although required in the application, may not be appropriate in this case. In addition, he believes the towns should be involved in the application process since it could be a source of revenue like cable franchises were. He believes the resolution would be more appropriately handled by Tompkins County Council of Governments.

Mr. Dennis asked if the County would have any responsibility for the broadband infrastructure if Clarity Connect, Inc., failed after being awarded the contract. Mr. Wood said there is no legal obligation on the County, it is simply endorsing the application.

Ms. Robertson said Mr. Bartosch had assisted Dryden with their application for State funding they have been promised. She said the timing of this application would not coincide with the next Tompkins County Council of Governments meeting. The grant would greatly assist the rural areas of the County; youth would have access for schoolwork, and it would increase business opportunities, providing an even playing field for all residents. In response to Ms. Robertson’s question on the amount of the grant, Mr. Bartosch said he is asking for \$8 million, one-third of which would be spent in Tompkins County. It was noted municipalities would have to agree to the project as well.

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Mrs. McBean-Clairborne asked for clarification of the “public-private partnership” term referenced within the resolution. Mr. Wood said it is ambiguous and has no actual definition. It is being encouraged that the application include public-private cooperation as part of the awarding of points; to remove that particular language may weaken the application. Mr. Bartosch said the application is a competitive national process that is looking to see how committed communities are to the project. He again stated it is strongly encouraged it be used in the application but does not legally obligate the County.

Mr. Sigler asked if the term public was meant to increase service due to the broadband backbone, and questioned Mr. Bartosch’s interest in taking this project on. Mr. Bartosch explained broadband is a public benefit and he has a strong desire to provide that service to everyone.

Mr. Proto reiterated the fact that it is known it would benefit rural areas. He said he does not support the resolution due to the concern that by endorsing one applicant it may deter other businesses from doing so. He is pleased to hear municipal endorsement is part of the application process and again encouraged an endorsement from Tompkins County Council of Governments.

Ms. Chock noted the Tompkins County Public Library would be applying as part of the state-wide library group, and she hopes the emergency responder/public safety areas would apply for a future grant.

Ms. Herrera said her vote against the resolution is not a vote against broadband. She expressed concern regarding transparency; voting on a proposal not yet seen, and specifically endorsing one firm, is not the manner in which she would like to proceed. She would like to have broadband, but suggested the Tompkins County Council of Governments hold a special meeting. She also suggested removal of Clarity Connect, Inc., from the resolution to indicate endorsement of the concept rather than a specific business.

Ms. Robertson said she would speak to the Chair of Tompkins County Council of Governments about scheduling a meeting. She also commented that the Legislature often supports grant proposals without having fully read all the documents being submitted.

Ms. Chock noted the Tompkins County Council of Governments has discussed broadband, but referred it back to each governing municipality.

Ms. Herrera stressed the importance of transparency and said there is a fiscal and moral responsibility in pursuing the endorsement of an outside business.

Ms. Kiefer said for many years she has hoped County staff could undertake a project such as this, but understands staff time is limited. With regard to transparency, she believes it would be inappropriate to review the application, particularly since the private business does not have it fully complete. Ms. Kiefer spoke of the Legislatures history of providing letters of support in many areas and hopes Legislators opposed to the resolution would reconsider and understand what such broadband would mean to all residents of the county.

Mr. Potter said with regard to understanding the Broadband Federal Stimulus funding for this type of project, Mr. Bartosch is the most knowledgeable. The proposed project is very complicated and the County’s infrastructure is on the fringe of the project, there may be future partnerships with the County that could occur, but that is premature at this time.

