

**Adjourned Meeting**

Approved 12/1/09

**October 28, 2009**

**Call to Order**

Mr. Koplinka-Loehr called the adjourned meeting to order at 5:03 p.m.

**Roll Call of Members**

Present: 15 Legislators.

**Addition of Resolution to the Agenda**

It was MOVED by Mr. Dennis, seconded by Mr. Proto, to add to the agenda the resolution entitled Adoption of Amendments to the 2010 Tompkins County Budget and 2010-2014 Capital Program. A vote by show of hands resulted as follows: Ayes - 11; Noes – 4 (Legislators Hattery, Herrera, Randall, and Sigler). MOTION CARRIED.

**RESOLUTION NO. 183 - ADOPTION OF AMENDMENTS TO THE 2010 TENTATIVE TOMPKINS COUNTY BUDGET AND 2010-2014 CAPITAL PROGRAMS**

MOVED by Mr. Dennis, seconded by Ms. Robertson. Mr. Dennis said the budget represents this body trying to address what is happening at the State and national levels and while it does not please everyone it does represent a series of compromises.

Mr. Proto asked about the status of unspent funds remaining in the Contingent Fund and if the remainder is committed to any purpose other than boardout costs. Mr. Squires said the uncommitted portion is approximately \$445,000 and it is likely that year-end adjustments will consume the remaining balance.

**Amendment No. 1 – Amendment to 2010 Tentative Budget – Health Department**

MOVED by Ms. Robertson, seconded by Mr. Proto. Ms. Robertson said the Health Department Director, Alice Cole, informed her that she is expecting a number of retirements in the next year and that will present opportunities for reorganizing and restructuring in the Department. In the meantime, this funding would allow the positions to be maintained on a part-time ongoing basis pending that reorganization.

Mr. Proto asked if Ms. Robertson would consider using one-time funds rather than surplus Rollover funds. Ms. Robertson did not agree to accept this as a friendly amendment.

Ms. Mackesey, Mr. Dennis, and Ms. Herrera spoke of the lengthy budget process and said they cannot support an amendment being brought forward at this time.

Ms. Robertson asked Ms. Cole to provide an overview of the reasons for this amendment and why using Rollover later would preclude her from having staff to continue working the present number of hours.

Ms. Cole said the purpose of this amendment is to keep existing staff working. She explained the Department receives a lot of money from the Federal government for H1N1 and the Department needs its current staff who are already trained and knowledgeable to get through this difficult time. She acknowledged that one-time funding is not the ideal solution but would assist them in the current

situation. Ms. Cole conveyed to the Legislature how current service demands are placing stress on employees who are already heavily burdened by demands related to H1N1, the Department's upcoming relocation, and a very difficult budget process. She said they are expecting the pandemic to last until April or May of 2010 and cannot wait for funds to be recertified during the 2010 Rollover process.

It was MOVED by Mr. Proto, seconded by Mr. Stevenson, to amend the amendment to use Fund Balance funds and not the Department's designated surplus. Mr. Proto said if the Legislature begins to tap into Rollover funds the stage would be set for other departments to do the same thing in the next budget process. He said Ms. Cole is being absolutely candid about the need and believes this should be funded, even if it is one-time funding in 2010, and deal with it again if necessary in the 2011 budget.

Ms. Kiefer spoke of the process issues raised and said she believes it is appropriate for amendments to be offered this evening. With respect to the motion, there are other examples contained within the Tentative Budget of departments using Rollover funds in a similar manner. She said she will not support this amendment because with the original motion the Department would still have additional Rollover funds available.

Mr. Koplinka-Loehr said he views the original motion as an "advance" of Rollover funds that would be requested in 2011 and said he does not believe it will create a cascade of similar requests by other departments.

A vote by show of hands on the amendment to the amendment resulted as follows: Ayes – 6 (Legislators Hattery, Proto, Randall, Shinagawa, Sigler, and Stevenson); Noes – 9 (Legislators Burbank, Chock, Dennis, Herrera, Kiefer, Koplinka-Loehr, Mackesey, McBean-Clairborne, and Robertson). MOTION FAILED.

Ms. Herrera said based on the need and urgency she can support this and does not think it will cause requests to come forward.

A vote by show of hands on the amendment resulted as follows: Ayes – 9 (Legislators Burbank, Herrera, Kiefer, Koplinka-Loehr McBean-Clairborne, Robertson, Shinagawa, Sigler, and Stevenson); Noes – 6 (Legislators Chock, Dennis, Hattery, Mackesey, Proto, and Randall). MOTION FAILED.

