

**Tompkins County Legislature
December 1, 2009**

Adopted December 15, 2009

Call to Order

Mr. Koplinka-Loehr called the meeting to order at 5:33 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: 14 Legislators; Excused: 1 – (Legislator McBean-Clairborne).

Privilege of the Floor by the Public

Donald Hassig of Cancer Action New York asked the Legislature to use the decades of scientific information to change human behavior so that people are not exposed to toxic chemicals. We have done that with open burning and dioxins. But we need to educate residents on the hazard of dioxins contained within animal fat. He explained pollution has caused the dioxins to contaminate the environment and threaten the food consumed by animals and the dioxin is then held within their body fat. This problem is compounded when animal waste is also used as a feed. He asked the Legislature to write to our Federal representatives requesting all citizens receive education of this hazard.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, spoke of the Health Care bill noting recent articles appear to be in conflict with each other and are causing confusion. Although it is apparent something needs to be done about the health care system it is not certain what the best approach is. Mr. Proto then spoke of an article in the Farm Bureau publication, Grassroots, noting agricultural land is being used to grow trees in an effort to reduce greenhouse gases. The article expressed concern that this use would result in higher energy costs and would also increase the cost of food items with less land used to produce them.

Ms. Robertson, District No. 13 Legislator, announced there would be a “Life is Water” benefit concert on December 5th to raise funds for the group Shale Shock to educate the residents of Finger Lakes about unsafe gas drilling. Tickets are available at the State Theatre.

Ms. Chock, District No. 3 Legislator, spoke of her participation at the Tompkins County Council of Governments public hearing regarding the dGEIS for gas drilling in Marcellus Shale. One-thousand residents attended the hearing, with approximately 100 speakers. Ms. Chock noted a sense of appreciation to the local governments for holding the hearing and indicated the oral comments appeared to show a sense of distrust in government, with written comments being treated with a sense of trust that they would be properly handled. She hopes the Legislature would take action on a resolution based on the comments. The written comments and a video of the hearing are posted on the website and the transcript would be available shortly. Ms. Chock expressed appreciation to all involved with the hearing.

Ms. Mackesey, District No. 1 Legislator, reported the comment period for the proposed regulations for long-haul trucking has been extended until December 15th. She urged individuals who had not yet responded to do so to express their opinion on the issue. Mr. Proto asked if there was any reason given for the extension; Ms. Mackesey, who sits on the Governor’s Task Force, had not heard and noted that within the last two weeks sixty-five percent of the comments were in favor of the regulations. Mr. Dennis said he had called the Department of Transportation in Albany and asked why an extension was

given. At that time he was informed it was due to requests from other organizations (opposed to the regulations).

Ms. Herrera, District No. 5 Legislator, announced that Light in Winter, the collaborative event of science and the arts, will take place in January. Information on the event can be found at www.lightinwinter.com. Ms. Herrera expressed her gratitude regarding the Washington, DC, Common Council having taken a bold step of voting 11-2 in favor of marriage equality.

Ms. Kiefer, District No. 10 Legislator, expressed appreciation for the completion of the renovation of the Courthouse front steps and thanked staff for their efforts.

Presentation - Long-Range Transportation Plan Update

Mr. de Aragon, Executive Director of the Ithaca-Tompkins County Transportation Council, provided an update on development of the 20-year Long Range Transportation Plan, which addresses the area's transportation needs to meet the County Comprehensive Plan goal to achieve a 40% reduction in carbon emissions by 2030.

The Council's analysis shows that meeting the goal will be challenging, but that the goal can be met through a combination of reducing drive-alone vehicle trips and increasing use of alternative transportation modes. The report indicates that at least a 25% reduction of vehicle trips will be required (including reducing in-commuting by nearly half), combined with use of alternative vehicle technology.

Mr. de Aragon said that both the reduction in vehicle trips and the use of clean, energy-efficient vehicles will be critical to achieving the emissions goal, and that the County must encourage transportation alternatives such as mass transit, vanpooling, ride-sharing and car-sharing, bicycling and pedestrian travel, as well as options such as telecommuting and "smart" land use, combating urban sprawl.

He added that national and state policy coordination would be important for implementation of elements of the local transportation program.

In response to Mr. Sigler's question on how the CO₂ emissions were determined, Mr. de Aragon said the information was obtained from the Environmental Protection Agency (EPA). The list of the EPA-recommended options was reviewed; however, the County's plan is more progressive.

In response to questions from Mr. Proto, Mr. de Aragon said the plan does not require Legislature approval and that it can be modified as needed. Mr. Proto also asked whether smart land use bringing transportation to certain areas of the County could cause permanent changes in transportation patterns and if transportation changes affect land use and property taxes. Mr. de Aragon said the plan does not seek to determine land use, but to find an area in the Comprehensive Plan to support. He stressed the importance to determine models and reduce emissions by having a cleaner vehicle fleet. Mr. de Aragon noted local municipalities have representatives on the Council and have all received information relating to the plan.