A voice vote on the resolution resulted as follows: Ayes – 9; Noes – 3 (Legislators Hattery, Herrera, and Proto); Excused – 3 (Legislators Burbank, Mackesey, and Randall). **RESOLUTION ADOPTED.**

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WHEREAS, deploying broadband networks and advanced communications services throughout Tompkins County will enable continued improvements in community anchor institutions, such as public safety and healthcare, in community support organizations, in economic development, and in meeting local consumer needs, and

WHEREAS, there are unserved and underserved areas of the County, particularly rural areas, that do not have access to low-cost, high-capacity broadband services, and

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) is providing funding through a national competitive grant process administered by the United States Department of Commerce National Telecommunications and Information Administration (NTIA) Broadband Technology Opportunities Program (BTOP) and the United States Department of Agriculture Rural Utilities Service (RUS) Broadband Initiatives Program (BIP) to expand broadband communications services and infrastructure, and

WHEREAS, on February 18, 2009, Tompkins County, in response to Governor Paterson's request for ARRA needs of local communities, included broadband expansion among the list of key reinvestment priorities for the County and its sixteen municipalities, and

WHEREAS, Clarity Connect, Inc. (Clarity), a local Tompkins County-based telecommunications provider, desires a public-private partnership with the County and other local municipalities to support Clarity's application for NTIA BTOP or RUS BIP funding for the purposes of deploying advanced broadband communications in unserved and underserved areas of the County, and

WHEREAS, Clarity's partnership program will include components to provide education to users and outreach to families in how to use broadband for education, eGovernment (electronic access to government information, services, and programs), and other services, and

WHEREAS, Clarity's partnership program will work with local schools and other entities to determine methods to provide reduced-cost service to families who cannot afford broadband access, and

WHEREAS, Clarity proposes to implement a flexible technology that will mix fiber, wireless, and a hybrid fiber-wireless system to provide a "middle mile" backbone through which additional providers will be able to provide public or private customer service, and

WHEREAS, because of its sheer size and complexity this broadband initiative could not be achieved by the County at this time on its own, and could not be implemented by Clarity but for the NTIA BTOP or RUS BIP grant, and

WHEREAS, Clarity has sought and received support of this application from other competing local and regional "Last-Mile" service providers, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature, by way of this resolution, endorses Clarity's application to the NTIA BTOP/RUS BIP programs,

RESOLVED, further, That should Clarity receive an award, the County will work with other local municipalities that support Clarity's partnership program to take the required actions needed to continue investment in and address barriers to the development of advanced broadband communications for County residents, businesses, and community institutions.

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Explanatory Note:

Intended to provide a stimulus to the U.S. economy, the American Recovery and Reinvestment Act of 2009 offers several measures to help improve local infrastructure, including "supplemental investments" of \$7.2 billion for national broadband expansion. These funds are being distributed through competitive grant programs, which allow private parties, such as Clarity Connect, Inc. (Clarity), to apply for funding. The program guidelines (Notice of Funds Availability announcement, July 2009), encourage cooperation between the private and public sectors, emphasizing collaboration, innovation, and creativity in the approach for broadband infrastructure development.

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In its grant application, Clarity proposes a coordinated approach to addressing the challenge of rapidly expanding the access and quality of broadband services throughout Tompkins County. This resolution serves as the County Legislature's endorsement of Clarity's application by:

- Acknowledging the effort of a local telecommunications entity engaging in a national competitive grant opportunity;
- Acknowledging the need for broadband infrastructure development in the County to help bridge the "digital divide" for underserved and unserved communities;
- Recognizing the growing importance of access to broadband services for bolstering local economic development and for improving quality of life for County citizens.

Although helping to strengthen the viability of the application, this resolution is not an exclusive endorsement. Any eligible public or private entity that meets grant program requirements can request a similar statement of support from the Legislature.

### **Chair's Report and Appointment**

Mr. Koplinka-Loehr announced the County Blood Drive would be held at the Tompkins County Public Library from 9 a.m. to 3:30 p.m. on August 11<sup>th</sup>.

Mr. Koplinka-Loehr made the following appointment:

Timothy Grippen as the Employment Service Trade, Adjustment Assistant, Veterans Employment and Training, or Unemployment representative to the Workforce Investment Board for a term to expire June 30, 2011.

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

Mr. Mareane introduced recently hired Program Analyst Kevin Sutherland. Mr. Sutherland is a graduate of SUNY Oswego, having just completed his Masters at the Maxwell School in Syracuse. He worked in the city of Oswego for the New York State Attorney, provided service for Cornell University, Tompkins Consolidated Area Transit for four months, and was President of the student body in Oswego. Mr. Mareane said his background would benefit the work he will be doing for the County.