WHEREAS, target funding of \$14,142 was initially requested by the Tompkins County Public Health Department for a Sr. Account Clerk Typist (\$5,313, OTR 041) and a part-time Administrative Assistant (\$8,829, OTR 042), and

WHEREAS, the Public Health Department anticipates a number of possible retirements in 2010, giving the department the opportunity to reorganize, and

WHEREAS, the department has determined that one-time funding for these positions would be critically important while the department reorganizes, now therefore be it

RESOLVED, That the Public Health Department's budget be increased for 2010 by \$14,142 in one-time funding, using the department's designated surplus funds to provide support for these positions or other staffing needs during restructuring,

RESOLVED, further, That this amendment neither increases nor decreases the 2010 property tax levy or tax rate.

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At this time discussion continued on the Tentative budget as amended.

Ms. Herrera said it is a very different experience watching the budget process on television and although she had all of the supporting information at hand she found it difficult to follow the meetings and where the Legislature was in the process during the meetings. She spoke of the process and the importance in meetings being conducted in a manner that can easily be followed by the public. Ms.

Herrera said she will support trying to come up with some consistent transparent ways to make sure the public is informed to the greatest extent possible.

Ms. Herrera expressed appreciation to colleagues, co-workers, and community supporters during her recent recuperation from knee replacement surgery and read the following statement:

“Thanks to those who have inquired and offered support regarding my temporary absence from work and meetings for medical reasons.

“Due to working in highly physical jobs as an electrician at Cornell for over 20 years and for seven years at Southwestern Bell as a telephone installer, I developed severe osteoarthritis in my right knee. I recently had total knee replacement surgery when it became apparent that the extent of the deterioration affected my work life and quality of life.

“I sincerely suggest that individuals who have suffered a loss in mobility or are experiencing increased pain in their knees consult with a doctor to address the issue sooner, rather than put it off, as I did. I am grateful for the community support as I progress in gaining mobility and strength. I am being assisted by caring health care professionals, and would like to thank the Ithaca Orthopedic Group, Dr. Damron at Upstate Orthopedics, and the staff at University Hospital for their excellent care. I want to express my appreciation to Karl Bergmann, physical therapist extraordinaire with Visiting Nurse Service and Cayuga Medical Center. I am also grateful for the friendly, personal service provided by the staff at Northside Pharmacy. This experience has impressed upon me in a very personal way the critical need for adequate health care that is available to everyone”.

Ms. Herrera announced today President Obama signed the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act into law.

Mr. Koplinka-Loehr said he will not support the Tentative Budget because he thinks there are additional motions that can be brought forward that would bring the budget down to a 3.2 level of a property tax levy increase.

Mr. Hattery said he would support a motion to approve substituting the County Administrator’s budget with an inclusion of a pension fund adjustment.

Ms. Robertson said the amendment that was approved earlier this evening does not change the tax levy or tax rate. She also said there are parts of the budget that she supports and parts she doesn’t support but hopes this process will recommit this Legislature to aggressive advocacy in Albany.

Ms. Chock said she will support the budget although she doesn’t believe it represents a budget that everyone on the Legislature fully supports. She also noted that many of the changes made to the County Administrator’s budget are attributable to the increased pension fund costs.

Mr. Stevenson agrees with comments that have been made; he will support the budget because he doesn’t see support for any other changes.

Mr. Koplinka-Loehr clarified that if no action is taken to adopt a vote by December 10 the Tentative Budget will become the Tompkins County Budget.

Ms. Herrera said she cannot support this resolution at this time but noted a vote against this is not a vote against the process but a vote based on her belief that this Legislature can do better.

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

Tompkins County Legislature  
October 28, 2009

WHEREAS, amendments to the 2010 tentative budget and 2010-2014 capital program were recommended and filed by the Expanded Budget, Capital, and Finance Committee on October 26, 2009, and

WHEREAS, a public hearing is tentatively scheduled for November 4, 2009, 7:00 p.m., at the Legislative Chambers, now therefore be it

RESOLVED, on recommendation of the Expanded Budget, Capital, and Finance Committee, That the 2010 Tentative Budget and 2010-2014 Capital Program submitted by the County Administrator is hereby amended in accordance with the recommendations of the Expanded Budget Committee, the action taken by this Legislature on this date, and the Rules of the County Legislature and Article 7 of County Law, for a total tax levy amount of \$38,298,470, resulting in an approximate tax-levy increase of 3.97 percent and a county-wide average tax-rate increase of 1 percent.

**SEQR ACTION:** TYPE II-21

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Ms. Kiefer asked that the Public Safety Committee discuss a version of a law adopted by Erie County banning texting while driving.

**Adjournment**

On motion the meeting adjourned at 5:43 p.m.

Respectfully submitted by Michelle Pottorff, TC Legislature Office