Mr. Hattery asked if the CO₂ reduction goal includes commuter and infrastructure costs and was informed it is difficult to determine the financial impact in the twenty-year plan. There is a section referencing costs, however, it is not known how the figures would hold; specific road costs are also in the transportation plan.

Ms. Robertson asked if there would be funding for the alternatives to drive-alone. Mr. de Aragon said previous alternative programs were popular and he anticipates they would continue to be, however, it

would be at least a year before seeing any funding. One goal of the plan is to reduce expenses that assist only a small number of individuals.

Ms. Herrera expressed appreciation to those involved in development of the plan and noted posts that Mr. deAragon provides on the Fall Creek List-serve has been very helpful regarding transportation issues.

Report from Municipal Official(s)

No municipal official was present.

Chair's Report

Mr. Koplinka-Loehr announced there would be a Department Head/Legislature meeting on December 16th from 3:30 p.m. to 5:30 p.m. at the Tompkins County Public Library with an end-of-year reception to follow. A broad agenda was circulated to Legislators who should call with any suggestions. A retreat is being planned for late January/early February that will be used for a planning tool for the next legislative term.

Report from the County Administrator

Mr. Mareane said the list of policy updates on desks show that 25 of the 50 targeted policies have been completed and there are six policies currently pending action. He announced the Rapid Re-housing Initiative preliminary reports are very good and have been effective in getting individuals out of shelters into rental housing.

Mr. Mareane requested an executive session at the end of the meeting to discuss labor negotiations and a personnel matter.

Ms. Kiefer said the Ithaca Journal recently had an article about the Health Care Consortium and concerns about union membership and voting rights and asked if the article was accurate and if there is any update. Mr. Mareane said what was reported is the most recent information and that legal opinions have been submitted to the State Insurance Department, who is working in a cooperative manner with the Consortium, regarding voting representation of the unions on the Consortium Board.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires reported that on December 8th he will be selling \$20,440,000 in Bond Anticipation Notes, one of the largest issues the County has had. It is primarily a renewal of \$17,660,000 notes for outstanding debt, with the largest being \$10 million for the Health Department. Mr. Squires spoke of the Federal Stimulus project for Warren Road and noted only recently the State approved the contract. At the time the contract was approved, the County had already paid out \$1 million. Part of the reason the County is borrowing new money is to pay bills on the project; until the County spends the funds and sends paid receipts to Albany, it cannot be reimbursed through stimulus funding.

Mr. Squires reported the third quarter is showing some stabilization, with October sales tax showing an increase for the County. Due to last year's fourth quarter having been so low, it is not anticipated that the County sales tax would be below that amount.

Mr. Squires urged Legislators to begin the process of recording their time due to the new regulations regarding how the County reports their time for retirement purposes. He explained the time is recorded for a three-month period, which would be used as the average time for each month reporting. There is an option to report actual time each week if desired. Once the new term starts he will have an information session to explain the process.

Mr. Koplinka-Loehr said the Government Performance and Workforce Relations Committee would be discussing the matter before January.

Ms. Chock asked what the interest rate for the roll over of bonds is expected to be and whether there is a way to receive the reimbursements in a more timely fashion. Mr. Squires said he does not believe there is enough influence to receive reimbursements any sooner. With regard to the interest rate, last year the County received a 0.73 interest rate. Two other counties, Ulster sold \$30 million and sold for 0.5 percent, another county that was not highly rated was 1.5 percent. He anticipates a positive rating due to the size of the issue and the County's overall excellent rating.

Mr. Hattery spoke of the State Comptroller's announcement of an approach to smooth pension costs and asked if there is any additional information. Mr. Squires said the approach is to allow borrowing of a portion of the current payment for 2010 and does not provide any substantial relief; it is borrowing funds to pay an operating expense.

In response to Mr. Proto's question on the length of time for the Bond Anticipation Notes, Mr. Squires said they would be for one year. The reason for not bonding the Health Department at this time is to reduce the debt by the sale of the Biggs property. The bonding for the Health Department would occur next year.

Resolution(s) Added to or Withdrawn from the Agenda

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

Approval of Resolution(s) and Appointment(s) Under the Consent Agenda

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the following resolution under the Consent Agenda:

RESOLUTION NO. 209 - BUDGET ADJUSTMENTS – HIGHWAY DIVISION

MOVED by Ms. Mackesey, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, pursuant to Administrative Manual Policy 05-02, budget adjustments exceeding \$5,000 require Legislative approval, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That the Director of Finance be directed to make the following budget adjustments on his books:

Highway

<u>Revenue Acct</u>	<u>Title</u>	<u>Amt</u>	<u>Approp Acct</u>	<u>Title(s)</u>
5110.43960	Emergency Disaster Assistance (State)	\$114,620	5110.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$342,963	5110.54424	Equipment Rentals

5111.42701	Refund of Prior Year Expenses	\$100,000	5110.54424	Equipment Rentals
5110.43960	Emergency Disaster Assistance (State)	\$ 35,604	5110.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$106,813	5110.54424	Equipment Rentals

Explanation: Accounts under-budgeted. Anticipated revenue.