Mr. Mareane said he will be attending the next Budget, Capital, and Finance Committee to discuss mid-year budget adjustments in order to keep the budget in alignment this year and propose some policy recommendations for consideration. The 2010 budget requests have been received and the review process by Administration has begun.

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

Mr. Wood reported the draft Request for Proposals for the Recycling and Solid Waste Center has been issued, with the sixty-day comment period now beginning.

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

Mr. Squires said he had no report.

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

It was MOVED by Mr. Dennis, seconded by Mr. Shinagawa, and unanimously adopted by voice vote by members present, to add the following resolution to the agenda:

Ratification of Bargaining Agreement – Correction Officer's Local 2062 Union.

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

Mr. Koplinka-Loehr granted Ms. Chock permission to withdraw from the agenda the resolution entitled Endorsing the Grant Application of Clarity Connect, Inc., to the National Telecommunications and Information Administration (NTIA) Broadband Technology Opportunities Program (BTOP) and the Broadband Initiatives Program (BIP) for the Purposes of Expanding Broadband Access to Unserved and Underserved Communities of Tompkins County.

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

There were no appointments under the Consent Agenda.

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

There were no resolutions under the Consent Agenda.

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

Ms. Chock, Vice Chair, reported the Committee would meet on August 12<sup>th</sup>.

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

Mr. Dennis said the Committee would meet on August 10<sup>th</sup> and will hear suggestions regarding the 2009 budget. He announced the final Expanded Budget Meeting calendar is now available. It is hoped that all meetings would be videotaped to provide information to anyone not able to attend the meetings. Ms. Kiefer asked if they would be broadcast; it was noted by Ms. Lynch there are some conflicts with the broadcast of City meetings. Mr. Blizzard also stated the meetings would be available online as well as having copies available for viewing.

**RESOLUTION NO. 137 - BUDGET ADJUSTMENT AND APPROPRIATION OF UNSPENT FUNDS FROM 2008 TO VARIOUS ACCOUNTS**

MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. A short roll call vote on the resolution resulted as follows: Ayes – 11; Noes – 0; Excused – 3 (Legislators Burbank, Mackesey, and Randall); Temporarily Out of Room – 1 (Legislator Sigler). RESOLUTION ADOPTED.

WHEREAS, various departments have been certified by the Director of Finance to have unspent appropriations and excess revenues from 2008 resulting in a surplus of \$1,207,714 on the County's books as of December 31, 2008, and

WHEREAS, pursuant to County Fiscal Policy, surplus funds have been requested for use in the amount of \$329,185 current year budget, now therefore be it

RESOLVED, on recommendation of the Public Safety, and the Budget, Capital, and Finance Committees, That the following transactions are approved:

**BUDGET APPROPRIATION:**

**FROM:** General Fund Balance \$48,763

**TO:**

<b>Department</b>	<b>Use of funds</b>	<b>Account</b>	<b>Requested Rollover</b>
Assigned Counsel	Salary Adjustment	1170.51000670	\$ 4,042
Emergency Response	Service Contracts	3411.54425	\$20,000
Emergency Response	Communications Equipment	3410.52222	\$24,721

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**RESOLUTION NO. 138 – APPROPRIATION FROM CONTINGENT FUND – LEASE AGREEMENT BETWEEN THE COUNTY AND THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT**

MOVED by Mr. Dennis, seconded by Mr. Stevenson. A short roll call vote on the resolution resulted as follows: Ayes – 11; Noes – 0; Excused – 3 (Legislators Burbank, Mackesey, and Randall); Temporarily Out of Room – 1 (Legislator Shinagawa). RESOLUTION ADOPTED.