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$ 2,500	3310.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 5,000	3310.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$ 8,750	5111.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 26,250	5111.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

Highway

Revenue Acct	Title	Amt	Approp Acct	Title(s)
5110.43960	Emergency Disaster Assistance (State)	\$ 18,750	5142.54424	Equipment Rentals
5110.44960	Emergency Disaster Assistance (Federal)	\$ 56,250	5142.54424	Equipment Rentals

Explanation: Anticipated revenue. Accounts under-budgeted.

SEQR ACTION: TYPE II-20

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Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Ms. Mackesey, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the following appointments under the Consent Agenda:

Water Resources Council

- Lynn B. Leopold – Municipal representative; term expires December 31, 2010
- Joan Jurkovich – Planning Department representative; term expires December 31, 2012
- Rick Manning – Business representative; term expires December 31, 2012
- Mary Shelley – At-large representative; term expires December 31, 2012
- Frank Proto – At-large representative; term expires December 31, 2012
- R. Barry Goodrich – Watershed Organization representative; term expires December 31, 2012
- Ed Bugliosi - Municipal representative; term expires December 31, 2012
- James McGarry – EMC Liaison; term expires December 31, 2011
- Marjory Rinaldo-Lee - Environment representative; term expires December 31, 2012
- Patrick Barry – Natural Resource Conservation District; ex-officio non-voting member

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, reported the Committee met November 12th and spent time discussing the appointments to the Water Resources Council. The Committee was also provided an update on the Tompkins County Comprehensive Plan and implementation. Ms. Mackesey reported that with regard to the Community Housing Affordability Program jointly funded by the City of Ithaca, Tompkins County, and Cornell University, that the Notice of Funding Availability was announced with a meeting for those interested following. At the meeting, individuals showed tremendous interest; 29 individuals representing 22 businesses, both profit and non-profit were present. The next Committee meeting is on December 9th.

Mr. Proto asked for an update at a future meeting on the status of the State open land proposal, particularly the status of acquisition and where open land use has been acquired or is part of the Emerald Necklace.

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

Mr. Dennis, Chair, said the next meeting will be on December 14th.

RESOLUTION NO. 210 - DELEGATING TO THE FINANCE DIRECTOR OF THE COUNTY OF TOMPKINS, NEW YORK, THE POWER TO AUTHORIZE THE ISSUANCE OF AND TO SELL \$10,000,000 REVENUE ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF RECEIPT OF STATE AID DURING THE FISCAL YEAR OF SAID COUNTY COMMENCING JANUARY 1, 2010

MOVED by Mr. Dennis, seconded by Mr. Hattery. Mr. Dennis noted the amount of the revenue anticipation notes was increased to more appropriately reflect the potential delays in receipt of money from the State. Mr. Squires explained the County could borrow only to the highest point of potential cash deficit; the most he has borrowed is \$3.5 million. The increase is due to Mr. Squires concern regarding the delays seen in reimbursements from Albany. Although he does not anticipate problems, he would like to have the ability to provide quick relief if necessary. Mr. Hattery asked if the notes would be used if revenue is not forthcoming. Mr. Squires said it is not tied to the budget but cash flow; it would not be used to cover any funds taken away, only those receivables known to be due.

Mr. Proto spoke of delays in State reimbursements and payments occurring within the Health Department, former projects at Tompkins Cortland Community College, and for payments to Tompkins Consolidated Area Transit. At this time Mr. Proto disclosed he is a Vice President at HSBC Bank; although he would not be involved in the purchase of notes, he wanted to be clear of his position with the bank.

Mr. Dennis said the County would have to make extreme moves in the event funding is cut by the State. Mr. Koplinka-Loehr said the other option is to take the State to court.

Ms. Chock said that based on the possible interest, the County would pay approximately \$50,000 due to good credit, or the other extreme, \$100,000-\$150,000, while awaiting State reimbursement.

A voice vote on the motion resulted as follows: Ayes – 14; Noes – 0; Excused – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, it is prudent to allow for the possible issuance of revenue anticipation notes should there be a cash-flow problem resulting from delays in State Aid during 2010, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, by the Legislature of the County of Tompkins, New York as follows:

Section 1. The power to authorize the issuance of and to sell \$10,000,000 revenue anticipation notes of the County of Tompkins, New York, including renewals thereof, in anticipation of the receipt of State Aid due said County during the fiscal year of said County commencing January 1, 2010, is hereby delegated to the Finance Director, the chief fiscal officer of such County. Such notes shall be of such terms, form, and contents, and shall be sold in such manner as may be determined by the Finance Director, consistent with the provisions of the Local Finance Law.

Section 2. This resolution shall take effect immediately.

SEQR ACTION: TYPE II-20

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Report and Presentation of Resolution(s) from the Public Safety Committee

Ms. Robertson, Chair, reported the Committee has not met; the next meeting will be on December 10th at 9:00 a.m.

Report from the Workforce Diversity and Inclusion Committee

Mr. Koplinka-Loehr reported the Committee's December meeting would be on December 16th at 2:30 p.m.

Report and Presentation of Resolution(s) from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, said the next meeting would be held on December 21st.

RESOLUTION NO. 211 - AMENDING THE RULES OF THE LEGISLATURE – RULE IV – ORDER OF BUSINESS

MOVED by Ms. Kiefer, seconded by Ms. Mackesey. Ms. Kiefer noted there are some typographical changes within the body to reflect the Committee's intent as well as comments received for the group as a whole to consider.

It was MOVED by Ms. Herrera, seconded by Mr. Stevenson, to postpone action until December 15th to allow time for review. Ms. Herrera said she believes for transparency more time should be allowed to review the proposed changes.

Ms. Chock does not object to the motion, however, she suggested reviewing the amendments and then determining whether to postpone action on the resolution.

Ms. Kiefer said she does not believe this resolution is being rushed and opposes postponing it. For transparency she decided to bring forward all the changes, including those that could be looked upon as a typographical error. She believes the additional comments from Legislators are appropriate for discussion.

It was MOVED by Mr. Burbank, seconded by Ms. Robertson, to call the question. A voice vote resulted as follows: Ayes – 9; Noes – 5 (Legislators Herrera, Koplinka-Loehr, Proto, Shinagawa, and Stevenson); Excused – 1 (Legislator McBean-Clairborne). MOTION CARRIED.

A voice vote on the motion to postpone resulted as follows: Ayes – 6 (Legislators Hattery, Herrera, Koplinka-Loehr; Randall, Sigler, and Stevenson); Noes – 8 (Legislators Burbank, Chock, Dennis, Kiefer, Robertson, Proto, and Shinagawa); Excused – 1 (Legislator McBean-Clairborne). MOTION FAILED.

Ms. Herrera stressed her belief that it is important to be transparent and let the public know what is being proposed.

Ms. Kiefer reviewed Section 3 Presentation of Proclamations, Petitions, Communications, and Notices. Ms. Herrera noted the first paragraph was entirely new and that it codifies power to the Chair of the Legislature to decide whether a proclamation would appear on the Legislature Agenda. Mr. Hattery said it does not change the power of the Chair but provides an avenue for Legislators to have input on proclamations. Ms. Herrera believes it could have an unintended consequence, and that there are times the Chair does not agree and a more collegial option such as the Chair designating a Legislator to read them” has resolved the matter. She believes that, as written, it may provide the Chair with more authority to deny a proclamation and would like it removed.

Ms. Kiefer read through grammatical changes, which were incorporated within the document and offered the following amendment to item (2) Roll call of members, that was accepted as friendly: “Any member having answered the roll call at any meeting of the Legislature, shall not permanently leave such meeting with notifying the Chair publicly”.

Ms. Herrera expressed concern with the above amendment as she does not believe it is consistent with present policy. She does not believe in having to make a public declaration and once again it expands the power of the Chair.

Ms. Robertson expressed her appreciation for the Committee’s detailed review of the Rules of the Legislature, and will support the recommendations.

Ms. Chock also thanked the Committee for their work. She would like to know if someone is leaving the room or whether they are permanently leaving the meeting as it could affect how she may vote on an issue.

Mr. Proto believes that as elected officials it should be sufficient to politely excuse oneself. He understands if it were an issue, the Chair would have the authority to say the Legislature cannot complete business due to the loss of quorum.

Ms. Herrera said she appreciates the work of the Committee, however, she believes it is difficult for herself and the public to follow amendments when they are changed on the floor.

Ms. Herrera also spoke against the statement “and points made” in Section (5) Privilege of the Floor and offered the following motion.

It was MOVED by Ms. Herrera, seconded by Mr. Burbank, to delete the language “and points made” from the end of the second paragraph of section (5) Privilege of the Floor. Ms. Robertson said she opposes the motion and believes having a description and brief summary is appreciated. Mr. Proto agreed with Ms. Robertson, stating the summation provided by the Clerk of the Legislature and staff is appropriate. Mr. Koplinka-Loehr said he supports removing the language, noting staff uses discretion to summarize the points. Ms. Herrera noted that, upon request, Legislators are allowed to have comments placed on the record. Mr. Dennis would prefer not to have the language included and allow the Clerk of the Legislature to make a determination regarding content. Ms. Kiefer noted the inclusion of the language reflects current practice.

A voice vote on the motion to delete the language “and points made” resulted as follows: Ayes – 5 (Legislators Dennis, Koplinka-Loehr, Herrera, Shinagawa, and Stevenson); Noes – 9; Excused – 1 (Legislator McBean-Clairborne). MOTION FAILED.