WHEREAS, on November 10, 2008, the Tompkins County Soil and Water Conservation District Board of Directors passed a resolution in support of entering into a lease agreement with Tompkins County, and

WHEREAS, the Tompkins County Legislature passed Resolution No. 269 “AUTHORIZING A LEASE AGREEMENT BETWEEN THE COUNTY AND THE TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT” on December 16, 2008, and

WHEREAS, the rental cost at the previous location of the Soil and Water Conservation District/National Resource Conservation Service (SWCD/NRCS) office is prohibitive to both the SWCD and Tompkins County, and

WHEREAS, the ICS Press site on Hanshaw Road in the Town of Dryden was identified as the best fit for this purpose, and

WHEREAS, \$35,000 was earmarked in the 2009 Contingent Fund for the Soil and Water Conservation District, specific to rental payment, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the Director of Finance is hereby authorized and directed to make the following budget appropriation for year two of the lease agreement with the landlord, Schug Realty, LLC, for the period of July 2008, through July 2013:

FROM:	A1990.54440	Contingent Fund	\$31,585.13
TO:	8730.54432	Program Expense	\$31,585.13

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**RESOLUTION NO. 139 - RATIFICATION OF BARGAINING AGREEMENT – CORRECTION OFFICER’S LOCAL 2062 UNION**

MOVED by Mr. Dennis, seconded by Mrs. McBean-Clairborne. A voice vote on the resolution resulted as follows: Ayes – 10; Noes – 2 (Legislators Hattery and Proto); Excused – 3 (Legislators Burbank, Mackesey, and Randall). RESOLUTION ADOPTED.

WHEREAS, the Corrections Officer’s Unit contract expired December 31, 2008, and

WHEREAS, Tompkins County and the Correction Officer’s Local 2062 Union have negotiated a new contract, now therefore be it

RESOLVED on recommendation of the Negotiating Committee, That the bargaining agreement between Tompkins County and the Correction Officer’s Union, Local 2062, for the period of January 1, 2009, through December 31, 2009, with an increase of 2.25 percent on base salary, is hereby ratified.

**SEQR ACTION:** TYPE II-20

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**Report from the Public Safety Committee**

Ms. Robertson, Chair, reported the Committee would meet on August 17<sup>th</sup>. Ms. Bodner of the Department of Social Services will be providing a report on the Alternative to Incarceration Evaluation.

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

Mrs. McBean-Clairborne, Chair, said the Committee has not met. She called attention to the request for a disclaimer regarding access to meetings for the disabled and said it is important to develop a process outlining procedures when a request is received.

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

Ms. Kiefer, Chair, anticipates having a portion of the recommended changes to the Rules of the Legislature ready for review prior to the next Legislature meeting.

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

Mr. Proto, Chair, said the Committee would meet on August 11<sup>th</sup>. He reminded Legislators the rural feeder resolution from the last Health and Human Services Committee (HHS) would be coming forward to the Budget, Capital, and Finance Committee on August 10<sup>th</sup>. Mr. Proto requested that the Legislature be provided with an update of the new Health Department Building as well as the disposition of the Biggs property in the near future.

Ms. Herrera said one item regarding the rural feeder resolution that was noted by Mr. Turcotte of TCAT is the fact that deadhead (no riders) hours would not be reimbursed. She acknowledged her appreciation of the thoroughness of their review of the proposal.

### **Report and Presentation of Resolution(s) from the Facilities and Infrastructure Committee**

Mrs. McBean-Clairborne, Chair, reported the Committee meets on August 20<sup>th</sup>.

### **RESOLUTION NO. 140 – APPROVAL OF AMENDED BYLAWS AND INCREASE MEMBERSHIP – AIR SERVICE BOARD**

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. Ms. Herrera expressed her disappointment that all members would be residents of the County with the exception of the Cornell University representative. She believes all boards should have a County residency requirement, however, she recognizes the good work done by the Air Service Board and will support the resolution.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 0; Excused – 3 (Legislators Burbank, Mackesey, and Randall). RESOLUTION ADOPTED.

WHEREAS, the current membership of the Air Service Board (ASB) is seven members and the committee would benefit from the addition of an At-Large member bringing the total membership to eight, and

WHEREAS, after several years experience, it is desirable to adjust the ASB responsibilities, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the bylaws for the Air Service Board that were adopted by the Tompkins County Legislature, on December 20, 2005, be amended as follows:

Section 1. Appointment Procedure.

a. Voting Members

The ASB shall have eight voting members, all residents from Tompkins County with the exception of the Cornell University Representative, as follows:

- Member of the Legislature
- Commissioner of Planning and Public Works
- Representative of Cornell University with functional

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- responsibility for air travel issues
- Five at-large members representing varied economic development, business, and airport user interests

RESOLVED, further, That a copy of the amended bylaws be adopted and kept on file with the Clerk of the Legislature.