It was MOVED by Ms. Chock, seconded by Mr. Burbank, to amend the title of section (15) Unfinished Business to “New and Unfinished Business”; with the first sentence amended to read: “A list of unfinished business, new business topics that Legislators are requesting to be referred to Committee and....” Ms. Kiefer noted the section suggests the Clerk provide an ongoing list of suggestions, and what Ms. Chock is requesting could be done during a specific Committee discussion or during Privilege of the Floor. Mr. Koplinka-Loehr agreed with Ms. Kiefer that there is ample opportunity throughout the meeting and believes adding a separate section would extend debate. Mr. Hattery also agreed with Ms. Kiefer. Mr. Dennis spoke against the amendment and said there are ten committee reports during the meeting as well as being able to attend a Committee meeting to discuss new business. Mr. Proto agreed with Mr. Dennis.

A voice vote on the motion to amend resulted as follows: Ayes – 3 (Legislators Burbank, Chock, and Robertson); Noes – 11; Excused – 1 (Legislator McBean-Clairborne). MOTION FAILED.

It was MOVED by Ms. Kiefer, seconded by Ms. Mackesey, to amend section (12) Standing and Special Committees, Section (B), third paragraph to read: “A committee may request an explanation be added as a footnote to the resolution when it believes other Legislators or the public would benefit from additional information. At a Legislative meeting such footnote shall be included in the minutes and proceedings at the request of any Legislator.” Ms. Herrera does not believe the additional language follows present practice, noting it is often the Chair of the Committee who determines whether to include a footnote. Ms. Kiefer reported the language was checked with the Legislative Clerk and it does describe present policy. Mr. Proto asked for clarification of what is meant by “explanation”. It was clarified it is information relating to the resolution.

A voice vote on the motion to amend section (12) Standing and Special Committees resulted as follows: Ayes – 6 (Legislators Burbank, Chock, Kiefer, Mackesey, Proto, and Robertson); Noes – 8 (Legislators Dennis, Hattery, Herrera, Koplinka-Loehr, Randall, Shinagawa, Sigler, and Stevenson); Excused – 1 (Legislator McBean-Clairborne). MOTION FAILED.

Following further discussion, Ms. Herrera said she appreciated the efforts of members and staff regarding the proposed amendments, however, she will not support the resolution.

A voice vote on the resolution, as amended, resulted as follows: Ayes – 11; Noes – 3 (Legislators Herrera, Randall, and Stevenson); Excused – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, the Legislative Rules and Procedures Committee (Rules Committee) was created in January 2009, and charged to review the Rules of the Legislature to update County Policies and Procedures as well as Legislator accountability, and

WHEREAS, for efficiency’s sake the Rules Committee has decided to forward for action single or small groups of Rules as it completes its review of them, and

WHEREAS, Rule IV, Order of Business, is recommended to be revised to reflect amendments to more clearly specify procedure and current practice regarding the order of business, now therefore be it

RESOLVED, on recommendation of the Legislative Rules and Procedures Committee, That Rule IV – Order of Business is hereby amended to reflect the following changes:

RULE IV - ORDER OF BUSINESS

The order of business at each session, except at such times as may be set apart for the consideration of special orders of the day, shall be as follows:

1. Pledge of Allegiance to the Flag
2. Roll Call of Members
3. Presentation of Proclamations, Petitions, Communications, and Notices

4. Announcements of Executive Sessions, Reordering of Business, and Special Orders of the Day
5. Privilege of the Floor
 - A. Public
 - B. Municipal Official(s)
 - C. Legislators
6. Special Topical Presentation and/or Discussion
7. Chair's Report and Chair's Appointments
8. Reports by County Administrator, County Attorney, and Finance Director
9. Report from other County Staff as Recognized by the Chair of the Legislature
10. Resolutions Added to and Withdrawn from the Agenda
11. Consent Agenda
12. Standing and Special Committees:
 - A. Report
 - B. Motions and Resolutions
13. Individual Member-Filed Resolutions
14. Minutes of Previous Meeting
15. Unfinished Business
16. Adjournment

(1) Pledge of Allegiance to the Flag

The Chair shall lead all present in the Pledge of Allegiance to the Flag.

(2) Roll Call of Members

The Clerk shall record by name all members present, excused, or absent and shall further record the arrival of any member listed as absent and the departure of any member listed as present, during the course of each meeting. Any member having answered the roll call at any meeting of the Legislature, shall not permanently leave such meeting without notifying the Chair of the Legislature publicly.

(3) Presentation of Proclamations, Petitions, Communications, and Notices

Proclamations to take notice of or honor an event or a person will be read at Legislature meetings by the Chair. The title of a proclamation shall be filed with the Clerk of the Legislature one week prior to the Legislature meeting at which it will be read in time to be placed on the agenda. The text of the proclamation shall be filed in the Clerk's office sufficiently in advance of the meeting to allow adequate time for Legislator review. When the timing of an event does not coordinate with the Legislative calendar, the Chair of the Legislature has the authority to act on his/her own and deliver the proclamation. The Chair of the Legislature shall agree with the appropriateness of the proclamation. The Chair will include such as part of the next Chair's report at the next Legislature meeting.

Petitions, communications, and notices shall be presented in writing in summary form to the Legislature by the Clerk or by any member of the Legislature.

(4) Announcements of Executive Sessions, Reordering of Business, and Special Orders of the Day

The Chair of the Legislature shall announce any executive session(s) being requested to be held, if known. The Chair shall have the authority to reorder the agenda. Any topical presentation or discussion item may be listed on the agenda as a special order of the day specifying the time to be taken up at which time all other items of business shall be suspended. The reordering of the agenda or any question before the Legislature may be made a special order of business for any particular day at the direction of the Chair of the Legislature, subject only to an appeal from the decision of the Chair (see Rule V), or at the request of any member of the Legislature to the Chair. In the event that the Chair does not agree to the request of any Legislator for a special order of business the Legislator may initiate a motion subject to approval by a majority of the members present and voting stating the time of day for the special order of business. At the specified time of any special order of the day no other motion shall be in order except motions for adjournment or recess, or questions of privilege. It shall be in order to make any matter a special order from day to day, and not more than three matters shall be the special orders of the

same day. No special orders shall be postponed or rescinded, except by a vote of two-thirds of the members present and voting.

(5) Privilege of the Floor

Persons not members of the Legislature shall, upon consent of the Chair, or upon the request of any member of the Legislature, be accorded the privilege of the floor and be permitted to speak in regard to matters pending before the Legislature or within the scope of the powers of the Legislature. Members of the Legislature shall be accorded the same privilege.

The Clerk shall enter in the minutes that the privilege of the floor was granted to those speaking, together with a brief statement of the subject matter discussed and points made.

No person not a member of the Tompkins County Legislature shall speak for more than three (3) minutes on any one subject; however, the Chair may exercise discretion to extend the three (3) minutes. Beyond five (5) minutes consent of a majority of the Legislature is necessary. Members of the Legislature shall strive to be equally concise.

Municipal officials (e.g., Mayor or Supervisor) are invited to report on any issue from his or her municipality relevant to County business; when appropriate, a response will be provided as quickly as possible.

(6) Special Topical Presentation and/or Legislative Discussion

From time to time it is desirable for the Tompkins County Legislature to focus on a specific topic or issue on which there may be a presentation to the Legislature for informational purposes and/or a discussion by the full Legislature.

(7) Chair's Report and Chair's Appointments

The Chair shall report on any items deemed appropriate, shall announce all appointments made by authority of the Chair, and shall present all those appointments required to be nominated by the Chair and approved by the Legislature.

(8) Reports by County Administrator, County Attorney, and Director of Finance

These three officials shall report on any items deemed appropriate.

(9) Report from other County Staff as Recognized by the Chair of the Legislature

When recognized by the Chair of the Legislature, County staff may report on any item(s) deemed appropriate.

(10) Resolutions Added to and Withdrawn from the Agenda

All resolutions to be acted upon at any regular meeting, exclusive of a resolution brought on by a motion to reconsider, shall be pre-filed in the office of the Clerk of the Legislature not later than 5 p.m. seven (7) days preceding the date of the next meeting. At all other meetings, resolutions must be pre-filed not later than forty-eight (48) hours preceding the date and time set for the meeting. Within forty-eight (48) hours following the pre-filing deadline the Clerk shall prepare and mail to each member an agenda of the order of business for each meeting listing titles of resolutions to be presented and enclosing copies of pre-filed resolutions. The agenda for special meetings shall be mailed as soon as possible and in any event shall be placed upon each member's desk before the meeting is called to order.

Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless a motion regularly made by a member present, passed by a two-thirds total of the whole Legislature, authorizes the consideration of the resolution.

Resolutions on the agenda for a meeting may be withdrawn at the request of the sponsoring committee Chair and with the consent of the Chair of the Legislature.

Any resolution that has been recommended for action by the Legislature by more than one Committee of the Legislature shall appear on the Legislature's agenda in the form approved by the final Committee to vote on it, in a format specifying differences from the wording approved by the other Committee(s).

(11) Consent Agenda

The Consent Agenda shall be a listing, by committee, of all resolutions and appointments that have been designated by the Chair of the recommending Legislature committee, or by the Chair of the Legislature, as being routine and not likely to need or require discussion by the Legislature.

Resolutions shall not be included in the Consent Agenda if they:

- adopt local laws;
- change the Rules of the Tompkins County Legislature;
- amend the Capital Program;
- require a roll call vote or a 2/3 majority;
- appropriate money from the Contingent Fund or from any fund balance;
- change fiscal targets or other budget guidelines;
- levy taxes or fees;
- establish the salaries of employees, legislators, or other elected officials;
- ratify union contracts;
- authorize borrowing;
- received any negative vote(s) in committee;
- are designated as non-routine by the Chair of the committee or Chair of the Tompkins County Legislature

The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Legislature. Any member of the Legislature may require that any resolution or appointment in the Consent Agenda be instead included separately and individually as part of the business of Standing Committees or Special Committees, number 13 below.

The appointment of all individuals shall be according to the provisions of the following Tompkins County Legislature's Appointment Policy:

TOMPKINS COUNTY LEGISLATURE'S APPOINTMENT POLICY

At-Large or Non Municipal, Non-Organizational Appointments.