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**Report from the Government Performance and Workforce Relations Committee**

Mr. Shinagawa, Chair, said the Committee meets on August 14<sup>th</sup>. There will be a presentation of the Human Resource/Payroll Project, with the preferred vendor providing a demonstration. In addition, the Committee will discuss the appointment to the Board of Directors of the Greater Tompkins County Health Insurance Consortium as well as review a variety of policies.

**Approval of Minutes of July 7, 2009**

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of July 7, 2009. MINUTES APPROVED.

**RESOLUTION NO. 133 - SUPPORTING THE NEW YORK STATE FAIR PAY ACT OF 2007 (ASSEMBLY BILL NO. A3911; SENATE BILL NO. S955)**

It was MOVED by Mr. Shinagawa, seconded by Ms. Herrera, to lift Resolution No. 133 from the Table. A voice vote on the motion resulted as follows: Ayes – 9; Noes – 3 (Legislators Hattery, Proto, and Sigler); Excused – 3 (Legislators Burbank, Mackesey, and Randall). RESOLUTION LIFTED FROM THE TABLE.

Mr. Shinagawa shared information regarding the Assembly bills relating to the resolution, noting it provides equal pay across job titles. Assembly Bill No. A2351 does the same but amends the human rights executive law as well. The bill would not lower pay and provides three years for businesses to comply if they are found in violation. Ms. Kiefer said she had been surprised there would be a need for additional legislation due to Federal legislation. She noted that in spite of the law, discrimination still occurs and the State law is to correct the situation. Mr. Proto asked how it would be applied to the County; Mr. Mareane said several years ago the County went through positions to eliminate any discrimination. Mr. Proto asked if the law would apply to positions at the State level and was informed it would. Ms. Herrera supports the resolution and spoke of Alice Cook’s dedication to bringing about legislation such as this to eliminate the disparity that has existed. She hopes the bill is codified, particularly in these financially difficult times. She noted that bona fide occupational requirements would remain the same in positions such as restroom attendant, however, other positions would eliminate the gender bias as long as an applicant is able to complete the job requirements. Ms. Robertson appreciated the extra time to review the legislation. Mr. Sigler supports the resolution and believes it is gender neutral.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 0; Excused – 3 (Legislators Burbank, Mackesey, and Randall). RESOLUTION ADOPTED.

WHEREAS, the very first bill signed into law by President Obama was the Lilly Ledbetter Fair Pay Act, which restored the 1964 Civil Rights Act’s Equal Pay Protection for persons whose jobs involved the same work,

WHEREAS, the Ledbetter Act does not address pay inequities across different but equally valued job titles, and

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WHEREAS, the New York State Fair Pay Act (A3911, S955) addresses this problem by amending Capital Labor Law to ensure pay differential is not based on a person's sex, national origin, or race, and

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

WHEREAS, both of these bills should result in removing discrimination in job titles traditionally done by women and people of color, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committee, That the Tompkins County Legislature recognizes the need for the New York State Fair Pay Act and its companion bill and urges the New York State Assembly and Senate to pass, and the Governor to sign, this important Legislation,

RESOLVED, further, That copies of this resolution be sent to our State Senators and Assemblywoman, the Chairs of the relevant State legislative committees, the Governor, and the New York State Association of Counties (NYSAC).

**SEQR ACTION:** TYPE II-20

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### **Recess**

Mr. Koplinka-Loehr declared recess at 7:33 p.m. The meeting reconvened at 7:40 p.m.

### **Executive Session**

It was MOVED by Mr. Proto, seconded by Ms. Dennis, and unanimously adopted by voice vote by members present, to enter into an executive session to discuss personnel matters. An executive session was held at 7:40 p.m. and returned to open session at 8:40 p.m.

### **Adjournment**

On motion the meeting adjourned at 8:40 p.m.

*Respectfully submitted by Karen Fuller, Deputy Clerk*