The Clerk of the Tompkins County Legislature shall keep a calendar of expiration dates as well as a list of vacancies in all advisory boards or positions appointed by the Tompkins County Legislature. Sixty (60) days prior to the expiration date, the Clerk of the Legislature shall send a list of the positions and their expiration dates to the appropriate committee Chair. At the same time, the Clerk shall send a letter to (a) individuals appointed at-large asking them to verify their interest in being reconsidered for appointment and giving a specific date by which they must return an updated application form as an indication of their interest in reappointment, and (b) if the individual was nominated by a specific organization, the Clerk shall send a letter to the nominating organization asking it to verify the interest of its representative in being considered for reappointment and giving it a specific date by which it must return an updated application form and their statement that the individual is interested in being considered by the committee for reappointment. Each person appointed to serve on advisory boards shall be a resident of Tompkins County with some exceptions as noted in Administrative Manual Policy 01-26 - Advisory Committees and Boards. This date should be no later than thirty (30) days prior to the expiration of their term. The committee Chair, upon receiving the first notice of expiration of appointments, shall report to his/her committee and to the Legislature the list provided by the Clerk and ask the committee, the Legislature, and the public to assist in providing nominees. Recruitment of advisory board members shall include outreach efforts in order to assure, whenever possible, geographic and demographic diversity reflective of the community. The Clerk shall collect all application forms and keep them on file in the Legislative office. Thirty (30) days prior to the expiration of the term, the Clerk will give to the appropriate committee chair all the application forms on file for committee consideration. Upon approval by the committee, the Clerk will send the application forms of those approved to the Legislature with the next agenda for action at the next regular meeting of the Legislature with a note that all non-recommended applications are on file for Legislative review. Upon approval by the Legislature, the Clerk of the Legislature, within ten days of the Legislature's meeting, will:

1. Notify those who are newly appointed and give them the names and telephone numbers of the appropriate contact people for that board.
2. Notify those not appointed who had been on the board before that they have not been reappointed and thank them for their service.
3. Notify those who were considered and not appointed that they had not been appointed and that they should respond to the Clerk with a written indication of their interest within thirty (30) days of the

mailing of the Clerk's letter to them if they wish to remain in the file for reconsideration at the time of the next vacancy.

Nominations Made by Elected Municipal Bodies.

The processes up to committee approval are the same for at-large type appointments until the nominations are turned over to the committee Chair (see above). The Chair shall take these nominations directly to the Legislature for approval without committee approval or without any waiting period.

If the person under consideration to be appointed is a member of the Tompkins County Legislature, the procedures above shall be followed but no resumes shall be required.

Legislative Chair and Committee Chair Appointments

All other appointments to various community groups shall be made by the Chair of the Legislature according to the appropriate resolution or law, except that Legislature's committee chairs shall be responsible for naming committee members as liaison to various County affiliated agencies.

(12) Standing and Special Committees

(A) Reports. The chair of each standing and special committee or designee shall give a brief oral report of any business of their committee not scheduled for discussion as part of the Legislative meeting agenda, followed by an opportunity for other members of the Legislature to ask questions.

(B) Motions and Resolutions. The Committee Chair shall then introduce by title each motion or resolution recommended by the committee. The person making a motion or resolution may not speak against that motion or resolution; the person making a motion or resolution may, nevertheless, vote against any such motion or resolution.

If the motion or resolution differs from the version filed with the Clerk of the Legislature, attention should be drawn to the changes, and if possible a copy of the revised resolution shall be on each Legislator's desk by the start of the meeting. Copies of the motions and resolutions shall be made available to interested persons present.

Any resolution that has been recommended by a committee of the Legislature for action by the Legislature shall be pre-filed, with the names of the committee members and how they voted if the vote was not unanimous. A committee may request an explanation be added to the resolution when it believes other Legislators or the public would benefit from additional information.

(13) Individual Member-Filed Resolutions

Any individual member shall introduce any motion or resolution at this point by reading the title. Such resolution may be jointly submitted and sponsored by more than one Legislator.

(14) Minutes of Previous Meeting

The minutes shall be considered to the end that any corrections, alterations, or additions may be made by the Legislature. Unless requested, reading thereof by the Clerk shall be dispensed with if the Clerk shall have furnished a typewritten or duplicate copy thereof to each member. In the absence of objection or correction, the minutes stand approved without formal motion.

(15) Unfinished Business

A list of unfinished business and special orders to be acted upon by the Legislature shall be kept by the Clerk. Resolutions, motions, appointments, and other matters tabled or postponed at an earlier meeting and due to be acted upon at a subsequent meeting shall be listed on the agenda for that meeting as provided in section 10 of this Rule. All reports, resolutions, and other matters laid on the table may be called therefrom under "unfinished business" in the regular order of business. However, no report, resolutions, or other matters laid on the table indefinitely shall be called from the table except on at least one day's notice or by consent of two-thirds of the members present and voting.

(16) Adjournment

Upon completion of the above-listed order of business, and in the absence of any objection, the Chair shall declare the meeting adjourned.

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Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee would meet on December 8th. He announced the Tompkins County Chamber of Commerce annual luncheon would take place on Friday; two groups to receive awards are Cayuga Medical Center and Cancer Resource Center of the Finger Lakes (formerly Ithaca Breast Cancer Alliance).

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Member, reported the Committee met on November 19th. Routine business conducted included a report on recycling revenue and that a revised Solid Waste Plan that will be developed next year. The budget adjustments for the Highway Division acted upon were reimbursements from Federal Emergency Management Agency and State Emergency Management Office and reflect one-time funding. It was reported that after next year there would be concerns regarding the equipment purchase budget line for the division. The Committee had a discussion about the draft highway access law that the County Attorney had drafted for Tompkins County Council of Governments and by towns as well as by Tompkins County; the draft as prepared may not be the best approach and will be reviewed and revised. The next meeting will take place on December 10th.

Ms. Robertson noted the Tompkins County Council of Governments discussed the local law model and will be meeting November 19th. There is a different model in the Town of Lansing and other towns are reviewing it. She hopes the Facilities and Infrastructure Committee would look at this model as it does not require a survey of pre- and post-condition of the roads.

Ms. Herrera left at this time (8:00 p.m.).

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

Mr. Shinagawa, Chair, said the Committee will meet on December 11th, and will discuss the logging of hours for Legislators, as well as the outcome of the new voting machines in the recent election.

RESOLUTION NO. 212 – ADOPTION OF REVISED ADMINISTRATIVE POLICIES

MOVED by Mr. Shinagawa, seconded by Mr. Hattery.

Following a brief discussion, it was MOVED by Ms. Chock, seconded by Ms. Kiefer, to amend Policy 02-15 – Personnel Records, the second paragraph under Procedures, to read “...(see Policy 01-14), and other items that are placed in the employee’s personnel file.” Mr. Shinagawa said the language “and other items” was too vague and that employees currently have the ability to review their personnel files and does not believe it is necessary. Ms. Chock said although they have the right to view contents it requires an appointment and often it is unknown when a submission to the file occurs. Mr. Dennis said current practice is that managers/supervisors/department heads cannot place anything in an employee’s personnel folder without their signature; to do so without a signature makes it an unofficial document. Ms. Kiefer said that what is being asked is current practice. Mr. Koplinka-Loehr said the language indicates an employee must receive a copy, not just sign the document. Mr. Dennis said if all staff follow best practices, employees are aware of content.

Ms. Chock withdrew her motion.

It was MOVED by Ms. Chock, seconded by Ms. Kiefer, to amend Policy 02-15 – Personnel Records, the second paragraph under Procedures, to read “...(see Policy 01-14), and notified when other

items are placed in the employee's personnel file." A voice vote on the motion resulted as follows: Ayes – 3 (Legislators Chock, Kiefer, and Koplinka-Loehr); Noes – 9; Excused – 2 (Legislators Herrera and McBean-Clairborne); Temporarily Out of Room – 1 (Legislator Proto). MOTION FAILED.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 0; Excused – 2 (Legislators Herrera and McBean-Clairborne); Temporarily Out of Room – 1 (Legislator Proto). RESOLUTION ADOPTED.

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review of and/or updates to the County Administrative Manual and to have the Manual updated by fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policy and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

- Policy 02-12 – Employment Application Records
- Policy 02-15 – Personnel Records
- Policy 03-06 – New York State Retirement
- Policy 03-13 – Rest and Meal Periods
- Policy 04-14 - Promotions

, and

WHEREAS, these policies have been reviewed and recommended by the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations Committees, That revised that the following Administrative Policies are hereby adopted:

- Policy 02-12 - Employment Application Records
- Policy 02-15 – Personnel Records
- Policy 03-06 – New York State Retirement
- Policy 03-13 – Rest and Meal Periods
- Policy 04-14 - Promotions

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Mr. Shinagawa announced that December 2, 2009, at 2:00 p.m. in the Beverly Livesay Conference Room of the Human Services Building, students from Cornell Institute of Public Affairs would be presenting their work on Civil Service Reform to members of the Workforce Diversity and Inclusion Committee and other interested parties.

Approval of Minutes

It was MOVED by Ms. Mackesey, seconded by Mr. Proto, and unanimously adopted by voice vote by members present, to approve the minutes of October 28, 2009, as presented. MINUTES APPROVED.

Recess

Chair Koplinka-Loehr declared a recess at 8:15 p.m. The meeting reconvened at 8:20 p.m.

Executive Session

Tompkins County Legislature
December 1, 2009

It was MOVED by Mr. Dennis, seconded by Mr. Hattery, and unanimously adopted by voice vote by members present, to hold an executive session at 8:20 p.m. to discuss labor negotiations and a personnel matter. The meeting returned to open session at 9:18 p.m.

Adjournment

The meeting adjourned at 9:18 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk